

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 6-204.01:)	No. 2018 - <u>75</u>
INTERSTATE COMPACT PROBATION)	(Affecting Administrative
EVIDENCE-BASED PRACTICE)	Order No. 2014-61)
_____)	

An amendment to the above-captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on June 18, 2018, 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 § 6-204.01 is amended as indicated on the attached document. All other provisions of § 6-204.01, as originally adopted, remain unchanged and in effect.

Dated this 8th day of August, 2018.

SCOTT BALES
Chief Justice

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

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

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

“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. - C. [No changes]

D. General Administration.

1. – 3. [No changes]

4. The adult probation departments shall utilize the Interstate Compact Offender Tracking System (ICOTS) authorized by the Interstate Commission to investigate, supervise, report violations, respond to violations and submit case closures in accordance with ICAOS Rules and may pursue return or revocation of probation of interstate compact probationers for reasons including but not limited to, commission of a new crime, absconding, or noncompliance with the conditions of probation. Departments shall contact the deputy compact administrator to request access to ICOTS for staff and all approved staff shall adhere to the ICOTS operating procedures.

E. – H. [No changes]

I. Direct Case. The supervising probation officer or intensive probation team’s direct caseload shall comply with either ACJA § 6-201.01 or § 6-202.01 as applicable.

~~1. The interstate compact probation officer’s direct caseload shall include:~~

~~a. Probationers accepted for supervision who are residing in the officer’s county and receiving supervision services, regardless of supervision level;~~

- ~~b. Probationers in residential treatment in the officer's county; and~~
- ~~c. Probationers in short term residential treatment in another county.~~
- ~~2. The interstate compact probation officer's direct caseload shall not include:~~
 - ~~a. Probationers pending acceptance of supervision in the officer's county, regardless of where they may be residing;~~
 - ~~b. Probationers in long term residential treatment in another county;~~
 - ~~c. Probationers considered absconders; and~~
 - ~~d. Probationers who have been retaken by the sending state.~~

J. Program Operations.

1. Each probation department shall develop:
 - a. Develop pPolicies and procedures that comply with ACJA § 6-201.01 and § 6-202.01 and abide by standards set forth in A.R.S. § 12-253 and ACJA § 6-201.01 and § 6-202.01 as applicable aim to reduce offender risk and the likelihood of future criminal behavior that are consistent with the principles of evidence based practices;
 - ~~b. Policies and procedures which require probation officers providing standard supervision to use the results of the standardized assessment, as well as any other relevant information, when developing a case plan;~~
 - ~~c. Policies and procedures which require the administration of standardized reassessments upon the discovery of significant changes in criminogenic risk and needs or continued criminal conduct, including arrests for new criminal offenses for probationers that assess as low on the initial standardized assessment;~~
 - ~~d. Policies and procedures that 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 probation officers providing interstate compact probation supervision to use the results of the standardized assessment, as well as any other relevant information, when developing a case plan;~~
 - ~~f. Policies and procedures regarding the alcohol and drug testing of persons on standard probation. The procedure shall address the methods used to select probationers for testing, the frequency of testing, and the type of test to be administered;~~

- ~~g. Policies and procedures concerning the monitoring of probationers' compliance with court ordered or disclosed prescription medications for mental health or public health concerns. This policy shall include requirements to ensure routine and timely communication between the supervising probation officer and physician regarding the probationer's compliance with dosage requirements;~~
 - ~~h. Policies and procedures requiring officers to maintain accurate and timely records of the completion of community restitution hours for each probationer. Credit toward court ordered community restitution requirements are awarded on the basis of actual hours completed unless otherwise authorized by the court;~~
 - ~~i. Protocols to work with the office of the clerk of court to establish policies and procedures by which supervising probation officers are provided with accurate and timely information concerning collections;~~
 - ~~jb. Develop pPolicies and procedures to ensure the collection of monthly assessments imposed pursuant to A.R.S. § 31-467.06(A). Each probation department and supervising probation officer shall immediately address any arrearage. Each probation department and supervising officer shall also encourage the probationer's payment of other assessments, such as child support or traffic fines, ordered by any court;~~
 - ~~k. Policies and procedures requiring an officer to administer a standardized reassessment and develop a new case plan for medium to high risk probationers once every 180 days; and~~
 - ~~l. Policies and procedures requiring the supervising officer to develop a new case plan for probationers that assess as low risk on the standardized assessment or reassessment if an intervention to criminogenic risk or needs area is required. The officer shall document in the file that no case plan was completed if no intervention is required.~~
- ~~2. A.R.S. § 12-253(1) provides that adult probation officers shall "Make and file a complete record of persons placed under suspended sentence by the court, and of all reports made to the officer in writing or in person, in accordance with the conditions imposed by the court." Adult probation officers shall immediately contact the law enforcement officer or agencies involved on receipt of an arrest notification to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The supervising probation officer shall document in the case record all contacts, information received pertaining to the incident, and actions taken as a result of the incident. Probations officers shall also document information, including but not limited to, violation behavior, positive progress and behavioral changes.~~
 - ~~3. A.R.S. § 12-253(2) provides that adult probation officers shall "Exercise general supervision and observation over persons under suspended sentence, subject to control and direction by the court."~~

a. ~~Adult probation officers shall:~~

- ~~(1) Administer the standardized assessment within 30 days of a probationer's placement on probation or initial release from custody if an assessment was not completed prior to sentencing;~~
- ~~(2) Re-evaluate the adequacy of the court-ordered conditions of probation as part of the ongoing assessment and planning process and, if applicable, petition the court for modifications;~~
- ~~(3) Utilize the results of the standardized assessment to establish a level of supervision and address needs for behavioral changes;~~
- ~~(4) Develop a case plan for all probationers that assess as medium or high risk on the standardized assessment within 60 days of a probationer's placement on probation or initial release from custody. The officer shall ensure the case plan includes signatures of the officer and probationer and objectives in the case plan are measurable.~~
- ~~(5) Develop and implement supervision strategies that are matched by standardized assessment results and criminogenic factors with the probationer's risks, needs and strengths that promote supervision goals and to provide effective supervision that is individualized, proportional and purposeful;~~
- ~~(6) Target interventions to higher risk cases to promote public safety;~~
- ~~(7) Administer the standardized reassessment every 180 days for 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.~~
- ~~(8) Review the assessment and the previous case plan during the development of a new case plan to determine if a change in strategies is required to promote behavioral changes. Strategies shall be re-evaluated if there has been regress or no change in behavior;~~
- ~~(9) Reassess probationers that assess as low risk upon discovery of new criminal conduct, if the current assessment is more than 180 days old;~~
- ~~(10) Complete a case plan if a probationer assessed as low risk has criminogenic risks and needs that require intervention.~~
- ~~(11) Document in the case record that a case plan is not needed for an assessed low risk probationer if no intervention is required;~~
- ~~(12) Conduct documented case file reviews for probationers assessed as low risk annually. 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. Probationers that are eligible and in compliance with court ordered conditions of probation shall be recommended for early termination. The officer shall recommend that any outstanding financial obligations be reduced to a criminal restitution order. Probationers with outstanding restitution are not eligible for early termination;~~
- ~~(13) Respond to emerging risk indicators with graduated increases in the level of supervision, pursuant to probation departmental policy.~~

- ~~(14) Reduce the level of supervision, up to and including recommendation for early termination of supervision, as risk issues are addressed and probationers meet their objectives.~~
 - ~~(15) Provide probationers with feedback on the results of an assessment or reassessment and progress with the established behavioral goals and conditions of probation and provide positive reinforcement to encourage behavioral changes; and~~
 - ~~(16) Consider the suitability of early termination for all eligible cases.~~
- ~~b. Adult probation officers shall provide a written directive to the probationer referring the probationer to an appropriate service provider within 60 days of acceptance of supervision and arrival of the probationer in Arizona 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.~~
- ~~c. The supervising officer shall administer or cause to have administered alcohol and drug tests on a variable schedule, when appropriate. The frequency of testing shall be dependent upon the probationer's substance abuse history, unless otherwise directed by the court, and shall be documented in the case record.~~
- ~~4. A.R.S. § 12-253(3) provides that adult probation officers shall "Serve warrants, make arrests and bring persons before the court who are under suspended sentences. The officer has the authority of a peace officer in the performance of the officer's duties."~~
- ~~5. A.R.S. § 12-253(5) provides that adult probation officers shall "Secure and keep a complete identification record of every person released under a suspended sentence and a written statement of the conditions of the suspension." Each standard probation officer shall maintain verifiable case records for each probationer supervised, including, but not limited to:~~
- ~~a. A written statement of the Arizona and sending state conditions of probation;~~
 - ~~b. An individual case plan setting forth behavioral expectations for probationers that assess as medium or high risk on the standardized assessment;~~
 - ~~c. Contact logs detailing the time, nature and location of each contact made with each person on interstate compact probation;~~
 - ~~d. Request for transfer for supervision, if available; and~~
 - ~~e. Waiver for extradition, if available.~~

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

K. Eligibility and Acceptance Criteria.

1. Pursuant to A.R.S. § 31-467 and the Interstate Commission for Adult Offender Supervision Rules Arizona probation officials shall accept a person for interstate compact probation supervision if, ~~pursuant to a valid plan of supervision; the person meets the acceptance criteria set forth in ICAOS Rules 3.101 or 3.101-1. Arizona probation officials may accept a person for interstate compact probation supervision under ICAOS Rule 3.101-2.~~
 - a. ~~Such person has 90 days or more or an indefinite period of supervision remaining; and~~
 - b. ~~Is in substantial compliance with the terms of supervision in the sending state; and~~
 - c. ~~Is a resident of the receiving state; or~~
 - d. ~~Has resident family who have resided in the receiving state for at least 180 days at time of the transfer request and who have indicated a willingness and ability to assist as specified in the plan of supervision; and~~
 - e. ~~Can obtain employment in the receiving state or has a visible means of support; or~~
 - f. ~~The person is a member of the military and has been deployed by the military to another state and who meets the criteria listed in (a) and (b); or~~
 - g. ~~The person lives with a family member who is a member of the military and who has been deployed to another state, provided that the person will live with the military member in the receiving state and meets the criteria listed in (a) and (b); or~~
 - h. ~~The person who meets the criteria listed in (a) and (b) resides with a family member who is transferred to another state and obtains full time employment, provided that the person will live with the family member in the receiving state.~~
2. The deputy compact administrator shall forward to the appropriate Arizona probation department all eligible requests by other states for transfer of supervision via the interstate compact. Replies to the requests are due to the AOC within 30 days of receipt by the Arizona probation department.

L. Supervision Process, Length and Termination.

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

M. Violations and Probable Cause Hearings.

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

probationer may waive this hearing if the interstate compact probationer admits to one or more ~~significant~~ violations of the terms or conditions of supervision.

3. Within five days of the interstate compact probationer's arrest, the supervising probation officer shall provide a written notice of the time, date and location of the probable cause hearing to the probationer, along with a written copy of the alleged violations.
4. ~~The supervising probation officer shall notify the deputy compact administrator and sending state whenever consideration is being given to the retaking or incarceration of the interstate compact probationer.~~
54. The supervising probation officer shall report the results of any interstate compact probation probable cause hearing via ICOTS in accordance with ICAOS Rule 5.108 to the deputy compact administrator, along with a copy of the hearing record. ~~The deputy compact administrator shall report the results to the sending state, along with a copy of the hearing record.~~

N. [No changes]

O. Retaking and Extradition.

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

The decision of the sending state to retake a person on probation or parole shall be conclusive on, and is not reviewable within, the receiving state, unless at the time a state seeks to retake a probationer or parolee there is pending against the probationer or parolee within the receiving state any criminal charge or the probationer or parolee is suspected of having committed within the state a criminal offense, in which case the probationer or parolee shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

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

1. ~~A.R.S. § 12-253(2) provides: “Exercise general supervision and observation over persons under suspended sentence, subject to control and direction by the court.” The following supervision requirements are established as minimum thresholds for probationers supervised in the community. Each probation department may establish more rigorous supervision requirements. Each chief probation officer shall ensure that all established minimum supervision requirements are provided in writing to each supervising probation officer, along with appropriate training on adherence to those requirements.~~
2. ~~The probation department shall establish 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. ~~Tailored to the risks, needs and strengths presented by the individual probationer as determined by the standardized assessment.~~
 - b. ~~Supervision monitoring and intervention strategies are to involve no greater deprivations of liberty or property than are reasonably necessary to address sentencing purposes. Supervision programs and strategies utilized shall be the least intrusive means necessary to promote supervision goals.~~
 - c. ~~Initial and subsequent supervision planning shall develop specific goal directed objectives to be accomplished by the probationer during the term of supervision and include strategies the officer will use to monitor compliance and promote the accomplishment of those objectives. Supervision contacts shall be integral to implementing the overall supervision strategies, have a purpose that is directly related to case objectives and the probationer’s level and type of risk.~~
 - d. ~~High risk cases shall require the concurrent implementation of multiple intervention strategies that apply the skills from a variety of disciplines to address the level and type of risk presented by the individual probationer, build on a probationer’s strengths, and provide probationers with incentives to change.~~
 - e. ~~Document changes in the probationer’s circumstances throughout the period of probation and actively engage in assessing the impact of any changes on the level and type of supervision. Officers shall independently assess a probationer’s circumstances through field and collateral contacts at a level proportional to the issues in the individual case.~~
 - f. ~~Responses to noncompliance shall be timely, realistic, and escalating and shall include elements designed to both control and correct noncompliance.~~
 - g. ~~The intensity and frequency of supervision activities shall be reduced over time for stable, compliant probationers meeting supervision objectives.~~

3. ~~The high risk probation supervision level shall include a monthly minimum of two of the following:~~
 - a. ~~Visual contact with the probationer. Visual contacts shall be varied, scheduled and unscheduled. The probation officer shall determine a schedule for visual contacts and supervision strategies that are proportionate to the level of risk and needs of the probationer based upon the results of the standardized assessment and other significant case information including the probationer's readiness to change.~~
 - b. ~~Contact with collateral sources who have meaningful knowledge of the probationer.~~
4. ~~The high risk probation supervision level shall also include:~~
 - a. ~~Employment verification or employment search verification as necessary;~~
 - b. ~~Investigation of arrest notification including periodic warrants check to be performed a minimum of no less than once prior to the termination of probation. Contact with probationers found to be involved in criminal conduct shall be initiated upon receipt of reliable information that criminal conduct has occurred. An officer shall respond to known serious violations.~~
 - c. ~~Community restitution monitoring, if applicable;~~
 - d. ~~Alcohol and drug testing, as necessary;~~
 - e. ~~Treatment, counseling, or both, to include evidence-based interventions as necessary;~~
 - f. ~~Monitoring of court ordered financial obligations;~~
 - g. ~~Development of case plans that target risk and needs areas evidenced to be significant predictors of risk to re-offend;~~
 - h. ~~The use of communication techniques that engage the probationer in his or her own case plan, motivation and goals;~~
 - i. ~~Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives; and~~
 - j. ~~Evaluation of ongoing supervision and strategies.~~
5. ~~The medium risk probation supervision level shall include a monthly minimum of one of the following:~~
 - a. ~~Visual contact with the probationer. Visual contacts shall be varied, scheduled and unscheduled. The probation officer shall determine a schedule for visual contacts and supervision strategies that are proportionate to the level of risk and needs of the~~

- ~~probationer based upon the results of the standardized assessment and other significant case information including the probationer's readiness to change;~~
- ~~b. Contact with collateral sources who have meaningful knowledge of the probationer.~~
- ~~6. The medium risk probation supervision level shall also include:~~
- ~~a. Investigation of arrest notification including periodic warrants check to be performed a minimum of no less than once prior to the termination of probation. Contact with probationers found to be involved in criminal conduct shall be initiated upon receipt of reliable information that criminal conduct has occurred. An officer shall respond to known serious violations;~~
 - ~~b. Employment verification as necessary;~~
 - ~~c. Community restitution monitoring, if applicable;~~
 - ~~d. Alcohol and drug testing, as necessary;~~
 - ~~e. Treatment, counseling, or both, to include evidence-based interventions as necessary;~~
 - ~~f. Monitoring of court-ordered financial obligations;~~
 - ~~g. Development of case plans that target risk and needs areas evidenced to be significant predictors of risk to re-offend;~~
 - ~~h. The use of communication techniques that engage the probationer in his or her own case plan, motivation and goals;~~
 - ~~i. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives;~~
 - ~~j. Evaluation of ongoing supervision and strategies; and~~
 - ~~k. Annual review of case file.~~
- ~~7. The low risk probation supervision level shall include:~~
- ~~a. A minimum of one visual contact as an initial interview to provide instruction on the conditions of probation and behavioral expectations. The probation officer shall determine supervision strategies that are proportionate to the level of risk and needs of the probationer based upon the results of the standardized assessment and other significant case information. Subsequent visual contacts shall be varied, scheduled and unscheduled.~~
 - ~~b. Employment verification as necessary;~~

- ~~e. Investigation of arrest notification, including periodic warrants check to be performed a minimum of no less than once prior to the termination of probation. Contact with probationers found to be involved in criminal conduct shall be initiated upon receipt of reliable information that criminal conduct has occurred. An officer shall respond to known serious violations;~~
- ~~d. Community restitution monitoring, if applicable;~~
- ~~e. Alcohol and drug testing, as necessary;~~
- ~~f. Treatment, counseling or both, as necessary, to include evidence-based interventions, as necessary;~~
- ~~g. Monitoring of court ordered financial obligations;~~
- ~~h. Reviewing of probationer report letters and telephonic correspondence;~~
- ~~i. Contact with collateral sources, as necessary;~~
- ~~j. Evaluation of ongoing supervision and strategies; and~~
- ~~k. Annual review of case file.~~

~~8. Waiver of Minimum Supervision Requirements.~~

- ~~a. The chief probation officer may waive minimum supervision requirements, in writing, for a specified period of time if exigent circumstance exists. The supervising probation officer shall place a copy of the written waiver of minimum supervision requirements in the case file of each probationer for whom a waiver has been granted.~~
- ~~b. The chief probation officers shall not grant a waiver for minimum supervision for probationers on high risk supervision level and who would have been convicted of a sex offense as defined by A.R.S. § 13-1402 through 13-1412, 13-1417 through 13-1419, 13-3552 through 13-3556, a domestic violence offense under A.R.S. § 13-3601 or 3601.02, or an offense involving driving under the influence under A.R.S. § 28-1381 through 28-1383, if the crime had been committed in Arizona.~~
- ~~e. The chief probation officer shall not waive minimum requirements when doing so would compromise public safety.~~

Q. Specialized Caseloads.

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

- ~~2. 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.~~
- ~~3. Any court establishing or maintaining specialized caseloads shall have written minimum supervision requirements specific to the needs and goals of the caseload.~~
- ~~4. Probation officers assigned to supervise specialized caseloads shall participate in continuing education/training on the specific needs of the specialized population.~~

Appendix A

[No changes]