

IN THE SUPREME COURT OF THE STATE OF ARIZONA

---

In the Matter of:	)	
	)	
ARIZONA CODE OF JUDICIAL	)	Administrative Order
ADMINISTRATION § 6-202.01:	)	No. 2017 - <u>04</u>
ADULT INTENSIVE PROBATION	)	(Affecting Administrative
EVIDENCE BASED PRACTICES	)	Order No. 2016-69)
	)	

---

An amendment to the above-captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on December 15, 2016, and having been approved and recommended for adoption,

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

IT IS ORDERED that Arizona Code of Judicial Administration § 6-202.01 is amended as indicated on the attached document. All other provisions of § 6-202.01, as originally adopted, remain unchanged and in effect.

Dated this 11th day of January, 2017.

---

SCOTT BALES  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 6: Probation**  
**Chapter 2: Adult Services**  
**Section 6-202.01: Adult Intensive Probation Evidence-Based Practices**

**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.”

“ACJIS” means Arizona Criminal Justice Information System.

“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 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 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 an 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 intensive probation case files in the probation department, conducted independently from any automated system.

“Intensive probation team” means one probation officer and one surveillance officer, two adult probation officers, or one probation officer and two surveillance officers, or one probation officer if a waiver of standards is granted.

“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.

“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.

“Schedule” means documentation of the hours the probationer is to be at the probationer’s residence or other approved locations pursuant to A.R.S. §13-914(E)(4).

“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.

“Visual contact” means face-to-face communication or visual contacts conducted via AOC approved policy and department approved technology with the intensive probationer at any place including but not limited to the probation department, the intensive probationer’s residence, place of employment, treatment location or community restitution placement to confirm compliance with conditions of probation and discuss progress, issues of concern ~~and~~ 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. Applicability.** Pursuant to Az. Const. Art. 6, § 3 and A.R.S. §§ 13-913 through 13-920, the following requirements are adopted to govern the administration and operation of adult intensive probation programs. The AOC shall administer adult intensive probation programs on behalf of the supreme court. 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.** ~~Intensive probation is a structured program aimed to provide high and medium risk probationers intensive interventions to promote positive behavioral changes and reduce the likelihood of future criminal conduct. A.R.S. § 13-913 provides that intensive probation supervision is a “... highly structured and closely supervised probation which emphasizes the~~

~~payment of restitution.”~~ A.R.S. § 13-913 provides that intensive probation supervision is a “. . . highly structured and closely supervised probation which emphasizes the payment of restitution.” Intensive Probation Supervision (IPS) will be most beneficial to those offenders assessed as medium-high and high risk. Research shows that IPS has potential negative impact for low-risk offenders.

#### **D. General Administration.**

1. The AOC shall:
  - a. Administer and direct intensive probation programs on behalf of the supreme court;
  - b. Monitor intensive probation programs;
  - c. Prepare written material setting forth various techniques, practices, guidelines and other recommendations regarding the operation and management of intensive probation programs and distribute this material to judges and probation personnel;
  - d. Inspect, audit, or have audited the records of any superior court operating an intensive probation program;
  - e. Prescribe and adopt procedures, forms and reports necessary for financial administration, program administration, operation and management of intensive probation programs;
  - f. Conduct seminars and educational sessions regarding the purpose and operation of intensive probation programs;
  - g. Establish performance measures and expectations in consultation with the court for determining compliance with each court’s intensive probation program plan and budget request;
  - h. Assist courts in developing their intensive probation program plans and budgets;
  - i. Provide general assistance to courts on the operation of intensive probation programs;  
~~and~~
  - j. Adopt other administrative practices and procedures, consistent with this section, as necessary for the administration of the intensive probation supervision program; and
  - k. Provide the probation departments with data regarding probationers who score medium-low and low risk and are placed on IPS.
2. To promote uniform administration, each adult probation department operating an intensive probation program shall comply with this section.

**E. through G. [No changes]**

**H. Eligibility Requirements for Intensive Probation.**

1. A.R.S. § 13-914(A) provides:

An adult probation officer shall prepare a presentence report for every offender who has either:

1. Been convicted of a felony and for whom the granting of probation is not prohibited by law.
2. Violated probation by commission of a technical violation that was not chargeable or indictable as a criminal offense.

2. Pursuant to A.R.S. § 13-914(B), “The adult probation officer shall evaluate the needs of the offender and the offender’s risk to the community, including the nature of the offense and the criminal history of the offender . . . .” Adult probation department staff shall administer the standardized assessment. The adult probation officer shall consider these factors in making a recommendation to the court for placement on intensive probation.

23. The presentence report assists the court in determining appropriateness for placement on intensive probation. 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.

34. Probation officers shall support any recommendation for the placement of an offender on intensive probation with the standardized assessment or reassessment. Probation officers shall not recommend placement on intensive probation for an offender who scores outside the acceptable limits of the standardized assessment or reassessment unless approved in writing by the chief probation officer or designee.

- ~~4. Pursuant to A.R.S. § 13-914(B), “The adult probation officer shall evaluate the needs of the offender and the offender’s risk to the community, including the nature of the offense and the criminal history of the offender...” Adult probation department staff shall administer the standardized assessment. The adult probation officer shall consider these factors in making a recommendation to the court for placement on intensive probation.~~

5. Probation officers shall only recommend intensive probation supervision for offenders that assess as high or medium-high risk on the standardized assessment or reassessment, unless approved in writing by the chief probation officer or designee. In determining appropriateness for intensive probation the probation officer shall also consider:

- a. Community safety;
- b. The potential harm to the victim including the victim’s attitude toward placing the offender on intensive probation;

- c. The offender's assessment scores in areas known to be significant predictors of the risk to re-offend, which include but are not limited to criminal history, anti-social cognition, anti-social personality and anti-social companions;
  - ed. The offender's need for structure, accountability, and close monitoring in order to maximize treatment and intervention outcomes;
  - de. The focus on treatment inherent in the intensive probation program;
  - ef. The benefits of the intensive probation program to the offender; and
  - fg. The probability the offender will remain at liberty without violating the law; ~~and,~~
  - g. ~~The offender's assessment scores in areas known to be significant predictors of the risk to re-offend, which include but are not limited to criminal history, anti-social cognition, anti-social personality and anti-social companions;~~
6. The probation officer shall also consider the following when determining the appropriateness for intensive probation:
- a. ~~Payment of~~ The probationer's ability to pay restitution;
  - b. The probationer's ability to ~~Performance of~~ perform community restitution hours; ~~and~~
  - c. ~~The offender's~~ probationer's legal eligibility to work in the United States;;
  - d. The recommendation for a specialty court or special conditions, such as but not limited to Drug Court, Mental Health Court, and Veteran's Court; and
  - e. The probationer's inability to meet the statutory requirements.
7. The probation officer shall include the reasons supporting intensive probation in the presentence report.

## **I. Sentencing Provisions.**

1. A.R.S. § 13-914(E) provides:

E. Intensive probation shall be conditioned on the offender:

1. Maintaining employment or full-time student status at a school subject to title 15 or title 32, chapter 30, or a combination of employment and student status, and making progress deemed satisfactory to the probation officer, or being involved in supervised job searches and community restitution work at least six days a week throughout the offender's term of intensive probation.
2. Paying restitution and probation fees of not less than seventy-five dollars unless, after determining the inability of the offender to pay the

fee, the court assesses a lesser fee. Probation fees shall be deposited in the adult probation services fund established by § 12-267. Any amount assessed pursuant to this paragraph shall be used to supplement monies used for the salaries of adult probation and surveillance officers and for support of programs and services of the superior court adult probation departments.

3. Establishing a residence at a place approved by the intensive probation team and not changing the offender's residence without the team's prior approval.

4. Remaining at the offender's place of residence at all times except to go to work, to attend school, to perform community restitution and as specifically allowed in each instance by the adult probation officer.

5. Allowing administration of drug and alcohol tests if requested by a member of the intensive probation team.

6. Performing not less than forty hours of community restitution each month. Offenders who are full-time students, employed or in a treatment program approved by the court or the probation department may be exempted or required to perform fewer hours of community restitution. For good cause, the court may reduce the number of community restitution hours performed to not less than twenty hours each month.

7. Meeting any other conditions imposed by the court to meet the needs of the offender and limit the risks to the community, including participation in a program of community punishment authorized in title 12, chapter 2, article 11.

2. Good cause, in the context of reducing an intensive probationer's monthly community restitution requirement, includes but is not limited to:
  - a. Physical or mental disability;
  - b. Physical or mental illness;
  - c. Completion of residential treatment;
  - d. Successful completion of any level of intensive probation; or
  - e. Progress with positive behavioral changes.
3. An officer shall not recommend a good cause reduction of below twenty hours per month.
4. The court shall exempt community restitution requirements while the probationer is incarcerated or participating in residential treatment.

5. A.R.S. § 13-918(B) provides:

The person's wages shall be paid directly to an account established by the chief adult probation officer from which the chief adult probation officer shall make payments for restitution, probation fees, fines and other payments. The balance of the monies shall be placed in an account to be used for or paid to the person or his immediate family in a manner and in such amounts as determined by the chief adult probation officer or the court. Any monies remaining in the account at the time the person successfully completes probation shall be paid to the person.

**J. and K. [No changes]**

**L. 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 intensive 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 and shall be updated at a minimum of once every twelve months from the completion of the last case plan. Case plans shall reference the most recent completed assessment.
- c. Policies and procedures which require ~~that once every 180 days the supervising an~~ intensive probation officer to administer the standardized reassessment twelve months after the initial assessment and every twelve months thereafter ~~and develop a new case plan.~~
- d. Policies and procedures ~~that~~ which require probation officers to utilize graduated responses of consequences and incentives to address violation behavior and promote positive behavioral change.
- e. Policies and procedures which require supervising intensive probation officers to monitor intensive probationer compliance, behavioral changes and level of risk and request the court modify an intensive probationer's level of supervision when behavior and compliance with conditions of intensive probation have been achieved. Documentation regarding the compliance factors and justification for a requested level change shall be maintained in the intensive probationer's case record. A.R.S. § 13-917(A) provides:

The adult probation officer shall periodically examine the needs of each person granted intensive probation and the risks of modifying the level of supervision of the person. The court may at any time modify the level of supervision of a person granted intensive probation, or may transfer the person to supervised probation or terminate the period of intensive probation pursuant to A.R.S. § 13-901, subsection E.

- f. Policies and procedures regarding the alcohol and drug testing of persons on intensive probation. The procedure shall address the methods used to select intensive probationers for testing, the frequency of testing, and the type of test to be administered.
- g. Policies and procedures by which accurate and timely records of the completion of community restitution hours are maintained for each intensive probationer. Credit toward court-ordered community restitution requirements are awarded on the basis of actual hours completed unless authorized by the court.
- h. Protocols for working with the office of the clerk of the court to establish a process by which supervising intensive 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 intensive probation. Each probation department and intensive probation team shall immediately address any arrearage. Each probation department and intensive probation team shall also encourage the intensive probationer's payment of other assessments, such as child support or traffic fines, 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. Prior to imposing consequences for non-payment, officers shall consider the probationer's ability to pay. Probation officers shall not recommend incarceration solely for non-payment of court-ordered financial obligations.
- j. A written policy concerning the monitoring of intensive probationers' compliance with court-ordered or disclosed prescription medications for mental health or public health concerns. This policy shall include protocols to ensure routine and timely communication between the supervising intensive probation officer and physician regarding the intensive probationer's compliance with dosage requirements.
- k. Policies and procedures to ensure the accurate and timely recording of information on persons placed on intensive probation in the ACJIS maintained by the Arizona department of public safety. Members of intensive probation teams shall respond to each arrest notification received through ACJIS or through any law enforcement officer.

1. Supervision guidelines that are directed toward achieving desired outcomes that include, but are not limited to the reduction of the offender recidivism and criminogenic factors and will ensure that the majority of intensive probation supervision resources are dedicated to high risk probationers in order to successfully complete their term of probation and promote positive behavioral changes. Supervision guidelines shall include the following considerations:
  - (1) Supervision is tailored to the risks, needs and strengths presented by the individual probationer as determined by the standardized assessment;
  - (2) 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, surveillance, and strategies that are utilized shall be the least intrusive means necessary to promote public safety and supervision goals;
  - (3) Initial and subsequent supervision planning shall develop specific goal-directed objectives to be accomplished by the probationer during the term of supervision and the strategies that 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;
  - (4) High risk cases 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;
  - (5) Document changes in a 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;
  - (6) Responses to noncompliance shall be timely, realistic and escalating; and shall include elements designed to both control and correct noncompliance; and
  - (7) The intensity and frequency of supervision activities shall be reduced over time for stable, compliant probationers who are meeting their supervision objectives.
2. Each intensive probation officer or team 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 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;
  - c. Utilize the results of the standardized assessment to establish a level of supervision and ~~finalize~~ develop a case plan 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 probation officer, surveillance officer and probationer and objectives in the case plan are measurable;

- d. 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. Surveillance and other interventions shall be proportionately matched to emerging or decreasing risk factors;
- e. Assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use may be accepted in lieu of alcohol or drug testing;
- f. Evaluate the case plan and supervision strategies on an ongoing basis;
- g. Use communication techniques that engage the probationer in their own case plan, motivation and goals;
- h. Administer the standardized reassessment ~~every 180 days~~ twelve months after the initial assessment and every twelve months thereafter. The results of the standardized reassessment, along with the intensive probationer's compliance with the conditions of intensive probation and any other relevant factors, shall be used to develop a new case plan;
- i. through n. [No changes]
- o. Provide a written directive to the intensive probationer referring the intensive probationer to an appropriate service provider within ~~60~~ 30 days of sentencing, initial release from custody as a condition of intensive probation, or when a need for treatment, education or counseling is identified. If more than one area of treatment or counseling is identified, the intensive probation officer shall prioritize the needs and address the one with highest priority within the prescribed time frame. The intensive probation officer shall then address the remaining treatment or counseling areas in descending order. Additional referrals to social services that may promote the individual's ability to function under decreasing levels of supervision should be made as necessary;
- p. through s. [No changes]
- t. Document efforts to locate and reengage the intensive probationer. ~~Make a documented effort to locate an intensive probationer.~~ If the intensive probationer 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 probation department's efforts to locate the intensive probationer shall continue until the intensive probationer is apprehended; and

- u. The probation officer shall seek a criminal restitution order upon the expiration of 90 days, pursuant to A.R.S. § 13-805(C)(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.

3. through 9. [No changes]

#### **M. Program Placement.**

1. through 3. [No changes]

- 4. An intensive probationer may exit intensive probation at any supervision level. Levels are not required to be sequential because progressive movement through IPS is based on risk and needs or compliance.

#### **N. Minimum Supervision Requirements.**

- 1. The following supervision requirements are established as minimum thresholds for intensive probationers being supervised in the community without waiver provisions. Each probation department may establish more rigorous intensive supervision requirements. Each chief probation officer shall ensure that all established minimum intensive supervision requirements are provided in writing to each intensive probation team, along with training on adherence to those requirements.
- 2. The probation department shall establish and document minimum intensive supervision requirements for intensive probationers incarcerated in jail. Each probation department shall provide, in writing to each intensive probation team, the minimum intensive supervision requirements established for intensive probationers incarcerated in jail and furnish training on adherence to those requirements.
- 3. Supervision level I (Entrance and Planning) is reserved for newly sentenced probationers ~~who assess as high risk on the standardized assessment or reassessment as well as newly sentenced probationers who assess as medium or low risk~~ and shall include:
  - a. Visual contacts. The intensive probation team shall have a minimum of four visual contacts each week with each intensive probationer. Home and other community contacts are required on a random and varied basis. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
  - b. An initial contact at the probationer's residence to verify the suitability of the environment within ten days of sentencing or release from incarceration.

- bc. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall verify the probationer's employment each week. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
- d. Planning. If not already completed, the standardized assessment shall be completed within 30 days of sentencing or release from incarceration. If the assessment indicates that the probationer can move beyond the Entrance and Planning phase quickly, the probation officer shall petition the court for modification to the appropriate level of supervision. In the Entrance and Planning phase, the case plan shall be developed and any needed programming referrals shall be completed prior to a request for modification to Level II.
4. Supervision level II (Intervention) is reserved for probationers who ~~assess as high risk on the standardized assessment or reassessment and who have demonstrated positive behavioral change~~ have successfully completed Entrance and Planning. A modification must be obtained from the court prior to placement on level II. Supervision level II shall include:
- a. Visual contacts. The intensive probation team shall have a minimum of two visual contacts each week with each intensive probationer, with at least one occurring at the intensive probationer's residence. Home and other community contacts are required on a random and varied basis. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
- b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall verify the probationer's employment every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
- c. Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every ~~two weeks~~ month, if applicable.
- d. Intervention. During the Intervention phase, the probationer shall be actively following the case plan referrals. The intensive probation team shall have contact with a designated provider, if in treatment, a minimum of one time monthly, in

addition to the collateral contact. The probationer shall have made progress in required programming prior to any request for modification to Level III.

5. Supervision level III (Maintenance) is designed for ~~transitioning~~ stabilizing high and medium-high risk probationers who continue to participate and make progress in case plan referrals to standard probation supervision and as a step down from level I for probationers assessed as medium, medium-low or low risk. A modification must be obtained from the court prior to placement on level III. Supervision level III shall include:
  - a. Visual contacts. The intensive probation team shall have a minimum of one visual contact each week with each intensive probationer, with at least one occurring at the intensive probationer's residence every other week. Home and other community contacts are required on a random and varied basis. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
  - b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall verify the probationer's employment every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
  - c. Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every ~~two weeks~~ month, if applicable.
  - d. Maintenance. During the Maintenance Phase, the probationer shall continue to make progress in case plan referrals. The intensive probation team shall have contact with a designated provider, if in treatment, a minimum of one time monthly, in addition to the collateral contact. The probationer shall be required to be making progress in case plan referrals and other case plan goals prior to any request for modification to standard probation.
6. Supervision level IV (Transition) is ~~reserved for probationers who assesses as medium or low risk on the standardized assessment or reassessment~~ and is designed to be a transition between intensive and standard probation. The supervising probation officer may petition the court to reduce the level of supervision for a probationer that assesses as low risk on the standardized assessment or standardized reassessment. The case record shall document the circumstances for continuing probationers that assess as low risk on the standardized risk needs instrument on intensive probation supervision. A modification must be obtained from the court prior to placement on level IV. Supervision level IV shall include:

- a. Visual contacts. The intensive probation team shall have a minimum of one visual contact every two weeks with each intensive probationer, occurring at the intensive probationer's residence. Home and other community contacts are required on a random and varied basis. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
  - b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall verify the probationer's employment every four weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
  - c. Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 4 weeks, if applicable.
  - d. Transition. If the probationer has successfully completed and progressed through court ordered levels, the probation officer may recommend placement on standard probation supervision based on risk and needs.
7. Supervision level V (Residential Treatment) is reserved for intensive probationers participating in residential treatment. On release from residential treatment, the intensive probation team shall utilize the results of the standardized assessment or reassessment, along with the intensive probationer's compliance with the conditions of intensive probation, discharge plan supported by and involving the treatment provider, intensive probation team and intensive probationer, and any other relevant factors to recommend to the court placement on an appropriate supervision level. Supervision level V shall include:
- a. Visual contacts. The intensive probation team shall have a minimum of one visual contact every 30 days with each intensive probationer. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled.
  - b. Treatment provider contacts. The intensive probation team shall have a minimum of one ~~face to face, telephonic or written~~ contact every 30 days with the intensive probationer's treatment provider.
  - c. Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 30 days, if applicable.
  - d. Community restitution. Intensive probationers participating in residential treatment are exempt from community restitution requirements.

## O. Waiver Provisions.

1. A.R.S. § 13-919 provides:

The requirements of § 13-916, subsection A, subsection B and subsection F, paragraph 2 may be waived for a county if the case load of adult probation officers supervising persons on intensive probation is not more than fifteen persons and the program requires visual contact with each probationer at least one time a week.

2. The presiding judge shall file a waiver request pursuant to A.R.S. §§ 13-916 and 13-919 with the AOC on a form prescribed by the administrative director. The administrative director shall consider the following when determining whether to grant the waiver:
  - a. The number of offenders on intensive probation supervision in the requesting county;
  - b. The geographical make up of the requesting county and the communities that would be served under the waiver; and
  - c. The impact to the program and the implementation of evidence-based supervision by utilizing one-person teams.
3. If a waiver is granted, it will be in force until such time as the presiding judge notifies the AOC in writing that use of the waiver is no longer necessary or when the AOC notifies the presiding judge that the waiver is no longer authorized.
4. The following supervision requirements are established as minimum thresholds for intensive probationers being supervised in the community. Each probation department may establish more rigorous intensive supervision requirements. Each chief probation officer shall ensure that all established minimum intensive supervision requirements are provided in writing to each intensive probation officer, along with training on adherence to those requirements.
5. The probation department shall establish and document minimum intensive supervision requirements for intensive probationers incarcerated in jail. Each probation department shall provide, in writing to each intensive probation officer, the minimum intensive supervision requirements established for intensive probationers incarcerated in jail and furnish training on adherence to those requirements.
6. A person placed on intensive probation and assigned to a waived officer shall be supervised by the intensive probation officer at supervision Contact Level ~~2~~1 (CL 1) Entrance and Planning until the completion of the standardized assessment and initial case plan. In the Entrance and Planning Phase, the case plan shall be developed and any needed programming referrals shall be completed prior to a request for modification to Contact Level 2 (CL 2). The intensive probation officer shall utilize the results of the standardized assessment, along with the probationer's compliance with the conditions of

intensive probation and any other relevant factors, and recommend to the court placement on an appropriate supervision contact level. Pursuant to A.R.S. § 13-917, if reductions or increases in supervision level are warranted, such reductions or increases shall be made by the court upon recommendation of the probation officer, as further described in L(8)(k). (CL1). Minimum contact standards include:

~~a. Contact Level 2 (CL2) shall be recommended for probationers assessing as high risk on the standardized assessment or reassessment. Minimum contact standards shall include:~~

- ~~(1) Visual contacts: a minimum of two per week with the probationer, with at least one occurring at the probationer's residence. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.~~
- ~~(2) Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall verify the probationer's employment every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.~~
- ~~(3) Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.~~

~~b. Contact Level 3 (CL3) may be recommended for probationers who have demonstrated positive behavioral change while under supervision contact level 2. Minimum contact standards shall include:~~

- ~~(1) Visual contacts: a minimum of one visual contact per week, with at least one contact occurring at the probationer's residence every other week. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.~~
- ~~(2) Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall verify the probationer's employment every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.~~
- ~~(3) Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.~~

- e. ~~Contact Level 4 (CL4) may be recommended for probationers assessing as medium or low risk on the standardized assessment or reassessment and who have demonstrated positive behavioral change while under supervision contact level 3. Intensive probation officers shall not recommend supervision contact level 4 for probationers who assess as high risk. Minimum contact standards shall include:~~
- ~~(1) Visual contacts: a minimum of one visual contact every two weeks, occurring at the probationer's residence. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.~~
  - ~~(2) Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall verify the probationer's employment every four weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.~~
  - ~~(3) Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every four weeks, if applicable.~~
- d. ~~Contact Level 5 (CL5) intensive probationers participating in residential treatment on release from residential treatment, the intensive probation officer shall utilize the results of the standardized assessment or reassessment, along with the intensive probationer's compliance with the conditions of intensive probation, discharge plan supported by and involving the treatment provider, intensive probation officer and intensive probationer, and any other relevant factors to recommend to the court placement on an appropriate supervision contact level. Minimum contact standards shall include:~~
- ~~(1) Visual contacts. The intensive probation officer shall have a minimum of one visual contact every 30 days with each intensive probationer. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled.~~
  - ~~(2) Treatment provider contacts. The intensive probation officer shall have a minimum of one face-to-face, telephonic or written contact every 30 days with the intensive probationer's treatment provider.~~
  - ~~(3) Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 30 days, if applicable.~~
- a. Visual contacts. A minimum of two contacts per week are required with at least one occurring at the probationer's residence. Home and other community contacts are required on a random and varied basis. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation

officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.

- b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall verify the probationer's employment every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
- c. Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.
- d. Planning. If not already completed, the standardized assessment shall be completed within 30 days of sentencing or release from incarceration. If the assessment indicates that the probationer can move beyond the Entrance and Planning phase quickly, the probation officer shall petition the court for modification to the appropriate level of supervision. In the Entrance and Planning phase, the case plan shall be developed and any needed programming referrals shall be completed prior to a request for modification to Contact Level 2.

7. Contact Level 2 (CL2) (Intervention) may be recommended for probationers who have completed Entrance and Planning. Minimum contact standards shall include:

- a. Visual contacts. A minimum of one visual contact per week is required with at least one contact occurring at the probationer's residence every other week. Home and other community contacts are required on a random and varied basis. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
- b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall verify the probationer's employment every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
- c. Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every 30 days, if applicable.
- d. Intervention. The probationer shall be actively following the case plan referrals. The intensive probation team shall have contact with a designated provider, if in treatment, a minimum of one time monthly, in addition to the collateral contact. The

probationer shall be required to be making progress in required programming prior to any request for modification to Contact Level 3.

8. Contact Level 3 (CL3) (Maintenance) is designed for stabilizing high and medium high risk probationers who continue to participate and make progress in case plan referrals and as a step down from CL Level I for probationers assessed as medium or low risk. A modification must be obtained from the court prior to placement on CL3. Minimum contact standards shall include:
  - a. Visual contacts. A minimum of one visual contact every two weeks is required at the probationer's residence. Home and other community contacts are required on a random and varied basis. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
  - b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall verify the probationer's employment every four weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
  - c. Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every 30 days, if applicable.
  - d. Maintenance. During the Maintenance Phase, the probationer shall continue to make progress in case plan referrals. The intensive probation team shall have contact with a designated provider, if in treatment, a minimum of one time monthly, in addition to the collateral contact. The probationer shall be required to be making substantial progress in required programming and other case plan goals prior to any request for modification to standard probation.
9. Contact Level 4 (CL4) (Residential Treatment) is reserved for intensive probationers participating in residential treatment. On release from residential treatment, the intensive probation team shall utilize the results of the standardized assessment or reassessment, along with the intensive probationer's compliance with the conditions of intensive probation, discharge plan supported by and involving the treatment provider, intensive probation team and intensive probationer, and any other relevant factors to recommend to the court placement on an appropriate supervision level. Minimum contact standards shall include:
  - a. Visual contacts. The intensive probation officer shall have a minimum of one visual contact every 30 days with each intensive probationer. Mandatory visual contacts

- may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled.
- b. Treatment provider contacts. The intensive probation officer shall have a minimum of one contact every 30 days with the intensive probationer's treatment provider.
  - c. Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 30 days, if applicable.

**P. Required Records.**

1. A.R.S. § 13-916(F)(l) provides: “The intensive probation team shall: (1) Secure and keep a complete identification record of each person supervised by the team and a written statement of the conditions of the probation.”
2. The intensive probation team shall also maintain verifiable case records for each intensive probationer, including, but not limited to:
  - a. An individual case plan setting forth behavioral and program expectations;
  - b. Contact logs detailing the time, nature and location of each contact related to each intensive probationer;
  - c. Current photograph of each intensive probationer; and
  - d. Documentation regarding violation behavior, positive progress and behavioral changes while under supervision.