

Sexual Behavior Treatment Program

Arizona Department of Juvenile Corrections
November 2013

Risk and Needs Assessment

Reception, Assessment and Classification (RAC):

- All new admissions from the 15 Arizona County Juvenile Courts undergo a comprehensive screening, assessment and classification review and an orientation regarding ADJC procedures, rules, programs, and services.
- The following screening and assessment instruments are administered by case managers, diagnosticians and qualified mental health professionals to identify criminogenic risk, mental health, substance use and other specialized needs (trauma, self injury, sexual offending, etc.).
 - » Massachusetts Youth Screening Inventory (MAYSI-II)
 - » Personality Assessment Inventory (PAI)
 - » Test for Adolescent Basic Education (TABE)
 - » Recidivism Risk Instrument (RRI)
 - » Abscond Risk Instrument (ARI)
 - » Criminogenic and Protective Factors Assessment (CAPFA)
 - » Trauma Symptom Checklist for Children (TSC-C)
 - » Adolescent Substance Abuse Subtle Screening Inventory (SASSI-A2)
 - » Juvenile Sex Offender Assessment (JSOAP-II), if history of sexual offending
 - » AZYAS Residential Tool, if one was not conducted by the committing county



Risk and Needs Assessment

Reception, Assessment and Classification (RAC):

- The youth's legal commitment to ADJC is verified, photographs are taken, fingerprints are obtained and DNA testing is completed, if applicable.
- The youth receives a medical evaluation consisting of a dental, vision and physical exam.
- The youth is reviewed for any level of gang activity.
- Upon completion of all identified and required screenings and assessments, a Classification Assessment Summary (CAS) is completed, and the youth is assigned to a housing unit to develop case plan goals and begin assigned programming.
- The RAC process provides necessary information to enable ADJC staff to develop an individualized case plan based upon the youth's specific needs and criminogenic risk, that includes:
 - » Individualized treatment and programming
 - » Education placement and coursework
 - » Pro-social activities



Sexual Behavior Treatment Program

Target Population:

- Any juvenile charged with and/or adjudicated for any sexual offense(s) per ARS § 13-14 OR that has a J-SOAP score and spent any amount of time in the Sexual Behavior Treatment Program (SBTP) (Units Journey or Nova).
- Youth who have sexually acted out while in Secure Care can be referred for SBTP. These types of cases are reviewed case by case to determine if they require placement in SBTP.

Length of Stay:

- The duration of the treatment program is a minimum of 6 months.
- The average length of stay is between 9 and 12 months.
- The main determining factor for how long a youth will stay in the program beyond 6 months depends on the youth and his readiness for treatment. Some youth may struggle with engaging in the treatment process, while others have deeper more complicated issues requiring a longer duration of treatment (i.e., trauma, substance abuse, mental illness).



Sexual Behavior Treatment Program

SBTP Mission:

- The ADJC Sexual Behavior Treatment Program enhances public safety by providing youth with effective evidenced based treatment to eliminate further sexual offending behaviors.

Program Objectives:

- The SBTP will accurately identify factors that contributed, created, and maintained maladaptive, unhealthy, and victimizing sexual behaviors.
- The SBTP will provide treatment focused on enhancing protective factors and decreasing risk factors for sexual reoffending.
- The SBTP will treat the whole youth, addressing co-occurring problems such as, but not limited to, delinquency, trauma, substance abuse, and other mental health issues.
- The SBTP will monitor and communicate youth's progress to the appropriate parties in accordance with ADJC policies and procedures.
- The SBTP will continually monitor and adjust effectiveness of its program components.
- The SBTP will individualize programming to address each youth's primary problem areas.



Sexual Behavior Treatment Program

Theoretical Basis of Treatment:

- Motivational Interviewing: Based on collaboration instead of confrontation, evocation (drawing out, rather than imposing ideas), and autonomy rather than authority. The treatment team expresses empathy, support self-efficacy, roll with resistance, and develop discrepancy.
- Good Lives Model: Based on belief that people commit sexual offenses because they lack the opportunity and/or ability to acquire important things in their lives, and sexual offending is regarded as a pattern of behavior that is developed over time through modeling and learning. The cognitive-behavioral treatment aims to teach skills to youth that will help them cope with (and feel able to cope with) the problems and difficulties that life brings. There is also a strong emphasis on the therapeutic alliance between youth and therapist as this has been found to be associated with reduced recidivism, specifically for sexual offenders (Wong, Witte, and Nicholaichuk, 2002).
- Pathways: This model uses a low emotional risk educational approach to begin to help clients feel accepted and optimistic about their potential for successful treatment. It provides basic information about sexuality and arousal control. Based on belief that adolescents benefit from immediate education and guidance about how to cope with their sexual feelings. It recognizes that not every adolescent with a sexual behavior problem has an identifiable cycle.
- Dialectical Behavioral Therapy (DBT) is the main skill building component of the treatment program. Through DBT, youth are taught skills which increase their ability to have healthy and effective interpersonal relationships, to effectively regulate their emotions/moods, and to effectively tolerate distress.



Sexual Behavior Treatment Program

Treatment Delivery:

- Each week each youth receives 3 SBT groups, 1 DBT group, 1 Healthy Sexual Education group, and 1 Process group.
- Psycho-Educational Groups (SBT, DBT, Healthy Sex Ed) are facilitated by the Youth Program Officer (YPO) III and focus on basic concepts and competencies.
- Process Groups are facilitated by the Psych Associate (PSA), Psychologist, or doctoral-level practicum student focused on assisting youth with processing thoughts and emotions that inherently surface.
- Two forms of written treatment work are provided:
 - » Treatment Packets are provided and monitored by the YPO III to help teach youth terms and concepts related the SBTP competencies, as well as a means for checking for understanding.
 - » Treatment Books are provided and monitored by the PSA as an ongoing dialogue for applying terms and concepts on an individual and personal level. This also provides an opportunity to therapeutic treatment processing.
 - » Supportive Counseling is provided ongoing and when needed for a variety of reasons from stabilizing crisis to reviewing treatment work.



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Supplementary Treatment Modalities Include:

- Individual Psychotherapy Sessions are provided for youth that have been given a mental health classification and service level from RAC, and/or have been deemed to need such sessions by the SBTP treatment team.
- Substance Abuse Focused Psychotherapy Groups are provided for youth with a substance abuse service level.
- Seeking Safety Groups are provided for youth with traumatic experiences and deemed appropriate/ready by the SBTP treatment team to begin addressing these issues.
- Psychiatric Services are provided for youth entering program with psychiatric treatment already in place. Services are also provided to youth who are identified as in need of psychotropic medication per recommendation by treatment team and evaluation by psychiatrist.



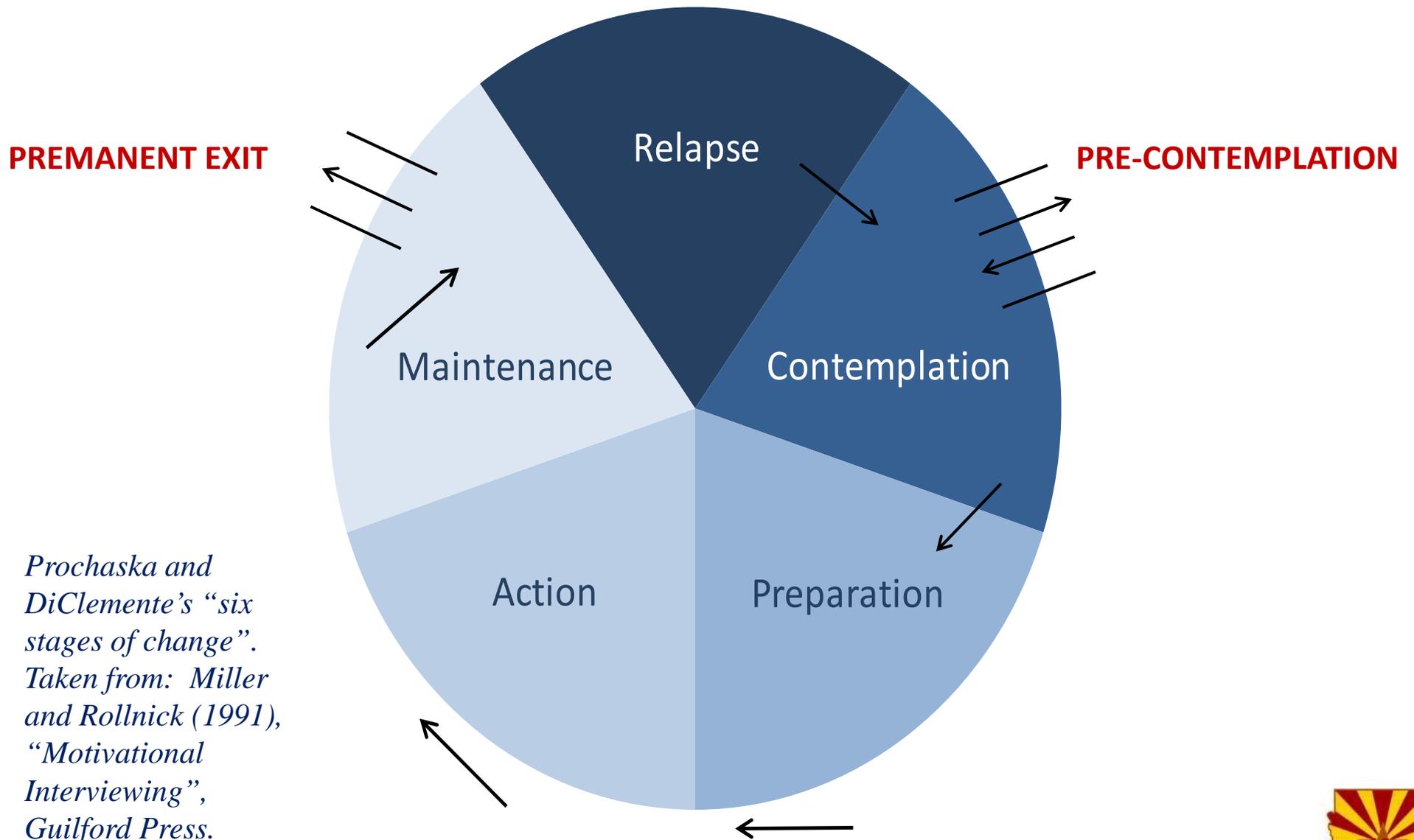
Sexual Behavior Treatment Program

Basic Standards for Advancement to Next Stage:

- Satisfactory completion of all stage competencies as determined by the YPO III.
- Effective and accurate application of terms and concepts learned in stage within the treatment book dialogue as determined by the PSA.
- Significant progress or completion of treatment objectives identified and listed on Correctional Program Checklist (CCP) by PSA.
- Active participation in all groups as determined collectively by all group facilitators.
- Meeting of minimal behavioral expectation as determined by treatment team (4 out of 6 weeks positive behavior).
- Passing grades and/or sufficient effort demonstrated as reported by educators.



Stages of Change



Prochaska and DiClemente's "six stages of change". Taken from: Miller and Rollnick (1991), "Motivational Interviewing", Guilford Press.

Sexual Behavior Treatment Program

Stage 1 – Orientation / Rapport Building / Program Preparation:

(Pre-contemplative to contemplative stage of change)

- Primary Focus: The first stage of treatment lays the foundation for the rest of the treatment process. Building trust and relationships with the treatment team is main focus.
- Competency Focus (psycho-educational groups and Treatment Packets): The competencies center on teaching the youth basic terms and concepts related to sexualized behaviors, law, and basic sexuality. They also receive skill building focused on mood management and communication skills.
- Psychotherapy Focus (Treatment Book): Assist youth with sharing their thoughts, feelings, and understanding about themselves, their experiences, and the world around them. The focus of this stage is to foster honesty and provide many opportunities for the youth to share about themselves. The PSA will continue to assess for identification of protective and risk factors to be addressed in later stages. The PSA will continue to strive to challenge youth to explore deeper understanding of himself. Motivational Interviewing techniques are used including the expression of empathy, rolling with resistance, and development of discrepancy in order to begin enhancing discrepancy between where they are and where they want to be.



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Stage 2 – Self-Awareness:

(Contemplative to preparation stage of change)

- Primary Focus: The second stage of treatment guides the youth into the process of change. The primary focus of this stage is to assist the youth with identifying a deeper understanding of his own cognitive and emotional processes and their impact on the decisions he has made in his life. The youth is challenged to take a critically assess and reflect on the choices he has made, and begin to recognize the reasons for and impact of those choices.
- Competency Focus (psycho-educational groups and Treatment Packets): The competencies center on teaching the youth about the connection between thoughts, feelings and behaviors. The youth are also taught about thinking errors, defining and understanding healthy and unhealthy sexuality, and given an introduction to the concept of the behavior cycle.
- Psychotherapy Focus (Treatment Book): A collaborate approach with the youth continues at this stage to draw out ambiguity about change, discrepancies between youth's life path so far, and the goals that he would like to achieve. The PSA assists youth with identification of his primary and secondary values (a.k.a. "good" per Good Lives Model). The youth is challenged to share more details regarding the events as circumstances around his offense, as well as explore his timeline of life's events. As the youth learns of healthy sexuality, fantasy scripts and deviancy management is addressed. Assessment for risk and protective factors are ongoing as the PSA also strives to assess the youth's capacity for empathy and insight.



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Stage 3 – Skills Development / Trauma Processing:

(Contemplative to Preparation stage of change)

- Primary Focus: It is assumed, at this stage, the youth has come to a degree of acceptance of his/her sexual behavior problem as a new understanding of subsequent issues such as anger management, social skills deficits, depression, substance abuse issues, etc. The primary focus at this stage of treatment is to be build the skills necessary to manage and overcome these barriers to success and building of a healthy law abiding lifestyle.
- Competency Focus (psycho-educational groups and treatment packets): The competencies learned at this stage are formulated to assist the youth with understanding healthy sexuality, healthy/non-victimizing relationships, empathy, and an introduction to relapse prevention planning. A strong emphasis on change is demonstrated at this stage, as youth are taught skills to enable them to build healthy relationships, practice healthy sexuality, interrupt a negative sexual behavior cycle, avoid/cope/escape high risk situations and seemingly unimportant decisions, and use of empathy.
- Psychotherapy Focus (Treatment Book): Continued use of motivational interviewing techniques are used at this stage as the PSA continues to encourage “change talk” as well as exploring of goals and values. The youth are guided through a process in which they explore their offense stories and identify reasons for acting out, protective factors, strengths, and resiliency that will help them avoid acting out in the future. The therapeutic process at this stage is highly individualized as a youth with a trauma history to be processed, or substance abuse to address, will be provided treatment that appropriately meets their unique need.



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Stage 4 – Planning for Relapse Prevention:

(Preparation to Action stage of change)

- Primary Focus: The primary focus is to put everything learned together in order to create a plan for avoiding relapse. Youth are reminded of the skills and understanding of self that they have gained over the course of their treatment. More detailed plans are devised regarding what will happen after they are released. Typically, a youth's JCRB is set 6-8 weeks after the youth enters stage 4 of his treatment.
- Competency Focus (psycho-educational groups and Treatment Packets): Relapse Prevention Planning is the primary focus of all competencies at this stage. Competencies aim to assist a youth through the components of relapse prevention planning including identification of high risk situations and behavior chains that could lead to relapse, external and internal barriers to relapse, personal goals, and support network. The youth are instructed to list as many predicted triggers and subsequent coping strategies as they can during this stage.
- Psychotherapy Focus (Treatment Book): The youth gains assistance with identification of "approach goals" (Good Lives Model) and personal assets. There is also an emphasis on conceptualizing their experience with change, as they are provided opportunity to take a step back and observe their life path, both past and present.



Questions?



ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS

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8-846. Services provided to the child and family

A. Except as provided in subsections B and C and D of this section, if the child has been removed from the home, the court shall order the department to make reasonable efforts to provide services to the child and the child's parent.

B. IF THE COURT DETERMINES SERVICES SUPPLEMENTAL TO THOSE PROVIDED THROUGH THE DEPARTMENT ARE AVAILABLE FROM ANOTHER SOURCE AT NO COST TO THE STATE, THE COURT MAY ORDER THE SERVICES UPON AGREEMENT OF THE PROVIDER.

C. THE COURT MAY EMPLOY INDIVIDUALS TO FACILITATE COLLABORATION BETWEEN PARTIES AND ENSURE THE DELIVERY OF COURT ORDERED SERVICES. SUCH EMPLOYEES SHALL HAVE ACCESS TO ALL DOCUMENTS AND INFORMATION REGARDING THE CHILD AND THE CHILD'S FAMILY WITHOUT OBTAINING PRIOR APPROVAL OF THE CHILD, THE CHILD'S FAMILY OR THE COURT. ALL RECORDS AND INFORMATION THE EMPLOYEE ACQUIRES, REVIEWS OR PRODUCES MAY ONLY BE DISCLOSED AS PROVIDED FOR IN SECTION 41-1959.

BD. The court shall consider the following factors and reunification services are not required to be provided if the court finds by clear and convincing evidence that:

1. One or more of the following aggravating circumstances exist:

(a) A party to the action provides a verified affidavit that states that a reasonably diligent search has failed to identify and locate the parent within three months after the filing of the dependency petition or the parent has expressed no interest in reunification with the child for at least three months after the filing of the dependency petition.

(b) The parent or guardian is suffering from a mental illness or mental deficiency of such magnitude that it renders the parent or guardian incapable of benefitting from the reunification services. This finding shall be based on competent evidence from a psychologist or physician that establishes that, even with the provision of reunification services, the parent or guardian is unlikely to be capable of adequately caring for the child within twelve months after the date of the child's removal from the home.

(c) The child previously has been removed and adjudicated dependent due to physical or sexual abuse. After the adjudication the child was returned to the custody of the parent or guardian and then subsequently removed within eighteen months due to additional physical or sexual abuse.

(d) A child is the victim of serious physical or emotional injury by the parent or guardian or by any person known by the parent or guardian, if the parent or guardian knew or reasonably should have known that the person was abusing the child.

(e) The parent's rights to another child have been terminated, the parent has not successfully addressed the issues that led to

the termination and the parent is unable to discharge parental responsibilities.

(f) After a finding that a child is dependent, all of the following are true:

(i) A child has been removed from the parent or guardian on at least two previous occasions.

(ii) Reunification services were offered or provided to the parent or guardian after the removal.

(iii) The parent or guardian is unable to discharge parental responsibilities.

2. The parent or guardian of a child has been convicted of murder or manslaughter of a child, or of sexual abuse of a child, sexual assault of a child, sexual conduct with a minor, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, or luring a minor for sexual exploitation.

3. The parent or guardian of a child has been convicted of aiding or abetting or attempting, conspiring or soliciting to commit any of the crimes listed in paragraph 2 of this subsection.

EE. The court shall consider any criminal prosecution relating to the offenses which led to the child's removal from the home and any orders of the criminal court. Information may be provided by law enforcement or the county attorney.

EF. If a dependency petition was filed pursuant to section 8-874, subsection J, the court may direct the division not to provide reunification services to the child's parents unless the court finds by clear and convincing evidence that these services would be in the child's best interests.

PRACTICAL GUIDANCE FOR THE JUVENILE DEPENDENCY PROCESS RELATED TO PARENTS DETAINED BY ICE

BACKGROUND INFORMATION: This guidance document was developed to improve access to parents detained at ICE–Eloy who have children involved in the state child welfare system, and may also serve as a model for similar communication involving other facilities. This guidance may be of benefit to consulates when working with immigrant parents whose children are in the custody of Arizona CPS.

PURPOSE OF GUIDANCE: Immigrant parents and their children involved in both child welfare and immigration proceedings are subject to timelines and requirements imposed by separate and sometimes disparate systems. This guidance document is provided to help practitioners better assist parents who are detained by Immigration and Customs Enforcement (ICE). It is intended to promote expedited and enhanced communication between parents detained by ICE– and their CPS team, juvenile court personnel, and their children in foster care. This guidance information is intended for:

- Employees of ICE;
- Employees of Arizona Department of Economic Security/Child Protective Services (CPS) when any of their duties impact a parent detained by ICE whose child or children have been taken into custody of the State of Arizona; and
- Attorneys and/or legal representatives assisting these families.

This guidance document reflects current ICE and CPS practice and is non-binding.

I. LOCATING A PARENT BELIEVED OR REPORTED TO BE DETAINED BY ICE

If ICE has custody of a parent she or he may be detained at the Eloy Detention Center in Eloy or one of four detention facilities in Florence. The location of a parent is not released publicly for security reasons. To locate a detained immigrant parent believed to be in the custody of ICE, CPS personnel and advocates need the following information:

- The correctly spelled first name and all last names used by the detained parent (e.g. use *Maria Lopez Garcia*, not simply *Maria Garcia*);
- Any aliases known to be used by the detained parent;
- The detained parent’s complete birth date and country of birth;
- If known, the detained parent’s Alien Registration Number (also called “A” number).

Personnel may try:

- Online Detainee Locator System (ODLS), <https://locator.ice.gov/odls/homePage.do>;
- ICE Detention-Eloy, 1705 E. Hanna Rd., Eloy, AZ 85231, tel. (520) 464-3000;
- Florence Service Processing Center, 3250 N. Pinal Parkway, Florence, AZ 85232, Tel. (520) 868-5862.

INTERNAL WORKING DOCUMENT – NOT FOR DISTRIBUTION OUTSIDE OF ICE, CPS OR COURT PERSONNEL

Currently, if the above options for locating a detained parent are unsuccessful, contact Supervisory Detention and Deportation Officer Klaas Hubert, (520) 464-3097, Klaas.M.Hubert@ice.dhs.gov, with the identifying information noted above. Officer Hubert is based in the Eloy Detention Center. Until guidance is in place for all Arizona ICE detention facilities, the Eloy facility personnel may be able to assist individuals in locating ICE detainees housed in the Florence detention facilities.

If the parent in question may have recently crossed the US border, he or she may be in the custody of US Border Patrol or ICE in a short term holding facility. ICE personnel state that a person may sometimes be detained by US Border Patrol (up to the Gila River, more or less) or by ICE (Gila River and north) for days before actually arriving at one of the designated detention facilities in Eloy or Florence where they will be housed for a longer period. Therefore, they suggest that CPS personnel make a call at the early CPS investigative stage and, if unable to locate the parent, two weeks later to the detention facility to see if the person has arrived.

A parent being held in ICE detention in Arizona may be housed in any one of the following five facilities:

Eloy, Arizona

Corrections Corporation of America (CCA) Eloy Detention Center

Phone: (520) 466-4141

Visiting Information: www.ice.gov/detention-facilities/index.htm

Florence, Arizona

The Florence Detention Center/Florence SPC

Phone: (520) 868-8377

Visiting Information: www.ice.gov/detention-facilities/index.htm

Pinal County Adult Detention Center/Pinal County Jail

Phone: (520) 866-5000

Visiting Information: www.ice.gov/detention-facilities/index.htm

CCA Florence Correctional Center

Phone: (520) 867-9095

Visiting Information: www.ice.gov/detention-facilities/index.htm

CCA Central Arizona Detention Center

Phone: (520) 868-3668

Visiting Information: www.correctionscorp.com/facility/central-arizona-detention-center/

The Mexican Consulate, (877) 632-6678, is also a useful option for locating a detained parent who is a Mexican national. Other consulates may provide similar assistance.

Conditions such as overcrowding may cause detained immigrant parents to be transferred to other facilities within Arizona, or outside of Arizona in limited cases. It is ICE practice to inform detainees of a pending transfer and to contact their immigration attorney of record. It is then the responsibility of the detained parent to initiate contact with family members and CPS.

II. PLANNING FOR INCLUSION OF DETAINED PARENT IN DEPENDENCY PROCEEDINGS

Because critical decisions are made early in the case, it is very important for CPS to be able to locate the parent as soon as possible. Child Protective Services regulations require that decisions regarding the temporary placement of a child who has been taken into temporary custody occur within a maximum of the first 72 hours of the time of initial investigation, and typically within the first 48 hours.

If a relative or other party knows the whereabouts of a parent detained by law enforcement or ICE, he/she may call the CPS investigation worker or the CPS hotline, (888) 767-2445, without placing themselves in jeopardy. If a parent is known to be in ICE custody but has not been located within two weeks of the arrest, CPS may call the contact numbers provided in Section I of this document to determine the location of the detained parent. If CPS is unable to locate the parent using the online detainee locator system (<https://locator.ice.gov/odls/homePage.do>), they can contact ICE–Eloy or ICE–Florence directly.

A detained immigrant parent or other party may also place a toll-free call to the CPS Hotline (888) 767-2445 to notify CPS of their detained status or regarding information about a minor child involved with CPS. If there is an open CPS report, the CPS Hotline will take the communication and send any relevant information to the assigned CPS Specialist, if applicable.

If the detained parent is successfully located, affirmative steps should be taken to engage the parent, either by telephone or in person, in initial child placement discussions (e.g. Team Decision Making, Preliminary Protective Hearing, etc). The parent has the right to fully participate in discussions regarding the child's placement.

Detainee Telephonic Appearance in a Juvenile Court Dependency Proceeding¹

¹ Placing immediate phone calls: A free three minute outgoing phone call is permitted each time an individual is transferred to another detention point. Phones inside the facility are subcontracted, and several are found in each pod. Phone cards are available for purchase within the facility at the commissary. Most detainees know how to access the phones and phone cards but may lack cash to pay for the phone cards.

INTERNAL WORKING DOCUMENT – NOT FOR DISTRIBUTION OUTSIDE OF ICE, CPS OR COURT PERSONNEL

The Assistant Attorney General representing CPS will notify the Court that a parent needs to appear telephonically for the initial Preliminary Protective Hearing (PPH). Similarly, for Juvenile Court Dependency Proceedings other than the PPH, the Court's Judicial Assistant or Bailiff will arrange for the phone line, and the CPS Specialist will share the telephonic information with ICE in accordance with the procedures outlined below.

Once the Court requests the telephonic appearance, the assigned CPS specialist will work with ICE to arrange for the telephonic appearance of the detained immigrant parent using the following procedures:

- CPS to fax or scan/email an official document or a court order, on letterhead, to the detained parent's Deportation Officer (DO) or, if unknown, to Supervisory Detention and Deportation Officer Klaas Hubert, fax (520) 466-2028, *Klaas.M.Hubert@ice.dhs.gov*;
- When the document/order is approved by the Deportation Officer (DO), facility personnel will assist the detained immigrant parent by allowing access to a telephone in a private area at the time of a scheduled meeting or hearing;
- A minimum of 48 hours advanced notice should be given to allow proper notification to ICE–Eloy and for arrangements to be made.

Note: ICE does not provide interpreters for detainees in non-immigration related matters. If an interpreter is required for the detained parent to participate in:²

- CPS meeting – CPS can provide if given a twenty four hour notice;
- Court Proceeding – Court will provide interpretation services as required.

III. ARRANGING VISIT OF A MINOR WITH A PARENT IN DETENTION

CPS, under approved circumstances, and sometimes with the permission of the Juvenile Court, can arrange for minors in CPS out of home care with a family member or with a non-relative foster parent, to visit a parent detained in an ICE detention facility. ICE will allow "approved adults" (e.g. CPS case manager, parent aide, foster parent, custodial grandparent or relative) to accompany a child on a visit. Visitors under the age of 18 MUST be accompanied by an approved adult.

The detained parent can initiate a visitation request by submitting the minor's name, the accompanying adult's name, and DOB and Social Security number for each. ICE will permit a minor child to visit even without the minor possessing a Social Security number as long as they are accompanied by a approved adult. A visitation form may also be submitted by CPS on behalf of the minor child.

² If an individual requires interpretation services in an indigenous Mexican language, the Mexican Consulate may be contacted.

Once a visitor's name and background are vetted and approved, they are added to a list of approved visitors maintained by the ICE contractor.

Normal visitation hours are between 8:00 am and 4:00 pm on Saturday, Sunday, and holidays. Outside of normal visiting hours, arrangements can be made with ICE to facilitate a special visit. CPS or the "approved adult" must accompany minors during special visits. Special visits must be requested by CPS in writing, and arrangements should be made through the assigned Deportation Officer. These visits will only be accommodated during hours that the visitation areas are normally staffed.

A minimum of 48 hours advanced notice should be given to allow proper notification to ICE–Eloy and for arrangements to be made. Special visits should be the exception, not the rule. Use of designated visitation hours should be the first option.

IV. ARRANGING PHONE CALLS BETWEEN PARENT AND A MINOR

Similar to visitation arrangements, as outlined in Section III above, phone call visitation between children in CPS out of home care and their parents are pre-scheduled and arranged by either the Court or the CPS Specialist, in accordance with the child's best interests.

Once the arrangements have been made for the phone call visit, the assigned CPS specialist will work with ICE to arrange for the telephonic appearance of the detained immigrant parent using the following procedures:

- CPS to fax or scan/email an official document or a court order, on letterhead, to the detained parent's Deportation Officer (DO) or, if unknown, to Supervisory Detention and Deportation Officer Klaas Hubert, fax (520) 466-2028, Klaas.M.Hubert@ice.dhs.gov;
- When the document/order is approved by the Deportation Officer (DO), facility personnel will assist the detained immigrant parent by allowing access to a telephone in a private area at the time of a scheduled meeting or hearing;
- A minimum of 48 hours advanced notice should be given to allow proper notification to ICE–Eloy and for arrangements to be made.

Detainees are permitted to use facility telephones from 6:00 am to 10 pm daily. If a detained parent is having difficulty with the connection or any other complications, the parent can ask for assistance from the CCA officers within the pod, the compliance officers, or their Deportation Officers. The parent can make calls to anyone they wish using the phone cards issued to them by CCA.

If the parent chooses not to make or receive a phone call, detention personnel cannot compel the parent to comply with a request or an order for an outside phone call.

Attorneys for the detained parent should be aware of the nature of the process whereby their clients make and receive phone calls within the detention facility. Please note that, since telephone calls require the purchase of a phone card, many parents do not have sufficient funds to make phone calls from detention.

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V. MAIL TO DETAINED PARENTS

Mail being sent from a detained parent's child must go through the normal facility mail service. This type of mail will be handled the same as any other mail being received from a detained immigrant parent's family or friends. It will be inspected for contraband before being delivered to the detained parent.

Mail to a detained parent, from either their CPS case worker or the Juvenile Court system should be marked as "legal mail". Legal mail will also be opened and inspected, but it will be done in the presence of the detained immigrant parent, and then given to them. This type of mail MUST be in official agency envelopes AND clearly marked "legal mail" to be treated as such.

Due to the nature of the facility, delivery confirmation is not practical or possible. Delivery confirmation can be requested through the U.S. Postal Service, for a fee, but be aware that the USPS delivery confirmation will only confirm delivery to the facility mail room, not actual physical delivery of the mail to the detained immigrant parent.

VI. HOW FAMILY MEMBERS CAN HELP

Family members or other individuals involved with an ICE detainee who has a minor child involved with CPS can share information regarding the whereabouts of the detainee, by contacting the CPS Hotline, (888) 767-2445, with this information. The Alien Registration number ("A" number) and/or the full name of the detainee as well as information regarding the child is crucial information and will greatly assist CPS in engaging the parent in the dependency process as early as possible. The Hotline operator may not be able to immediately assist the caller; however, if there is an open CPS report, the Hotline operator can contact the minor's CPS case manager and relay the crucial information.

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 1: General Administration

Section 6-106: Personnel Practices

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

“Administrative director” means both the administrative director of the Administrative Office of the Courts (AOC) or the director’s designee.

“Court” means superior court.

“Department” means both adult and juvenile probation agencies.

“Evaluator” means a licensed or certified psychologist.

“Human Performance Evaluation” means an assessment of an officer applicant’s ability to perform the essential physical functions of the job.

“Officer” means both adult and juvenile probation and surveillance officers.

“Presiding judge” means the presiding judge of the superior court or presiding juvenile judge or designee.

"Safety sensitive duties" means duties that involve assigned responsibilities for direct community or custodial supervision of probationers, defendants or juveniles pending adjudication or that involve authorization to carry and to use a firearm in the performance of other assigned responsibilities.

“Safety sensitive positions” means officers, community service coordinators and other employees as designated by the chief probation officer or director of juvenile court services who provide direct supervision or services to adult or juvenile offenders who are subject to the jurisdiction of the court.

B. Applicability. Article VI, Section 3 of the Arizona Constitution and A.R.S. §§ 12-252(A) and 8-203(E) authorize the supreme court to establish personnel practices for adult and juvenile probation personnel, and A.R.S. §§ 12-251(C) and 8-203(C) authorize the supreme court to prescribe minimum qualifications for adult and juvenile probation department personnel with peace officer status.

C. Purpose. To prescribe and establish minimum personnel requirements for adult and juvenile probation departments. This code shall not limit the discretion of the chief probation officer or the director of juvenile court services to adopt local personnel practices not in conflict with this code section.

D. General Administration.

1. A.R.S. § 12-251(A) provides, “The presiding judge of the superior court in each county shall appoint a chief adult probation officer who shall serve at the pleasure of the presiding judge. Such chief adult probation officer, with the approval of the presiding judge of the superior court, shall appoint such deputy adult probation officers and support staff as are necessary to provide presentence investigations and supervision services to the court.”
2. A.R.S. § 8-203(A) provides, “The presiding judge of the juvenile court shall appoint a director of juvenile court services who shall serve at the pleasure of the presiding juvenile judge.”
3. A.R.S. § 8-203(B) provides, “The director of juvenile court services shall recommend the appointment of deputy probation officers, detention personnel, other personnel and office assistants as the director deems necessary.”

E. Personnel System. Pursuant to A.R.S. §§ 12-252(A) and 8-203(E) each chief adult probation officer and director of juvenile court services shall ensure that:

1. The probation department is included in or maintains a personnel system covering all probation department employees that meet the requirements of this code and is consistent with local judicial or county personnel systems.
2. The personnel system includes provisions regarding:
 - a. Hiring, promoting, disciplining and terminating probation department employees.
 - b. Position titles, minimum qualifications and job responsibilities for each position.
 - c. Completion of annual performance reviews.
3. The probation department adopts and integrates the model policy for drug testing into local policies, as set forth in Appendix A of this code section.
4. The probation department’s personnel system adheres to all applicable federal and state statutes, the Federal Drug-Free Workplace Act of 1988, local ordinances, the Arizona Code of Judicial Administration (ACJA) and all administrative orders regarding employment and labor practices.

F. Minimum Qualifications for Officer Applicants. Pursuant to A.R.S. §§ 12-251(C) and 8-203(C): “Probation department personnel shall qualify under minimum standards of experience and education established by the Supreme Court.” Departments shall follow job description standards for officer vacancies as approved by AOC. Employees hired before October 27, 2003 may be exempted from the minimum qualifications stated below. All employees seeking promotional opportunities after October 27, 2003 shall meet these minimum requirements.

1. All chief adult probation officers and directors of juvenile court services shall be a United States citizen or have legal resident status and possess the following:
 - a. At minimum, a master’s degree in business, management, the social sciences or a related field from an accredited college or university; and
 - b. Ten years experience in the fields of corrections or probation, or working with offenders or delinquents in some equivalent capacity with at least five years of progressively increasing responsibility in an administrative and supervisory capacity.
2. A presiding judge in a county with a population of fewer than 300,000, and having good cause, may request a waiver of the requirement for a chief adult probation officer and director of juvenile court services from the administrative director.
3. All adult and juvenile probation officers shall be a United States citizen or have legal resident status and possess the following:
 - a. At minimum, a bachelor’s degree with a preference in the behavioral sciences or a related field from an accredited college or university; and
 - b. Minimum age of 21 years.
4. All adult and juvenile surveillance officers shall be a United States citizen or have legal resident status and possess the following:
 - a. At minimum, a high school diploma or a GED; and
 - b. Minimum age of 21 years.

G. Medical Qualifications for Officer Applicants.

1. Departments shall have each officer applicant certify, on a form approved by the AOC, that they are able to perform the required training and job duties of an officer with or without reasonable accommodations.
2. Departments may require applicants to provide additional medical information and submit to a physical examination.

H. Human Performance Evaluation. Departments shall have officer applicants complete an Human Performance Evaluation (“HPE”) administered by a qualified provider that is approved by AOC. The HPE will assess the minimum physical standards required in the performance of officer duties. Applicants who do not meet the HPE standards set by AOC are disqualified for employment as an officer. The HPE is attached and incorporated as Appendix A, “Human Performance Evaluation Adult and Juvenile Probation/Surveillance Officer.”

HI. Application and Background Investigation Requirements.

1. Departments shall mandate that each applicant for employment completes an application that, at minimum, discloses the following information:
 - a. Identifying information;
 - b. Employment history;
 - c. Education history;
 - d. Personal references;
 - e. ~~Employment references~~ Professional references;
 - f. ~~Any Criminal history;~~ and Employment references;
 - g. ~~Any illegal drug usage, including, but not limited to:~~ Any criminal history; and
 - (1) ~~Cannabis/marijuana; and~~
 - (2) ~~Dangerous drugs or narcotics as defined in Title 13 of the Arizona Revised Statutes.~~
 - h. Any illegal drug usage, including, but not limited to:
 - (1) Cannabis/marijuana; and
 - (2) Dangerous drugs or narcotics as defined in Title 13 of the Arizona Revised Statutes.
2. Departments shall complete an employment qualification review and a character and fitness investigation before each new employee begins service.
 - a. All results of pre-employment screening results shall be kept confidential.
 - b. The character and fitness check of volunteers and interns shall be limited to the requirements of (H)(4)(a-c).

3. The employment qualification review for all applicants shall include, but is not limited to, the following:
 - a. Verification of educational requirements for the applied position;
 - b. Verification of current and past employment, which includes documented, good faith efforts to contact employers to obtain information or recommendations which may be relevant to the individual's qualification for employment; and
 - c. Checking professional, employer, and personal references provided.
4. The character and fitness investigation for all applicants shall include, but is not limited to:
 - a. Fingerprinting and a criminal history records check through the Arizona Criminal Justice Information System (ACJIS) and the national criminal information database.
 - b. A driving records check through the Motor Vehicle Division (MVD) of the Arizona Department of Transportation.
 - c. A driving records check through the MVD of any other previous state of residence.
5. In addition to (H)(4)(a-c), the character and fitness investigation for safety sensitive positions and officers who perform safety sensitive duties shall include, a psychological evaluation which meets standards provided in subsection K of this code.
6. In addition to (H)(4)(a-c) and (H)(5), the character and fitness investigation for safety sensitive positions and officers who perform safety sensitive duties shall include, at minimum, one of the following:
 - a. A polygraph examination to verify the responses to the issues addressed in section (H) and to inquire about matters that would reasonably be the basis for not hiring an applicant as a probation officer including, but not limited to, sexual misconduct, use of excessive force and abuse of authority. A polygraph examination may also be used to question particular applicants where the truthfulness or accuracy of information provided in the application or obtained during the background investigation is at issue.
 - b. Drug testing for illegal substances pursuant to the model policy contained in Appendix A or local policy into which the provisions have been incorporated.

7. The character and fitness investigation for safety sensitive positions and officers who perform safety sensitive duties may include, but is not limited to:
 - a. Interviews with neighbors and former co-workers.
 - b. A credit check for any current financial distress or pattern of financial mismanagement.
8. Departments shall not hire any applicant who fails to submit and successfully complete all pre-employment screening requirements.

IJ. Disqualifiers for Officer and Safety Sensitive Position Applicants.

1. Departments shall disqualify an applicant for appointment if:
 - a. The applicant is awaiting trial for, or has been convicted of a felony offense in this state or a similar offense in another state or jurisdiction whether or not the conviction was sealed or expunged.
 - b. An applicant for a juvenile officer position is awaiting trial or has been convicted of or admitted committing any offense listed A.R.S. § 8-203.01 or a similar offense in another state or jurisdiction whether or not the conviction has been sealed or expunged.
 - c. The applicant is awaiting trial for, or has been convicted of the following misdemeanor criminal offenses in this state or similar offenses in another state or jurisdiction:
 - (1) A violent misdemeanor offense, including an offense that involves domestic violence;
 - (2) A DUI within the last 36 months, or more than one DUI; or
 - (3) More than one offense while legally intoxicated within 36 months.
 - d. The applicant sold, produced, manufactured, cultivated, or transported any illegal substance or drug.
 - e. The applicant used any illegal substance including cannabis/marijuana while employed as a probation officer or in a position with peace officer status.
 - f. The applicant has been disciplined for more than one incident for use of alcohol during previous employment.
 - g. The applicant has been dishonorably discharged from the United States Armed Services.

2. Departments may disqualify an applicant for appointment if the applicant has been adjudicated delinquent for a felony offense in this state or a similar offense in another state or jurisdiction, whether or not the adjudication has been sealed or expunged based upon the circumstance of the offense including, but not limited to (I)(3)(a) through (d).
3. Departments shall consider a disqualified applicant's request for an exception to disqualification under subsection (I)(1)(a) through (h) and (I)(2) for any matter disclosed in the application, based upon the circumstances of the offense, including, but not limited to:
 - a. Age of the applicant at the time of conviction, adjudication or occurrence;
 - b. The degree of violence and injury or property damage;
 - c. The applicant's record since the conviction, adjudication or occurrence; and
 - d. The applicant's qualifications for the particular position sought.
4. Departments shall not make exceptions for juvenile officers for offenses listed in A.R.S. § 8-203.01.

JK. Continuing Employment Requirements.

1. Each department shall, at a minimum:
 - a. Provide all probation department employees with access to and training regarding the Code of Conduct for Judicial Employees, the Code of Ethics for Arizona Probation Personnel and the Arizona Code of Judicial Administration.
 - b. Have all probation department employees certify that they have received training and shall adhere to the Code of Conduct for Judicial Employees, Code of Ethics for Arizona Probation Personnel and Arizona Code of Judicial Administration provisions concerning probation.
 - c. Adopt and integrate policies and procedures for random sampling and reasonable suspicion drug screening for illegal substances which conform with Appendix A, "Model Policy for Drug Testing."
 - d. Have a written policy and procedure requiring all employees to immediately disclose to the employee's supervisor if the employee is the subject of any of the following:
 - (1) Citation for a misdemeanor or felony offense;
 - (2) Arrest;
 - (3) Conviction;
 - (4) Order of protection; and

- (5) Warrant.
 - e. Have a written policy and procedure addressing department action in response to a disclosure or discovery that the employee is the subject of any action identified in (J)(1)(d).
 - f. Conduct criminal history and MVD records checks of all probation employees every two years, at minimum.
 - g. Remove any probation department employee from the chain of supervision of relatives or members of the officer's household who are on probation.
2. Each probation department may, for good cause, require an employee to undergo an evaluation to determine the employee's emotional, psychological or physical ability to safely perform the employee's assigned duties.
- a. The department shall choose a licensed or certified professional to complete the evaluation.
 - b. The department shall pay for the cost of the evaluation.
 - c. Based on the evaluation, the chief probation officer or director of juvenile court services shall review the assignment of an employee to determine whether the employee can perform the assigned job duties consistent with the safety of the employee, other employees and the public.
 - d. The chief probation officer or director of juvenile court services may reassign the employee or take other appropriate action when it is determined that an employee can no longer perform the assigned job duties consistent with the safety of the employee, other employees or the public.
3. All probation department employees shall:
- a. Disclose to the appropriate supervisor, in writing, any of the following:
 - (1) The employee is a party or subpoenaed witness in any pending litigation that is not related to the business of probation.
 - (2) A relative, member of the household or close friend of the employee becomes a probationer under the supervision of the department.
 - (3) Any appearance of impropriety of the relationship with a probationer occurs in the course of supervision.
 - (4) The employee is the subject of any of the following:
 - (a) Citation for a misdemeanor or felony offense;
 - (b) Arrest;
 - (c) Conviction;
 - (d) Order of protection; and
 - (e) Warrant.

- b. Conduct relationships with relatives or members of their household on probation in a manner that does not interfere with professional duties or reflect negatively on the court.
- c. Avoid any intimate or personal business relationship with, a probationer, the probationer's family and friends, or members of the probationer's household for a period of one year following discharge or termination from custody or supervision unless the relationship is approved in writing by the chief probation officer or the director of juvenile court services.
- d. Conduct any approved relationship in a manner that does not interfere with professional duties of the employee.
- e. Be prohibited from engaging in any sexual conduct with a current probationer, including:
 - (1) Engaging in sexual contact of any type.
 - (2) Cohabitation or marriage, unless the cohabitation or marriage existed prior to employment with the department.
- f. Adhere to:
 - (1) Federal, state and local laws and ordinances.
 - (2) The Code of Conduct for Judicial Employees;
 - (3) The Code of Ethics for Arizona Probation Personnel; and
 - (4) The Arizona Code of Judicial Administration (ACJA).
- G. Comply with all training requirements specified by:
 - (1) Administrative orders;
 - (2) The ACJA;
 - (3) The AOC;
 - (4) The Committee on Judicial Education and Training; and
 - (5) Local departments.

KL. Psychological evaluation standards.

1. Departments shall conduct a psychological evaluation, prior to employment, for any officer applicant for a safety sensitive position or an officer applicant who performs safety sensitive duties to determine suitability to perform the duties of the position, which may include carrying a firearm.
2. Departments shall conduct a psychological evaluation for all current officers requesting firearms authorization or prior to reassignment to a position designated by the chief probation officer or director of juvenile court services as requiring an armed officer.

3. Departments may conduct a psychological evaluation for good cause to determine the psychological fitness of any current employee.
4. Departments shall only employ or contract with an evaluator that, at minimum, is trained and experienced in:
 - a. Psychological test interpretation; and
 - b. Law enforcement psychological assessment techniques.
5. Departments shall use a battery of objective, job-related and validated psychological testing instruments and a semi-structured clinical interview in the analysis of a candidate for a safety sensitive position or a candidate for assignment to safety sensitive duties.
 - a. The department may proctor the psychological test at the local department pursuant to the directions of the evaluator scoring the test. The psychological testing shall include, at a minimum, testing across the following areas:
 - (1) A measure of psychopathology, for example, the MMPI-2, PAI or Millon-3.
 - (2) A measure of normal personality functioning, for example, the 16PF, LEADER or Inwald Personality Inventory.
 - b. The department shall provide the evaluator with the following prior to the semi-structured clinical interview:
 - (1) Information for pre-employment evaluation.
 - (a) The employment application;
 - (b) A questionnaire provided by the evaluator and completed by the applicant; and
 - (c) Any background information gathered through the employment application process that may be useful in the evaluation of the applicant.
 - (2) Information for firearm authorization or fitness for duty evaluation. The chief probation officer, director of juvenile court services, or designee shall complete a questionnaire provided by the evaluator that includes:
 - (a) Information regarding any disciplinary actions or behavior problems;
 - (b) Job performance evaluation; and
 - (c) Current issues that may affect job performance or safety.
6. The evaluator shall provide, in writing, the results of the evaluation directly to the chief probation officer, director of juvenile court services, or the designee.
 - a. The report shall evaluate the suitability of:
 - (1) The applicant for the position;
 - (2) An existing employee's request for authorization to carry a firearm; or
 - (3) An existing employee's fitness for duty.

- b. The evaluator's report to the agency shall contain:
 - (3) A recommendation for employment, firearm authorization or fitness for duty;
 - (4) Justification for the recommendation; and
 - (5) Any clinical observations that the psychologist might have regarding the validity or reliability of the results.
- c. The chief probation officer, director of juvenile court services or the designee shall keep the results of the evaluation as part of the applicant or employee's confidential records.

LM. Drug Testing. The AOC, in conjunction with the Committee on Probation (COP) shall determine methodologies for drug testing. The department shall adopt and integrate policies and procedures for pre-employment, random sampling and reasonable suspicion drug screening for illegal substances which conforms to the model policy established by the AOC. This model policy is attached and incorporated as Appendix **AB**, "Model Policy for Drug Testing."

1. Departments shall conduct authorized drug tests under the following conditions:
 - a. Pre-employment drug testing shall be conducted in conjunction with, or in lieu of a pre-employment polygraph examination.
 - b. Reasonable Suspicion Testing.
 - (1) Departments may have any employee submit to a drug or alcohol test based upon reasonable suspicion of prohibited or illegal use of drugs or alcohol.
 - (2) Departments may determine that reasonable suspicion exists that an employee used alcohol or illegal drugs based upon, but not limited to, the following:
 - (a) Direct observation of drug or alcohol use or the physical symptoms of being under the influence of drugs or alcohol.
 - (b) A pattern of abnormal conduct or erratic behavior.
 - (c) Arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation of illegal drug possession, use or trafficking.
 - (d) Information provided by reliable or credible sources or by admission of the employee.
 - (e) Evidence that the employee tampered with a previous drug test.
 - (3) Departments shall have any employee driving a state, county, or personal vehicle within the scope of their employment test for alcohol and drugs after a traffic accident involving any of the following incidents:
 - (a) Loss of life or
 - (b) Reason to believe that alcohol or drug usage may have contributed to the accident.
 - (4) The documenting supervisor shall:
 - (a) Provide, in writing, a description of the circumstances which form the basis of

- reasonable suspicion;
 - (b) Forward the written documentation to the chief adult probation officer, director of juvenile court services, or a designee to authorize testing.
 - (5) Departments shall retain the test results in the employee's personnel file and keep the results confidential.
- c. Officer Shooting or Discharging a Firearm While On Duty. Any officer who discharges a weapon in the line of duty shall submit to a drug and alcohol test within 24 hours.
- d. Random Testing.
- (1) Departments shall include all employees who perform safety sensitive duties in random drug testing.
 - (2) All employees who perform safety sensitive duties shall be included in the statewide pool for random drug testing of a percentage of employees at a frequency determined by the administrative director in consultation with COP. The administrative director shall select persons for testing in a manner validated for randomness.
 - (3) A chief probation officer or director of juvenile court services may submit a request to the AOC for special authorization to include an additional group or class of employees in the statewide pool for random drug testing.
 - (a) Authorization may only be granted if there is:
 - (i) Evidence of current or recent illegal drug use among a group or class of employees;
 - (ii) Evidence of current or recent illegal drug use within a facility staffed by a group or class of employees; or
 - (iii) Evidence of past illegal drug use among a group or class of employees and random drug testing is included in a loss prevention plan approved by the AOC.
 - (b) The request for approval shall include, at a minimum:
 - (i) The nature and extent of the past or current illegal drug use;
 - (ii) Any and all corrective actions taken to date and the results;
 - (iii) Documentation of the underlying legal basis for testing the group or class of employees;
 - (iv) The recommended testing period.
 - (c) The administrative director, in consultation with the requesting chief probation officer or director of juvenile court services, and upon review by legal counsel, shall approve or decline the request.
 - (d) If approved, the AOC shall notify all chief probation officers and directors of juvenile court services of the authorization.
 - (e) The chief probation officer or director of juvenile court services shall notify the AOC if comparable circumstances exist in their department that warrant random drug testing of similarly situated employees.

- e. Departments may require probation student interns or volunteers to submit and pass a drug and alcohol test before assignment of duties or for reasonable suspicion as prescribed in (L)(1)(b).
2. An AOC approved vendor shall conduct employee drug tests for the illegal use of the following drugs, or classes of drugs:
 - a. Cannabis;
 - b. Cocaine;
 - c. Opiates;
 - d. Amphetamines/Methamphetamine;
 - e. Phencyclidine (PCP);
 - f. Alcohol (only for pre-employment and reasonable suspicion testing).
3. Departments shall develop and implement protocols, approved by the AOC, that allow for medical review of positive drug test results when an employee requests an appeal of the results.

MN. Conditional Employment Offers. The offer of employment shall be conditioned upon verification of criminal history results through fingerprint analysis and successful completion of all applicable training requirements.

Section 6-106: Personnel Practices
APPENDIX A

		<u>Arizona Supreme Court</u> <u>Human Performance Evaluation</u> <u>Adult and Juvenile</u> <u>Probation/Surveillance Officer</u>		
		<u>Client Name:</u>		
		<u>SSN:</u>		
		<u>Date of Test:</u>		
	<u>Walk on treadmill 2.0-2.5 mph</u> (Simulates mobility required to meet with probationers/apprehend probationers and potentially escape from probationer) (Stand up to 4 hours a day)	<u>10 min.</u>	<u>Pass</u>	<u>Fail</u>
<u>Lift #1</u>	<u>Lift 55# from 30" to 10"</u> (Simulates changing a flat tire when in a desolate area or when 2 way communication are not operable) (Use box)	<u>1x</u>	<u>Pass</u>	<u>Fail</u>
<u>Lift #2</u>	<u>Lift 60# 30"-48"</u> (Simulates lifting/moving furniture, beds, etc when searching a facility) (Use box)	<u>1x</u>	<u>Pass</u>	<u>Fail</u>
<u>Push/Pull</u>	<u>Pull 165# 10 ft.</u> (Simulates force required to drag/pull officer or civilian to safety) (Use sled)	<u>1x</u>	<u>Pass</u>	<u>Fail</u>
<u>Climb</u>	<u>Ascend/descend standard step</u> (Simulates going up/down stairs required for field work) (Use step stool or standard step)	<u>30x</u>	<u>Pass</u>	<u>Fail</u>
	<u>Deep knee squat</u> (Simulates the ROM/strength required for self defense training such as all prone self defense techniques, all kicks, reverse wristlock and takedown.)	<u>10x in 1 min.</u>	<u>Pass</u>	<u>Fail</u>
	<u>Shoulder press above head with arms fully extended</u> (Simulates movement and minimum strength required for straight arm wrist lock, the shield personal weapon strikes, prone retreat, opening the	<u>5x in 1 min</u>	<u>Pass</u>	<u>Fail</u>

	<u>baton to the sky, and searching and moving material stored overhead in facilities)</u> (Use 2 10# dumbbells)			
	<u>Mountain Climbers-prone in push up position with buttock high. Bring one knee toward chest, then alternate back and forth.</u> (Simulates body range of motion required for lower body personal weapon strikes, i.e. the front snap kick, spring kick, shin kick and prone self defense techniques i.e. bicycle kick, prone retreat, prone recovery)	<u>10x in 30 sec</u>	<u>Pass</u>	<u>Fail</u>
	<u>Sit ups- Knees bent</u> (Simulates the motion and core strength required for weapon retention, all prone self defense techniques and tactical closing of a baton)	<u>10x in 1 min.</u>	<u>Pass</u>	<u>Fail</u>
	<u>Feet Spread</u> <ul style="list-style-type: none"> • <u>Candidate will place feet approximately 1.25 shoulder width.</u> • <u>Candidate will place @ foot approx. 2 ft. behind the other @ 1.25 shoulder width, then do the same with (L) ft.</u> (Simulates the ability to do the self defense stance, step and drag, directional movement forward, re-directional movement and allow for balance that is a significant requirement for the curriculums basic principles of body mechanics.)	<u>1x for each</u>	<u>Pass</u>	<u>Fail</u>
	<u>Balance on 1 foot</u> (Simulates balance required for personal weapons (kicks))	<u>10 sec 1x each leg</u>	<u>Pass</u>	<u>Fail</u>
	<u>Trunk Twist</u> (Stand with feet abducted to shoulder width, shoulders at 90 degrees abduction and elbows in complete extension. Rotate the trunk right then left so arms have rotated 90 degrees to each side: (Simulates the trunk flexibility required to open a baton, perform side thrust rollover, elbow strikes to the rear weapon retention and trunk mobility necessary for curriculums basic principles of body mechanics.)	<u>90° to each side 1x</u>	<u>Pass</u>	<u>Fail</u>
	<u>Rope Wind- use 5 lb. weight on 4 ft. rope attached to 1 ft. long 1 ¼ inch wood dowel stick. Hold stick forward and wind the 5lb. weight up/down in a controlled manner.</u> (Simulates ability to grip and manipulate safety equipment necessary for impact weapons, OC spray weapons retention, handcuffing, control holds, escape holds and forearms.)	<u>1x</u>	<u>Pass</u>	<u>Fail</u>
<u>*** The candidate should be allowed up to 5 minutes to complete each section of the test.</u>				

Test Administrator:

Comments:

(To be completed by the candidate after the completion of the evaluation)

Do you feel that you can safely perform these types of activities on a daily basis as part of your regular duty position? Yes No

Candidates Signature: _____ Date: _____

Evaluator's Comments:

	<u>HPE Test Results</u>
	<u>Client Name:</u>
	<u>SSN:</u>
	<u>Date of Test:</u>

Company Name: Arizona Supreme Court

Job Title: Adult and Juvenile Probation/Surveillance Officer

Evaluation Results (check one):

_____ **Able to perform essential job functions**

_____ **Unable to perform essential job functions**

Evaluator's name/title: _____

Evaluator's signature: _____

Testing Location: _____

Testing Location Phone: _____

Section 6-106: Personnel Practices
APPENDIX AB

MODEL POLICY FOR DRUG TESTING

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

“Alcohol” means the intoxicating agent in a beverage, ethyl, or other low molecular weight drink, including methyl and isopropyl, and includes any medication, food, or other products containing intoxicants.

“Alcohol use” means the consumption of any beverage, mixture or preparation, including any medication containing intoxicants.

“Employee Assistance Program” (EAP) means an agency-based counseling program that offers assessment, short-term counseling and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

“Illegal drugs” means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title and as defined in A.R.S. § 13-3401. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

“On duty” means the time period during which the employee is involved in performing the employee’s respective probation duties or functioning at the direction of the department.

“Off duty” means the time period during which the employee is not involved in performing the employee’s respective probation duties or functioning at the direction of the department.

“Reasonable suspicion” is a belief based on specific objective facts and logical inferences drawn from those facts.

"Safety sensitive duties" means duties that involve assigned responsibilities for direct community or custodial supervision of probationers, defendants or juveniles pending adjudication or that involve authorization to carry and to use a firearm in the performance of other assigned responsibilities.

“Safety sensitive positions” means officers, community service coordinators and other employees as designated by the chief probation officer or director of juvenile court services who provide direct supervision or services to adult or juvenile offenders who are subject to the jurisdiction of the court.

II. Authority. Arizona Code of Judicial Administration Section 6-106: Personnel Practices, Federal Drug-Free Workplace Act of 1988, and A.R.S. § 13-3401, et seq.

III. Purpose. To establish and maintain a drug-free and alcohol-free workplace in adult and juvenile probation departments.

- A. The unlawful manufacture, distribution, dispensation, possession, or use of an illegal drug by any court employee at any time is absolutely prohibited.
- B. Reporting to work or while on duty and having any detectable or measurable presence of alcohol or illegal drug is absolutely prohibited.
- C. Violations of this policy shall result in appropriate disciplinary action, up to and including termination, and may also result in legal consequences.

IV. Procedure. All employees shall be notified of:

- A. The department's intent to maintain a drug and alcohol-free workforce;
- B. The availability of substance abuse treatment and employee assistance programs;
- C. The penalties that may result from substance abuse violations;
- D. The requirement to abide by the terms of this policy as a condition of employment; and
- E. Random testing, detailed in subsection V(E), that shall apply to safety sensitive positions or any other employee who requests to be included in random testing.

V. Authorized Testing Conditions.

- A. Pre-employment drug testing shall be conducted in conjunction with, or in lieu of a pre-employment polygraph examination.
- B. Reasonable Suspicion Testing.
 - 1. All employees shall submit to a drug test based upon reasonable suspicion of prohibited or illegal use of drugs or alcohol.
 - 2. Reasonable suspicion that an employee uses alcohol or illegal drugs may be based upon, but not limited to, the following situations:
 - a. Direct observation of drug or alcohol use or the physical symptoms of being under the influence of drugs or alcohol; for example, slurred speech or odor of alcohol.
 - b. A pattern of abnormal conduct or erratic behavior.

- c. Arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation of illegal drug possession, use or trafficking.
 - d. Information provided by reliable or credible sources or by admission of the employee.
 - e. Evidence that the employee tampered with a previous drug test.
 - f. All employees driving a state, county, or personal vehicle within the scope of their employment shall submit to a drug test after a traffic accident involving any of the following incidents:
 - (1) Loss of life or
 - (2) Reason to believe that alcohol or drug usage may have contributed to the accident.
3. The supervisor shall document, in writing, a description of the circumstances which form the basis of reasonable suspicion. The supervisor shall forward the documentation to the chief adult probation officer, director of juvenile court services, or a designee to authorize such testing. The results of the testing shall be retained in the employee's personnel file and remain confidential.
- C. Officer Shooting or Discharging a Firearm While On Duty. Any officer who discharges a weapon during the line of duty shall submit to a drug and alcohol test within 24 hours.
- D. Random Testing.
- 1. Departments shall include all employees who perform safety sensitive duties in random drug testing.
 - 2. All employees who perform safety sensitive duties shall be included in the statewide pool for random drug testing of a percentage of employees at a frequency determined by the administrative director in consultation with the Committee on Probation (COP). The administrative director shall select persons for testing in a manner validated for randomness.
 - 3. A chief probation officer or director of juvenile court services may submit a request to the AOC for special authorization to include an additional group or class of employees in the statewide pool for random drug testing.
 - a. Authorization may only be granted if there is:
 - (1) Evidence of current or recent illegal drug use among a group or class of employees;

- (2) Evidence of current or recent illegal drug use within a facility staffed by a group or class of employees; or
 - (3) Evidence of past illegal drug use among a group or class of employees and random drug testing is included in a loss prevention plan approved by the AOC.
- b. The request for approval shall include, at a minimum:
- (1) The nature and extent of the past or current illegal drug use;
 - (2) Any and all corrective actions taken to date and the results;
 - (3) Documentation of the underlying legal basis for testing the group or class of employees; and
 - (4) The recommended testing period.
- c. The administrative director, in consultation with the requesting chief probation officer or director of juvenile court services, and upon review by legal counsel, shall approve or decline the request.
- d. If approved, the AOC shall notify all chief probation officers and directors of juvenile court services of the authorization.
- e. The chief probation officer or director of juvenile court services shall notify the AOC if comparable circumstances exist in their department that warrant random drug testing of similarly situated employees.
4. Notification.
- a. The AOC or designee shall generate a randomly selected employee list for drug testing and notify, via email, each selected employee's chief adult probation officer, director of juvenile court services, or designee.
 - b. The chief adult probation officer, director of juvenile court services, or designee shall:
 - (1) Schedule the employee for drug testing at an approved site within two working days of receiving notice.
 - (2) Schedule employee for drug testing during the employee's regularly scheduled shift.
 - (3) Authorize overtime or compensatory time when scheduled testing extends an employee's work week beyond forty hours.
 - (4) Issue a notification form to the selected employee requiring the employee to submit to drug testing at the collection site within two hours.
 - (5) Ensure the employee signs the notification form.

5. Failure to Report.
 - a. If an employee fails to appear after receiving a notification, the employee shall provide the chief adult probation officer, director of juvenile court services, or designee with a written explanation for not reporting by the next business day. The report shall include:
 - (1) Reason for not reporting to the collection site;
 - (2) Name of supervisor notified; and
 - (3) Supervisor's instructions, if any, given to the employee.
 - b. Failure of the employee to notify the supervisor of the excused absence circumstance prior to the test may be considered an unexcused absence.
 - c. The chief adult probation officer, director of juvenile court services, or designee shall determine if the failure to report was:
 - (1) Excused absence, which may include, but is not limited to:
 - (a) Inability to leave a work assignment due to a critical incident occurrence;
 - (b) A safety or hazardous situation involving the employee or public;
 - (c) Required appearance in court; or
 - (d) Previously approved annual or other authorized leave.
 - (2) Unexcused absence.
 - d. If the chief adult probation officer, director of juvenile court services, or designee approves the absence, the reason shall be documented and the employee's name shall be placed into the random selection pool for the next unannounced random selection.
6. Refusal to submit. Any of the following actions performed by a selected employee will be considered a refusal to submit:
 - a. Failing to provide an adequate sample to allow appropriate testing;
 - b. Refusing to submit to or complete any paperwork relating to the test;
 - c. Engaging in conduct that clearly obstructs the testing process;
 - d. Failing to remain available for testing when requested;
 - e. Leaving the testing site before testing is completed;
 - f. Refusing to submit a sample; or
 - g. Failing to appear for testing when scheduled.

7. Unexcused absence, failure to report, or failure to provide a sample or refusal to submit as ordered will be considered a refusal and may result in disciplinary action up to, and including, termination.
- E. Departments may require probation student interns or volunteers to submit and pass a urine drug and alcohol test before the student intern or volunteer is assigned departmental duties or for reasonable suspicion at any time.
- F. Follow up testing. Any employee who is not terminated from employment following a violation of this policy is subject to unannounced follow-up testing for a three-year period after their return to work or completion of a rehabilitation or abatement program, whichever is later, to document that the employee remains drug free.

VI. Notification to Employees Subject to Testing.

- A. Notification. The department shall utilize those collection and testing sites which demonstrate a methodology of collecting, identifying, testing, analyzing and preserving samples which ensure appropriate site security, chain of custody, privacy of the individual, confidentiality and accuracy of results, reporting of results and preservation of samples, when appropriate and as necessary. Approved methodology shall meet standards set by the AOC in conjunction with COP.
- B. Employees subject to testing by this standard shall be notified of the requirement for testing on the same day by the appointing authority. Prior to any test, the employee shall be given the following information:
 1. Whether the drug test is random or due to reasonable suspicion and provide the reason for a reasonable suspicion test.
 2. Assurance that quality of testing procedures is tightly controlled, that the test used to confirm use of illegal drugs or alcohol (on reasonable suspicion only) is highly reliable, and that the test results shall be handled with maximum respect for individual privacy and concern with safety and security.
 3. Notice of the opportunity and procedures for submitting supplemental medical documentation from a licensed health care professional that supports a legitimate use for a specific drug.
 4. Prior to providing a sample, the employee being tested shall have an opportunity to indicate their legitimate use of a specific drug. Employees who test positive for a drug and have demonstrated legitimate use for a drug causing the positive test result shall be notified in writing that their result is considered negative.

5. Prior to providing a sample, the person being tested may request to have a second sample sent to a laboratory of the person's choosing to have an independent drug test performed at the employee's expense. The laboratory chosen by the employee shall demonstrate the same standards of methodology as provided in section VI (A) of this model policy.
 6. The department shall authorize overtime or compensatory time for an employee whose scheduled test extends the employee's work week beyond forty hours.
- C. Each employee shall be notified of the location, date and time for the employee to report to the designated test location.
- D. Applicants for employment shall be notified by the appointing authority of the testing location, date and time.

VII. Urine Sample Collection.

- A. Random Sample Collection. All employees shall adhere to the following random sample collection procedures:
1. The employee shall provide picture identification and signature authorization upon arrival at the collection site.
 2. The employee shall fill out a Consent to Test and Chain of Custody form provided at the collection site.
 3. The employee may voluntarily list substances taken in the last 30 days which may be detected in the testing process.
 4. The employee shall be provided the appropriate sample container and be escorted to the collection area by collection site personnel. The employee shall remove all outer clothing such as jackets, coats, or sweatshirts. No handbags, duffle bags, purses or other personal carrying items will be taken into the collection area. The employee will be instructed to wash hands prior to urination.
 5. Unobserved collection. All samples, except those ordered because of reasonable suspicion, will be collected using the unobserved method. The employee will be escorted to a specially prepared room and permitted to urinate in private.
 - a. If the collection site person develops any information that the test has been compromised, the chief adult probation officer, director of juvenile court services or designee will be immediately notified.
 - b. The employee will be required to submit a second sample while being observed by a same sex employee of the collection site, and both samples will be tested.

6. Insufficient Urine Sample.

- a. If an employee is unable to provide a minimum of 45 milliliters, approximately 1.5 oz., of urine for a sample, collection site personnel shall instruct the employee to remain on site and to drink not more than 24 ounces of fluids and, after a period of up to two hours, the employee shall attempt to provide a sufficient urine sample using a fresh collection container.
- b. If a sufficient urine sample cannot be obtained after the two hours, the insufficient sample shall be discarded and the urine collection process discontinued. The department shall immediately prescribe an approved alternative testing methodology.

7. Once a sample is given, the employee will remain in possession of the sample until custody is transferred to collection site personnel.

8. The sample will be examined by collection site personnel for indications of tampering. If no problem is noted, the sample will be transferred by collection site personnel to the split sample containers and sealed in view of the employee.

9. The employee will verify the seal and initial the seal.

10. The appropriate paperwork to ensure chain of custody will then be completed.

11. The employee will be escorted back to the lobby and will be free to leave.

B. Reasonable Suspicion Urine Sample Collection. An employee required to provide a urine sample as a result of reasonable suspicion shall follow the collection site procedures outlined in section VII(A)(1-11), except that the urine sample collection shall be observed by a same sex employee of the testing site.

VIII. Testing Procedures.

A. Tests shall be conducted by an approved provider for the illegal use of the following drugs, or classes of drugs:

1. Cannabis;
2. Cocaine;
3. Opiates;
4. Amphetamines/Methamphetamine;

5. Phencyclidine (PCP);
 6. Alcohol (only for pre-employment and reasonable suspicion testing).
- B. The employee shall be notified prior to the testing for any additional drugs or classes of drugs.
- C. Urine samples shall be rendered for testing within three hours of arrival at the laboratory.

IX. Test Results.

- A. All testing results and any disciplinary actions resulting from a positive test result shall be confidential.
- B. The provider shall send the results of the test to the chief adult probation officer or director of juvenile court services, or designee. The department shall forward a copy of the results to the employee.
- C. The chief adult probation officer, director of juvenile court services, or designee shall notify the AOC of positive results and any disciplinary or other action taken.
- D. Disciplinary action, up to and including termination, may be taken under any of the following circumstances:
1. Reporting to work or, while on duty, having any detectable or measurable presence of alcohol or illegal drugs.
 2. Use of illegal drugs.
 3. Refusal to:
 - a. Submit an adequate sample;
 - b. Cooperate with the collection procedures set forth in this policy;
 - c. Sign the consent for release of information; or
 - d. Enter or successfully complete a rehabilitation program when such program has been required by the employer.
 4. Adulteration, substitution or other attempt to falsify the results of a drug test.
 5. On-duty use or possession of illegal drugs or consumption of alcohol or alcohol impairment.
 6. Off-duty use or possession of illegal drugs or unauthorized use of prescription drugs.

7. A determination that an employee has engaged in illegal drug trafficking including, but not limited to:
 - a. Buy;
 - b. Sale;
 - c. Manufacture;
 - d. Grow;
 - e. Distribute;
 - f. Transport; or
 - g. Aiding, abetting or conspiring to commit offenses listed in IX(D)(7)(a - f).
8. Failure to notify the supervisor of an arrest or citation for an offense involving drug or alcohol violation by the next business day.

E. Employee Assistance Program (EAP).

1. In situations where an employee who tests positive for any illegal substance is not terminated from employment, the employee shall be referred to the EAP and be given the opportunity to successfully undertake rehabilitation. The ultimate responsibility to be drug and alcohol-free rests with the employee.
2. An employee needing help in addressing drug or alcohol dependency is encouraged to use and may be directed to use the confidential services of the EAP or the substance abuse treatment program provided within the employee's health insurance coverage.

X. Reporting Requirements.

A. Violations While On Duty.

1. Immediately upon committing or learning that another employee has committed a violation of this policy while on duty, an employee shall report that violation to his or her supervisor or other management personnel.
2. The knowing failure to report an "on duty" violation of this policy is, by itself, a violation of the policy and subjects an employee to disciplinary action, up to and including termination.

3. The supervisor or manager shall document and forward the documentation to the appointing authority for review and authorization of testing, if needed.

B. Violations While Off Duty.

1. Immediately upon committing, or learning that another employee has committed a violation of this policy while off duty, an employee shall report that violation to an immediate supervisor or other management personnel.
2. The knowing failure to report an “off duty” violation of this policy is, by itself, a violation of the policy and subjects an employee to disciplinary action, up to and including termination.
3. All reports received shall be held in confidence to the extent possible to conduct a fair investigation and determine the appropriate action to be taken.
4. The supervisor or manager shall document and forward the documentation to the appointing authority for review and authorization of testing if needed.

C. Violations Resulting in Arrest or Arraignment.

1. Any employee arrested or charged with any criminal charge involving any drug or alcohol violation shall report the matter to their immediate supervisor on the next business day.
2. The supervisor shall forward the report to the appointing authority through the chain of command. The appointing authority shall initiate an administrative investigation and may reassign the employee, place the employee on administrative leave and take disciplinary action, up to and including termination, prior to the final legal disposition of the criminal case.

- D. Violations Resulting in Conviction.** As mandated by the Drug-Free Workplace Act of 1988, a report to the appointing authority shall be made within five business days following a conviction.

XI. Confidentiality of Test Results.

- A.** Employees and the drug testing laboratory involved in any aspect of the department=s drug testing program shall maintain strict standards of confidentiality of test results and related medical and rehabilitation records. This includes:
1. Maintaining maximum respect for individual privacy consistent with safety and security issues.

2. Handling of test results.
3. All contacts with medical and health personnel, counselors, employee assistance program coordinators and administrators.

B. Records.

1. Records maintained in connection with this program that contain the identity, diagnosis, prognosis, or treatment of any person shall be kept confidential.
2. Records shall be disclosed under limited circumstances and for specific purposes by consent of the employee.
 - a. Written consent shall be obtained from the person to be tested to disclose results of tests administered and related medical and rehabilitation records to the chief adult probation officer, director of juvenile court services, or designee.
 - b. This consent shall be obtained prior to the test itself.
 - c. Refusal to consent to the release of this information shall be considered a refusal to take the test.
3. Drug abuse or alcohol treatment records may be disclosed without the consent of the employee:
 - a. To medical personnel, to the extent necessary, to meet a genuine emergency.
 - b. To qualified personnel for conducting scientific research, management audits, financial audits, or program evaluations, with all identifying information removed from data.
 - c. When authorized by an appropriate court-order granted after application showing good cause.
4. Other disclosure may be made only with the written consent of the employee. Such consensual disclosure may be made for verification of treatment or a general evaluation of treatment progress.

Comments and Responses to ACJA Section 6-106: Personnel Practices

PARAGRAPH	COMMENT	RESPONSE
Section F. Minimum Qualifications for Officer Applicants	The statement “Departments shall follow job description standards for officer postings as approved by AOC” was added. It does not, however, list those standards. It would also be helpful to see an example of an approved posting.	Changed wording from “postings” to “vacancies.” The job description standards will be developed after adoption of these amendments. This code section will have a delayed effective.
Section F. Minimum Qualifications for Officer Applicants	The new addition to this section: "Departments shall follow job description standards for officer postings as approved by AOC." What and where are these "job description standards" that we must follow for postings? Are the "postings" to be approved by the AOC or the "job description standards"? This sentence is not clear. I could assume that the "standards" relate to the minimum qualifications, but that's not necessarily how it is written.	See above.
Section H. Human Performance Evaluation	<p>Since applicants undergo psychological testing, it would make some sense to set medical qualifications as well. The evaluation criteria seem reasonably related to the job. There are a few questions and comments to consider:</p> <p>Where did the Human Performance Evaluation come from? Is another probation department using it? If so, what is their experience?</p> <p>How will AOC be “approving” qualified providers?</p> <p>Who will be funding this expense?</p> <p>It is a concern that over time the medical qualifications for applicants will be confused or mixed in with the opportunity for current staff to request a reasonable accommodation (covered in 6-107 – Safety Training). The Chief should always have the discretion to determine how or if an accommodation will be made for an officer</p>	<p>Comments and questions not related to the content of the code should be raised and addressed separately.</p> <p>Added a clarifying sentence to emphasize that the HPE are minimum requirements.</p>

	who can no longer perform the essential functions of the job.	
Section H. Human Performance Evaluation	I think more information is needed under this section. For instance: In order to pass, must the officer applicant pass all or a percentage? What happens with the HPE documentation? Who maintains the record? How is it maintained? What documentation or information does the department get? I'm also concerned with timeliness of this process; having vacant caseloads sitting for any length of time during a long hiring process is unacceptable.	See above.
Section I. Application and Background Investigation Requirements	1(d) and (e) compared to 3. (c). The applicant is required to disclose "personal references" and "employment references", but under 2c, the department is required to review "professional and personal references." In our last operational review, we were "cited" for not including "professional references" in addition to employment and personal. It seems to me that 3(c) should be consistent with 1(d) and 1(e).	Change incorporated to make language consistent.
Appendix: Human Performance Evaluation	There are 13 sections in the HPE that are scored as pass/fail. It is not clear if applicants are required to pass all 13 sections or if they have to pass a percentage of sections.	See response for Section H comment.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 1: General Administration
Section 6-112: Use of Force

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

~~“Continuum of control” means the options available to manage a subject as depicted by the model attached as Appendix 1.~~

“Deadly physical force” means “force which is used with the purpose of causing death or serious physical injury or in the manner of its use or intended use is capable of creating a substantial risk of causing death or serious physical injury” as provided in A.R.S. § 13-105(12).

“Deadly weapon” means “anything designed for lethal use. The term includes a firearm” as provided in A.R.S. § 13-105(13).

“Conducted Electrical Weapon” means a weapon using propelled wires that transmit electrical pulses to override the central nervous system and control the skeletal muscles, causing immediate incapacitation.

“Impact weapon” means any object or device used to control a subject’s actions, to defend against an attack or to deliver a stunning blow.

“Officers” means both adult and juvenile probation and surveillance officers.

“Serious physical injury” means “physical injury which creates a reasonable risk of death, or which causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb” as provided in A.R.S. § 13-105(34).

“Slight force” means reasonable force used to place in restraints, control, or direct the movement of a subject that is cooperative or passively resistant.

B. Applicability. Article 6 Section 3 of the Arizona Constitution and A.R.S. §§ 12-251(C) and 8-203(C) authorize the supreme court to establish rules governing the use of force by probation and surveillance officers.

C. Purpose. To outline and clarify the use of force by probation and surveillance officers.

D. Use of Force.

1. Officers shall base use of force decisions upon the facts known to them at the time of the incident and whether, under the circumstances, the use and degree of force is reasonable. An officer is not obligated to use force in any situation that the officer determines to be unsafe.
2. An officer shall determine that physical force is warranted under the circumstances provided by statute before using physical force in the performance of the officer's duties.

a. A.R.S. § 13-404(A) provides:

~~...a~~ [A] person is justified in threatening or using physical force against another when and to the extent a reasonable person would believe that physical force is immediately necessary to protect himself against the other's use or attempted use of unlawful physical force.

b. A.R.S. § 13-406 provides:

A person is justified in threatening or using physical force or deadly physical force against another to protect a third person if: ~~1.~~ Under the circumstances as a reasonable person would believe them to be, such person would be justified under section 13-404 or 13-405 in threatening or using physical force or deadly physical force to protect himself against the unlawful physical force or deadly physical force a reasonable person would believe is threatening the third person he seeks to protect; ~~and~~

~~2. A reasonable person would believe that such person's intervention is immediately necessary to protect the third person.~~

c. A.R.S. § 13-409 provides:

A person is justified in threatening or using physical force against another if in making or assisting in making an arrest or detention or in preventing or assisting in preventing the escape after arrest or detention of that other person, such person uses or threatens to use physical force and all of the following exist:

1. A reasonable person would believe that such force is immediately necessary to effect the arrest or detention or ~~to~~ prevent the escape.
2. Such person makes known the purpose of the arrest or detention or believes that it is otherwise known or

cannot reasonably be made known to the person to be arrested or detained.

3. A reasonable person would believe the arrest or detention to be lawful.

3. An officer shall determine that deadly force is warranted under the circumstances provided by statute before using deadly force in the performance of the officer's duties.

a. A.R.S. § 13-410(A)(1) provides:

The threatened use of deadly physical force by a person against another is justified pursuant to § section 13-409 only if a reasonable person effecting the arrest or preventing the escape would believe the suspect or escapee is:

(1) Actually resisting the discharge of a legal duty with deadly physical force or with the apparent capacity to use deadly physical force.

b. A.R.S. § 13-410(C)(1)(2)(a)(b)(c) provides:

The use of deadly force by a peace officer against another is justified pursuant to § section 13-409 only when the peace officer reasonably believes that it is necessary:

1. To defend himself or a third person from what the peace officer reasonably believes to be the use or imminent use of deadly physical force.

2. To effect an arrest ... of a person whom the peace officer reasonably believes:

(a) Has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or a threatened use of a deadly weapon.

(b) Is attempting to escape by use of a deadly weapon.

(c) Through past or present conduct of the person which is known by the peace officer that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.

c. A.R.S. § 13-410(D) provides: Notwithstanding any other provision of this chapter, a peace officer is justified in threatening to use deadly physical force when and to the

extent a reasonable officer believes it necessary to protect himself against another's potential use of physical force or deadly physical force.

4. An officer shall assess the subject's ability and opportunity to do physical harm and determine whether the subject poses an ~~immediate~~ imminent threat of harm to the officer or a third party and shall use reasonable ~~only the amount of~~ force necessary to prevent the harm or stop the threat.

E. Use of Force Options. An officer's use of force shall be reasonable ~~and necessary~~ to control a subject and accomplish lawful objectives. Use of force options include:

1. Clear verbal instructions such as persuasion, warning, or a lawful order. ~~a lawful order, advice, a warning or persuasion.~~
2. Empty hand control that includes re-direction, personal defensive tactics, control holds, pressure points, fist strikes, palm strikes, shin kicks, snap kicks, knee strikes and elbow strikes.
3. Oleoresin capsicum (OC) aerosol chemical spray when the officer reasonably believes it is unsafe to approach an aggressive subject and disengagement is not reasonable or practical. After a subject is brought under control by the use of OC, the officer shall whenever practical flush the subject's eyes and other affected tissues with water. Officers shall ensure that immediate medical treatment is sought for subjects who are experiencing breathing difficulty or lingering vision impairment as a result of being sprayed with OC.
4. Conducted Electrical Weapon ("CEW") may be used only by armed adult probation and surveillance officers authorized in accordance of Arizona Code of Judicial Administration 6-208. When the officer reasonably believes it is unsafe to approach an aggressive subject and disengagement is not reasonable or practical.
45. Impact and deadly weapons, when the officer reasonably believes subject's actions are likely to cause physical harm to the officer or a third party. risk of injury to an officer or other person is so significant that the use of lesser options would be ineffective or unsafe.
 - ~~a. Weapons may only be used by trained and proficient officers.~~
 - ~~b. Deadly weapons include:
 - (1) Firearms for officers authorized in accordance of Arizona Code of Judicial Administration 6-113;
 - (2) Impact weapon strikes when used to strike vital areas such as the head or neck; and
 - (3) Less than lethal weapons when used to strike vital areas such as the head or neck.~~

6. Deadly weapons include department issued firearms for officers authorized in accordance of the Arizona Code of Judicial Administration 6-113. The use of a deadly weapon requires that the officer reasonably believes the subject's actions were likely to have caused serious physical injury or death to the officer or a third party.

F. Notification. An officer involved in any use of force that is greater than slight force shall:

1. Immediately notify their supervisor as soon as practical, but not later than the next business day.
2. Submit a written incident report to their supervisor, ~~as soon as possible~~, no later than the close of the ~~next~~ third business day. If an officer is under criminal investigation in relation to the use of force incident the Chief Probation Officer Juvenile Court Director, or their designee, shall prepare the incident report. The written incident report shall include at a minimum:
 - a. A description of the events surrounding the use of force.
 - b. The name and case number of probationer or probationers involved in the incident.
 - c. The name of any third party involved in the incident.
 - d. The name of any known witnesses to the incident.
 - e. The disposition of the incident.
 - f. Any medical attention needed for any person in the incident.
 - g. Other information pertinent to the incident.
3. Upon review of the incident report, the supervisor shall immediately forward it through the departmental chain of command to the chief probation officer.
4. Upon review of the incident report, the chief probation officer shall provide a copy to the AOC probation safety specialist.
5. The chief probation officer or director of juvenile court services may request an exception or extension of this written report from the administrative director of the AOC.

G. Review Of Use Of Force.

1. The chief probation officer or director of juvenile court services or the designee shall review all incident reports pertaining to the use of force within two business days of receipt. Any

incident reports that involve the use or display of a firearm shall follow the procedures outlined in ACJA § 6-113, Firearms Standards.

2. The chief probation officer or director of juvenile court services shall appoint a use of force committee within twenty business days of the incident or upon receipt of allegations of excessive force if any one of the following conditions exists:
 - a. Further investigation is warranted;
 - b. Deadly force was used;
 - c. Allegations of excessive force are brought forth;
 - d. Force greater than slight is used against a member of the public; or
 - e. An offender, a staff member, or a member of the public is injured significantly or in a manner that requires investigation.
3. The use of force committee shall consist of at least three members who have knowledge of the reasonable use of force ~~the continuum of control~~ and of defensive tactics. The committee shall include one representative from each of the following:
 - a. Probation department management other than the chief probation officer or director of juvenile court;
 - b. A certified defensive tactics instructor as defined in ACJA § 6-107; and
 - c. A non-involved officer chosen by the officer involved in the use of force.
4. The chief probation officer or director of juvenile court services may appoint additional members necessary to perform the duties of the committee in a specific review.
5. The use of force committee shall review the incident reports, interview witnesses and, when necessary, request that the chief probation officer assign an investigator.
6. Upon conclusion of the review, the use of force committee shall issue a written report within ten business days which shall include:
 - a. A brief summary of the incident;
 - b. The committee's determination of whether the amount of force used violated any departmental policy or the ACJA and was reasonable and justified;

- c. A dissenting opinion, if any; and
 - d. The signature of each committee member.
7. The use of force committee shall forward the report to the chief probation officer or the director of juvenile court. The chief probation officer or the director of juvenile court shall have the authority to administer any discipline or remedial measures according to the local judicial merit system.
 8. The chief probation officer or the director of juvenile court shall provide a copy of the use of force committee report to the AOC along with of any action taken.

*Section 6-112: Use of Force
Appendix 1*

CONTINUUM OF CONTROL

<i>LEVEL OF CONTROL</i>	<i>OFFICER'S ACTION</i>	<i>SUBJECT'S ACTION</i>
<i>PRESENCE</i>	<i>Identification of authority Interview Stance Defensive Stance</i>	<i>Subject is cooperative</i>
<i>VERBAL</i>	<i>Advise Questioning & Answering Warning</i>	<i>Subject is cooperative only in response to direction</i>
<i>EMPTY HAND CONTROL</i> <i>Oleoresin Capsicum (OC)</i>	<i>Personal Defensive Tactics Control Holds Pressure Points</i> <i>OC Tactics</i>	<i>Subject's actions are becoming aggressive and may cause physical harm</i>
<i>IMPACT WEAPONS</i>	<i>Baton Weapons of opportunity</i>	<i>Subject's actions are likely to cause physical harm</i>
<i>LETHAL FORCE TECHNIQUES</i>	<i>Potential Deadly Force Tactics</i>	<i>Subject's actions may cause serious physical injury or death</i>

Comments and Responses to ACJA Section 6-112: Use of Force

PARAGRAPH	COMMENT	RESPONSE
Section A. Definitions & Appendix A	Removal of the reference to “continuum of control” This revision is strongly supported (police departments have moved away from the continuum of control).	No response needed.
Section D. 1. Use of Force	I would propose the following verbiage change to section D.1. of this code to read as follows: D.1. Officers shall base use of force decisions upon their perceptions at the time of the incident, and the facts known to them at the time of the incident and whether, under the totality of circumstances, the use and degree of force is reasonable. An officer is not obligated to use force in any situation that the officer determines to be unsafe.	Change not incorporated.
Section F. 2. Notification	I think we should leave the written report requirement to one day instead of 3. We could add "with written reason for any delay" if somebody really needs more time to write. Giving 3 days will extend to five and allow more to be "selectively" remembered. The sooner an event is committed to paper the better the reliability. Amendments can always come later.	Change not incorporated.
Section F. 2. Notification	Submitting a written report for any force that is greater than slight is good and needs to be included in code. However, if the officer is under criminal investigation (which is standard practice) we would not require the officer to prepare an incident report. In this instance we would have the supervisor prepare an incident report. It is suggested an additional line be added as follows: “If an officer is under criminal investigation in relation to the use of force incident the officer’s supervisor may be designated to prepare the incident report”.	Change incorporated to read as, “If an officer is under criminal investigation in relation to the use of force incident the Chief Probation Officer, Juvenile Court Director, or their designee, shall prepare the incident report.”
Section G.	...suggest inserting between existing G.5	Change not incorporated.

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 1: General Administration

Section 6-113: Firearms Standards

A. Definitions. In this section, unless otherwise specified, the following definitions apply:

“Certified firearms instructor” means an individual trained in accordance with national law enforcement firearms training standards and approved by the Administrative Office of the Courts (AOC).

“Firearms automated training system” means a system which visually presents situations the officer may encounter in the officer’s duties and requires the officer to make use-of-force decisions relating to the use of a firearm.

“Firearms involved incident” means an event in which an officer discharges a duty weapon or is victimized by a firearm.

“Immediate threat” means the subject poses a risk of instant harm or attack with the elements of jeopardy, opportunity and ability.

“Intentional discharge” means a non-training ~~related~~ discharge of a department issued firearm by an officer ~~that~~ who is ~~either~~ on or off duty, where the officer believes the firearm is loaded and consciously performs all of the actions necessary to cause a discharge.

“Life-threatening ~~circumstances~~” means actions, ~~which~~ that may cause serious bodily injury or death.

“Low light condition” means firearms training ~~conducted in situations either natural or simulated,~~ designed to expose officers to situations they may encounter while working at night or in reduced light situations.

“On duty” means the time period during which the officer ~~is involved in performing the officer’s respective~~ probation duties or is functioning at the direction of the ~~officer’s respective~~ probation department.

“Off duty” means the time period during which the officer is not ~~involved in performing the officer’s respective~~ probation duties or functioning at the direction of the ~~officer’s respective~~ probation department.

“Officer” means both adult and juvenile probation and surveillance officers.

“Tactical condition” means a training ~~which involves the officer’s appropriate use of a firearm in training~~ involving the use of distance, shielding and movement, and other issues the officer may encounter during the course of duty.

“Unintentional discharge” means the discharge of a department issued firearm by an officer that is either on or off duty, where the firearm discharges by an action of the officer without the officer’s intent to cause a discharge or when the officer unconsciously acts to cause the firearm to discharge or when outside forces cause the discharge.

B. Applicability. An officer of ~~the~~ a probation departments with the authority of a peace officer pursuant to A.R.S. §§ 12-253, 13-916, 8-205 and Arizona Code of Judicial Administration (ACJA) §§ 6-105 and 6-105.01, may carry and use a firearms while on duty only if authorized by the chief probation officer or director of juvenile court services and under the ~~terms and~~ conditions specified in this section.

C. Purpose. This code ~~To~~ governs the administration and authority of an officer to use a firearms while on duty ~~for defensive purposes only~~.

D. General Policy. An officer may be armed ~~for defensive purposes only~~ pursuant to the following:

1. The chief probation officer or director of juvenile court services may require that certain job assignments are staffed by an armed officer. Examples include, but are not limited to:
 - a. Warrant teams; or
 - b. Specialized supervised caseloads.
2. The chief probation officer or director of juvenile court services shall determine when an officer authorized to carry a firearm is restricted from carrying in certain job assignments or in the performance of certain duties.
3. The chief probation officer or director of juvenile court services shall not order an ~~staff member~~ officer to be armed.
4. The chief probation officer or director of juvenile court services may require the transfer of an unauthorized ~~unarmed~~ officer to another job assignment if the current assignment requires an armed officer.
5. ~~An~~ Officers shall not carry any firearm on ~~the officer’s~~ their person, ~~or have any firearm in the office or at their~~ job location or in their officer’s vehicle, while on official business except with prior approval and authorization of the chief probation officer or director of juvenile court services.

E. Request for Authorization to Carry Firearm.

1. An officer ~~wishing~~ seeking authorization to carry a firearm or ~~who desires~~ training on firearms shall submit a written request to the chief probation officer or director of juvenile court services ~~and submit to the following screening and testing requirements.~~

2. The chief probation officer or director of juvenile court services shall confirm and document, prior to granting authorization, that the requesting officer has ~~done the following~~:
 - a. Completed psychological testing ~~which~~ meetings minimum standards established by the AOC;
 - b. Completed a criminal history records check;
 - c. Successfully completed and demonstrated proficiency in all required defensive tactics training;
 - d. Completed and certified, on a form approved by the AOC, that they are medically and physically able to perform the job duties of an armed officer;
 - ee. Successfully completed the Committee on Probation Education (COPE) approved firearms training academy with the firearm intended for use;
 - df. Successfully completed a COPE approved competency test and training course on ACJA §§ 6-112 and -113, and legal issues relating to firearms; and
 - e. ~~Successfully completed and demonstrated proficiency in all required defensive tactics training~~;
 - f. ~~Completed and certified, on a form approved by the AOC, that they are medically and physically able to perform the job duties of an armed officer; and~~
 - g. Submitted a form, approved by AOC, attesting that:
 - (1) The officer agrees to submit to an AOC approved psychological evaluation;
 - (2) The officer has no medical, psychological or health condition including a physical or mental disability, ~~which~~ substantially impairings their ~~officer's~~ ability to responsibly carry a firearm or interferinges with the safe use of or handling of a firearm;
 - (3) The officer is not addicted to alcohol or prescription drugs;
 - (4) The officer does not use unlawful narcotics or drugs;
 - (5) The officer agrees to submit to random drug tests if authorized ~~edation~~ to carry a firearm is granted;
 - (6) The officer agrees to submit to drug testing based on reasonable suspicion pursuant to departmental policy and procedures; and
 - (7) The officer shall abide by all ACJA requirements and department policies regarding firearms.
3. The chief probation officer or director of juvenile court services may require that the requesting officer submit to a polygraph examination to inquire about matters that would reasonably be the basis for not authorizing an officer to carry a firearm including, but not

limited to, sexual misconduct, use of excessive force and abuse of authority. A polygraph examination may also be used to question officers where the truthfulness or accuracy of information provided in the request to be armed is at issue.

4. The chief probation officer or director of juvenile court services shall act on the request for initial authorization, within 30 days, by initiating arrangements for the probation officer to undergo the necessary tests, evaluations, checks and training.

F. Required Firearms Training and Qualifications.

1. COPE shall approve a uniform, standardized and statewide firearms training academy and annual re-qualification.
2. The ~~e~~Certified ~~f~~Firearms ~~i~~nstructor (CFI) shall only use curriculum approved by COPE ~~and~~ to provide firearms training that meet the following minimum standards.
 - a. Annual training in:
 - (1) Daylight conditions and qualification;
 - (2) Low light conditions and qualification;
 - (3) Tactical conditions;
 - (4) Firearms automated training system or a judgmental shooting simulation; and
 - (5) Range safety.
 - b. Required instruction on the safe and effective use of department firearms.
3. Departments shall provide range equipment including eye and ear protection for use during training and qualifications.
4. An officer shall comply with all directives of the CFI concerning firearms training and safety.
5. An officer's direct supervisor may give written authorization ~~to~~ for the officer to use ~~the~~ a department issued firearm for practice while off duty on a ~~departmentally approved~~ range approved by the department.
6. The CFI shall confiscate and take control of the firearm of any officer who exhibits inappropriate or unsafe behavior while on the range or of any firearm determined to be unsafe.

G. Procedures for Authorization, Denial, Temporary Suspension or Revocation.

1. The chief probation officer or director of juvenile court services shall deny authorization to carry a firearm if an officer:

- a. Has been convicted in any court of a qualifying misdemeanor crime of domestic violence under federal law. See 18 U.S.C. § 922 (g)(9).
 - b. Is subject to a qualifying protection order under federal law. See 18 U.S.C. § 922 (g)(8).
2. The chief probation officer or director of juvenile court services may deny authorization to carry a firearm during any point of the screening and testing process based on the criteria stated in subsection (G)(6).
 3. The chief probation officer or director of juvenile court services shall approve or disapprove the request to carry a firearm in writing within 30 days after the officer satisfactorily completes all requirements stated in subsection (E)(2).
 4. The chief probation officer or director of juvenile court services shall provide written reasons for denial, temporary suspension, or revocation to the officer and a copy of the approval, denial, temporary suspension, or revocation shall be kept on file.
 5. The chief probation officer or director of juvenile court services or designee shall place the original request and the approval or reasons for denial, temporary suspension, or revocation in the officer's personnel file and provide copies to the officer, and to the officer's supervisor. ~~The CFI shall receive a copy of all approvals.~~
 6. The chief probation officer or director of juvenile court services shall ~~only~~ deny, revoke or temporarily suspend authorization to carry a firearm for the following reasons ~~only~~:
 - a. Results from the psychological evaluation ~~that~~ indicatinges unfitness to carry a firearm;
 - b. The officer is currently diagnosed with a mental disability or illness by a licensed mental health professional that may impact the officer's ability to safely use a firearm;
 - c. The denial or revocation of a permit to carry a concealed weapon by the State of Arizona;
 - d. A result from a criminal history record check or a self report indicating any or all of the following:
 - (1) The conviction of a felony or an offense, which would be a felony if committed in this state;
 - (2) The commission of any offense involving dishonesty, unlawful sexual conduct, physical violence or domestic violence;
 - (3) The violation of ~~A.R.S. § 13-3112, concealed weapons permit or~~ statutes governing firearms or lethal and non-lethal weapons; and
 - (4) The commission of a misdemeanor involving the carrying or use of a firearm.

- e. The violation of departmental policy or this code relating to the carrying or use of firearms;
- f. Carrying, exhibiting, or using a firearm in an unsafe or careless manner;
- g. Disciplinary charges pending or action taken ~~that~~ relating to the fitness to carry a firearm;
- h. Any use of alcoholic beverages on duty or excessive use of alcoholic beverages off duty that affects job performance ~~of job~~;
- i. The administrative reassignment of an officer as a result of a documented stress related disorder or post traumatic stress disorder as diagnosed by a licensed mental health professional that may impact the officer's ability to safely use a firearm;
- j. A medical, psychological, or health condition including a physical or mental disability, which substantially impairs the officer's ability to responsibly carry a firearm or interferes with the safe use of or handling of a firearm;
- k. The addiction to alcohol or prescription drugs that would interfere with the safe use of a firearm and render the officer unfit to carry a firearm;
- l. An officer is found to have illegally used dangerous drugs or narcotics for any purpose within the past seven years;
- m. An officer is found to have illegally used marijuana for any purpose within the past three years;
- n. Transfer or reassignment of an officer to an assignment or unit where carrying a firearm is not authorized pursuant to (D)(2) of this section;
- o. The authorization was based solely upon a specific personal risk to the officer and the risk is determined to no longer exist;
- p. Arrest for an offense punishable as a felony or for a misdemeanor involving the carrying or use of a firearm;
- q. Discharge of a firearm by an officer in violation of any municipal, county or state law, regulation or policy;
- r. Drawing a firearm or use of a non-lethal defensive weapon in violation of any municipal, county or state law, regulation or policy;
- s. Any ~~other~~ circumstance, temporary or permanent, other than time in service, which leads the chief probation officer or director of juvenile court services to believe that

~~the~~ arming of the officer could place that officer, other staff, probationers or the public in jeopardy; or

- t. Failure to successfully complete the annual re-qualification program and participate in required practice sessions.
7. All screening and testing records shall be maintained in the officer's personnel file and be remain confidential as required by law.
8. The presiding judge shall hear all appeals to the denial, temporary suspension, or revocation and the judicial decision is final and not appealable.
9. An officer wishing to have their authorization reinstated after revocation may submit a written request to the chief probation officer or director of juvenile court services after one year. The officer shall clearly state the reasons for reinstatement of the authorization. The presiding judge, presiding juvenile judge or judicial designee shall hear all appeals to the denial of reinstatement.

H. Authorization.

1. An officer granted authorization to carry a firearm shall acknowledge and sign an authorization document indicating the officer understands the terms and conditions contained in the code and any department policy regarding the use of firearms. The authorized officer shall agree to adhere to all state laws regarding the carrying and use of firearms. This includes all laws relating to the use of force.
2. An officer failing to comply with regulations and limitations are subject to disciplinary action and loss of firearm authorization.
3. An officer granted authorization to carry a firearm shall successfully complete the annual re-qualification and participate in all required practice sessions.
4. The chief probation officer or director of juvenile court services may order an authorized officer to submit to an evaluation by a licensed or certified professional when the officer is not performing assigned job functions adequately or who is experiencing problems which could affect job performance or the safety of the public and employees.

I. Restrictions for Carrying Firearms. An officer authorized to carry and use a weapon on duty is prohibited from carrying department issued firearms under the following conditions:

1. While in a condition resulting from the use of alcohol or medication where the officer's motor skills, reflexes, or judgment could be adversely affected or while displaying evidence of mental or emotional instability;
2. While injured or in a physical condition causing inability to use a firearm properly, for example, broken hand or an eye injury causing uncorrected impaired vision. This is not

intended to limit an authorized officer's ability to defend oneself during the incident or others when injuries are incurred in a life-threatening situation;

3. While on disciplinary or investigative suspension;
4. While on leave, short term or extended, with or without pay, or other periods of unpaid absence from the department;
5. When the chief probation officer, director of juvenile court services, or other superior directs the officer not to carry a firearm;
6. When the chief probation officer or director of juvenile court services revokes the authorization to carry; and
7. When engaged in official travel out of state unless written permission is obtained from the chief probation officer or director of juvenile court services.

J. Authority to Unholster, Draw and Display Firearms. An officer shall only draw their duty weapon from its holster, or display it in public, under the following conditions and as authorized in subsection (L) of this section.

1. In compliance with department policy regarding firearm concealment or exposure;
2. The circumstances surrounding the incident create a reasonable belief that it may become necessary to use the firearm in the performance of probation supervision duties;
3. When a law enforcement officer requests assistance from an officer in a life-threatening situation;
4. For maintenance, inspection and training purposes; and
5. When using the weapon in an approved training course, practice session or qualification with the CFI.

K. Required Reporting of Firearm Unholstering, Drawing, or Displaying a Firearm in the Course of Duty.

1. Except for training or to secure a weapon or when requested by a CFI for purposes of maintenance, or inspection, An officer who unholsters, draws or displays, but does not discharge a firearm while on duty, excluding training, shall submit a written incident report to their supervisor no later than the next business day. ~~except other than to secure the weapon or when requested by the CFI for maintenance, inspection or training purposes.~~
2. ~~An officer who witnesses this behavior shall submit an written incident report to their supervisor no later than the next business day.~~

32. The supervisor shall immediately send the written ~~incident~~ report through the departmental chain of command to the chief probation officer or director of juvenile court services.
43. Failing to comply with reporting requirements may be cause for disciplinary actions, up to and including termination of employment.

L. Authority to Discharge Firearm.

1. An officer shall determine that deadly force is warranted under the circumstances provided by statute before using deadly force in the performance of the officer's duties.
- a. A.R.S. § 13-410(A)(1) provides:

The threatened use of deadly physical force by a person against another is justified pursuant to § 13-409 only if a reasonable person effecting the arrest ~~...~~ ... would believe the suspect~~...~~ ... is:

(1) Actually resisting the discharge of a legal duty with deadly physical force or with the apparent capacity to use deadly physical force; or-

- b. A.R.S. § 13-410(C)(1)(2)(a)(b)(c) and (D) provides:

C. The use of deadly force by a peace officer against another is justified pursuant to § section 13-409 only when the peace officer reasonably believes that it is necessary:

1. To defend himself or a third person from what the peace officer reasonably believes to be the use or imminent use of deadly physical force.

2. To effect an arrest~~...~~ ... of a person whom the peace officer reasonably believes:

(a) Has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or threatened use of a deadly weapon.

(b) Is attempting to escape by use of a deadly weapon.

(c) Through past or present conduct of the person which is known by the peace officer that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.

~~...~~ ...

D. Notwithstanding any other provision of this chapter, a peace officer is justified in threatening to use deadly physical force when and to the extent a reasonable officer believes it necessary to protect himself against another's potential use of physical force or deadly physical force.

2. An officer shall not:
 - a. Draw or display a weapon unless the situation poses a threat that may warrant the use of the weapon;
 - b. Fire warning shots;
 - c. Fire in the immediate direction of a crowd;
 - d. Fire into buildings or through doors or windows, when the subject is not clearly visible;
 - e. Use firearms to protect property;
 - f. Discharge firearms to apprehend a fleeing offender;
 - g. Fire at a moving vehicle unless it is necessary to protect oneself or others against immediate threat of death or serious physical injury; or
 - h. Fire at an animal unless justified in preventing substantial harm to oneself or another.
3. An officer may use firearms on an approved range or during other approved training, practice or qualification when supervised by a CFI or in other department-approved training.

M. Responses to Discharges and Firearms Involved Incidents. ~~Investigation of Discharges and Call-Out Procedures.~~ Departments shall respond to discharges and firearms involved incidents according to the following criteria ~~Any department conducting a firearm's discharge investigation shall classify the discharge in one of the following categories:~~

1. Unintentional discharge without injury. The chief probation officer or director of juvenile court services shall ensure the following:
 - a. The department conducts an administrative investigation and shall not be required to conduct a formal shooting inquiry board. This type of discharge does not necessarily require an immediate departmental response.
 - b. The chief probation officer or director of juvenile court services shall notify the AOC within 72 hours when an unintentional discharge without injury has occurred.
 - c. The chief probation officer or director of juvenile court services shall have the authority to administer any discipline or remedial measures according to the local personnel procedures.

2. Training related unintentional discharge without injury. The chief probation officer or director of juvenile court services may follow the requirements of subsection (M)(1) of this section regarding a training related unintentional discharge without injury.
- ~~3. Unintentional discharge with injury. The chief probation officer or director of juvenile court services shall ensure that all investigations follow the criteria stated in subsection (M)(4) of this section.~~
43. Unintentional discharge with injury or intentional discharge. Departments shall defer the scene and investigation to and the appropriate law enforcement agency. Departments shall conduct an internal administrative investigation of ~~shall investigate~~ any intentional discharge of a firearm or unintentional discharge of a firearm with injury.
 - a. The improper use of a firearm may result in sanctions, criminal, or civil action.
 - ~~b. In an administrative investigation of a weapons discharge of a firearm, the first non-involved armed responding officer shall:~~
 - ~~(1) Secure and preserve the firearm in a condition as close as possible to the condition when the discharge took place. For example, leaving the firearm with the officer in the holster until it can be surrendered to an investigating officer.~~
 - ~~(2) Take care not to destroy or add fingerprints;~~
 - ~~(3) Protect the weapon for examination and only submit it to the CFI or investigating authority;~~
 - ~~(4) Record exactly what is done with the firearm and report it to the investigating law enforcement agency; and~~
 - ~~(5) Provide all gathered information to the incident investigator from the probation department and law enforcement.~~
 - ~~c. The probation department shall assign a staff member to aid and assist the officer if the discharge of the officer's firearm results in the wounding or death of a person or persons.~~
 - ~~db. The chief probation officer or director of juvenile court services shall ensure that when the officer's weapon is held as part of an investigation, a replacement firearm is issued as soon as is reasonable unless authorization to carry a firearm has been revoked or temporarily suspended.~~
 - ~~e. Each department shall have policies and procedures for the investigation of all firearm discharges or firearm involved incidents. Each department's policies and procedures shall include, but are not limited to, the following:~~
 - ~~(1) Direction as to who shall be notified;~~
 - ~~(2) Direction as to who shall be called to the scene;~~
 - ~~(3) Notification to AOC and appropriate law enforcement;~~
 - ~~(4) Notification to county and state risk management;~~
 - ~~(5) Notification to county attorney and attorney general;~~

- ~~(6) Establishment of a critical incident response team;~~
 - ~~(7) Notification of a critical incident response team representative or representatives;~~
~~and~~
 - ~~(8) Procedures to place an officer on administrative leave following a shooting or discharge.~~
- ~~f. The chief probation officer or director of juvenile court services or designee shall handle all media and family inquiries.~~
4. Each department shall have policies and procedures for the internal administrative investigation and responses of all firearm discharges or firearm involved incidents. Each department's policies and procedures shall include, but are not limited to, the following:
- a. Direction as to who shall be notified;
 - b. Direction as to who shall be called to the scene;
 - c. Notification to AOC and appropriate law enforcement;
 - d. Notification to county and state risk management;
 - e. Notification to county attorney and attorney general;
 - f. Establishment of a critical incident response team, to include a member to aid and assist an officer directly following a line of duty shooting or other firearms involved incident. This does not include unintentional discharge without injury;
 - g. Notification of a critical incident response team representative or representatives; and
 - h. Procedures to place an officer on administrative leave following a shooting or discharge.
5. The chief probation officer or director of juvenile court services shall ensure all officers are trained in policies and procedures regarding firearms discharges or firearms involved incidents.
6. The chief probation officer or director of juvenile court services or designee shall handle all media and family inquiries.

N. Shooting Inquiry Board.

1. The chief probation officer or director of juvenile court services shall appoint a shooting inquiry board within twenty days of any unintentional discharge with injury or intentional discharge of a department issued firearm.

2. The shooting inquiry board shall convene for the purpose of revealing the facts in each instance of a discharge.
3. The shooting inquiry board shall consist of:
 - a. Two members of the probation department not involved in the incident, appointed by chief probation officer or director of juvenile court services;
 - b. One member of a law enforcement agency, not the investigative officer, appointed by the chief probation officer or director of juvenile court services;
 - c. One representative of the officer from the department, not involved in the incident;
 - d. One representative not involved in the incident, appointed by the presiding judge, from either inside or outside the probation department; and
 - e. An ~~The~~ AOC probation safety specialist.
4. The shooting inquiry board shall review the investigation of the shooting and determine the facts surrounding the incident, interview witnesses, and when necessary, request the chief probation officer or director of juvenile court services to assign investigators.
5. The board shall issue a written report to the chief probation officer or director of juvenile court services at the conclusion of its review containing the following:
 - a. A brief summary of the incident, as determined by the facts presented to the board;
 - b. The board's opinion of whether the discharge complied with department policy and this code;
 - c. Determination if the action of the officer was reasonable, ~~safe, and necessary~~;
 - d. Any minority opinion of a member, in the event that the board's opinion is not unanimous; and
 - e. The signature of each board member.
6. The chief probation officer or director of juvenile court services shall have the authority to administer any discipline or remedial measures according to the local personnel procedures.
7. The chief probation officer or director of juvenile court services shall forward a copy of the shooting inquiry board's report to the AOC probation safety specialist along with the actions taken by the chief probation officer or director of juvenile court services.

O. Authority to Carry and Use Concealable Firearms While Off Duty.

1. An officer authorized to carry and use issued firearms and ammunition on duty may request, in writing, separate authorization from the chief probation officer or director of juvenile court services to carry and use the issued firearm and ammunition off duty. Approval or denial of a request to carry off duty shall be in writing and placed in the officer's personnel file and shall be based on a specific personal risk or need to immediately respond based on assignment.
2. An officer authorized to carry and use a firearm while off duty shall comply with all laws and regulations and ACJA code sections concerning the carrying of firearms.
3. An officer who is carrying off duty without written authorization pursuant to this code section, shall be deemed to be acting outside the course and scope of employment and to be acting completely independently from the county or state.
 - a. The county and state assume no responsibility or liability for those actions.
 - b. Any liability arising from such possession or use of a firearm shall be the sole, individual liability of the officer.
4. An officer shall not carry department issued firearms while working secondary employment.
5. Any officer found to have carried a department issued firearm while off duty without written consent may lose authorization to be armed and may face other disciplinary actions up to and including termination of employment.

P. Authorized Firearms, Ammunition and Holsters.

1. An officer may only carry and use the firearm and ammunition that are approved by the AOC as their duty weapons.
2. The chief probation officer or director of juvenile court services shall ensure a database of each firearm serial number is maintained with the probation department.
3. The department shall maintain records of all firearms carried by on duty officers.
4. ~~An officer shall only alter the firearm with personalized grips or grip adapters.~~ Only probation department approved armorers shall make adjustments to the firearm except for personalized grip or grip adapter that may be added by the officer.
5. All safety devices manufactured into ~~on~~ the firearm ~~provided by the manufacturer~~ shall be intact and functioning at all times.

6. An officer may use another officer's firearm in the case of a life-threatening emergency. An officer may only use another firearm on the range, under the direct supervision of a CFI.
7. The chief probation officer or director of juvenile court services shall approve holsters for the authorized firearms based on guidelines issued by the AOC.
8. An officer shall qualify with the approved holster or holsters prior to initiating use and upon re-qualifying.
9. The CFI shall ensure that only factory ammunition is used. The use of reload ammunition is prohibited.
10. An officer shall only carry the approved and authorized firearm.
11. An officer shall have in their possession their department issued badge, identification card and firearms authorization card whenever carrying a firearm.
12. An officer shall ensure that the firearm is fully loaded when it is carried or worn.
13. The chief probation officer or director of juvenile court services may grant written approval for an officer on official business to carry an issued firearm when traveling out of jurisdiction. The officer shall:
 - a. Carry the written approval at all times while traveling;
 - b. Follow all federal, state and local laws and regulations; and
 - c. Comply with the carrier's requirements.

Q. Firearms Safety and Storage.

1. An officer authorized to carry a firearm shall observe and practice the following safety regulations:
 - a. All firearms shall be handled safely and treated as a loaded firearm until the handler has personally proven otherwise;
 - b. An officer shall only dry-fire, clean, exhibit, load or unload in a safe manner and environment;
 - c. An officer shall ensure that any unholstered firearm that is brought into a probation department facility is unloaded. This does not include an officer's duty weapon for transfer to safe storage;

- d. An officer shall ensure that a firearm equipped with any safety device is carried in a “safe” position; and
 - e. An officer shall ensure that the weapon is empty of ammunition prior to cleaning or inspection.
2. An officer shall ensure that the ~~holstered~~ firearm and ammunition are stored in a designated safe and locked place that is not accessible to unauthorized persons when not carrying or wearing the firearm.
- a. An officer shall not keep a firearm in the office overnight unless secured in a department approved firearms storage unit.
 - b. An officer shall not store a firearm overnight in any vehicle.
 - c. An officer shall ensure that a firearm is kept in a secure and safe place where the firearm is not accessible to other individuals, particularly children.
 - d. An on-duty armed officer not wanting to carry a firearm into a residence or public building, shall temporarily store the firearm in a locked automobile trunk or glove compartment.
 - (1) An officer shall ensure that the automobile is locked if the firearm is stored in a glove compartment or if the trunk is accessible through the passenger area.
 - (2) An officer shall exercise care that the placement of the firearm in the glove compartment or trunk is not observed by the public.
 - (3) The chief probation officer or director of juvenile court services may approve alternative arrangements, such as secure lock boxes under the seat.
 - e. An officer shall follow facility procedures for safekeeping and temporary storage of their firearm, ammunition and other prohibited items at all correctional and court facilities.
3. An officer shall immediately notify their supervisor of any unauthorized use, handling, or discharge of a department issued firearm. Chief probation officers or directors of juvenile court shall ensure that all discharge investigations follow all criteria provided in subsection M ~~(4)~~ of this code section.
4. An officer failing to comply with the safety and storage regulations may be subject to disciplinary action, which may include the loss of authorization to carry a firearm.

R. Stolen or Lost Firearm.

- 1. An officer shall immediately file a report with local law enforcement upon discovery that a firearm is missing.

2. An officer shall immediately report a stolen or lost firearm to the supervisor, who will in turn notify the chief probation officer or director of juvenile court services.
3. An officer shall provide a written report to the supervisor no later than the close of that business day. The supervisor shall review the report and forward it to the chief probation officer or director of juvenile court services. Upon review the chief probation officer or director of juvenile court services shall forward the report to an AOC probation safety specialist.
4. The chief probation officer or director of juvenile court services shall discipline an officer who is found negligent in the loss of their department issued weapon. The discipline shall minimally consist of a letter of reprimand and may include the loss of authorization to carry a firearm.
5. An officer shall reimburse the county or state in the event that a probation department firearm and related equipment is lost or damaged through negligence.

S. Firearm Care and Maintenance.

1. An officer shall be responsible for cleaning and inspection of their issued firearm.
2. An officer shall not clean a firearm in the probation department other than in a departmental armory or other designated area.
3. The department shall retain ownership of all firearms and ammunition purchased and provided to an officer.
4. An officer shall return the firearm and ammunition to the department upon request.
5. An officer shall present the firearm to the CFI for inspection upon the instructor's request.

Comments and Responses to ACJA Section 6-113: Firearms Standards

PARAGRAPH	COMMENT	RESPONSE
Section D. 5. General Policy	So if you stop by the office to get a form or check a file what do you do with the firearm you are wearing during field visits? The intent of this is not clear at all.	The content of this sub section is the same, just the language is revised.
Section D. 5. General Policy	I think ARS 12-781, Transportation or storage of firearms; motor vehicles; applicability, "nullifies" this section of the code or at least puts us in direct conflict with the statute.	See exception contained in A.R.S. 12-781(C)(4).
Section D. 5. General Policy	I concur with Judge's Davis position. Additionally: With the recent changes to A.R.S. §12-781, it appears the changes in code could put Departments in potential conflict with the statute.	See exception contained in A.R.S. 12-781(C)(4).
Section E. 2. c. Request for Authorization to Carry Firearm	I think you should leave this in because without it you have no evidence of preclusion.	No change necessary.
Section G. 5. Procedures for Authorization, Denial, Temporary Suspension or Revocation	Either the CFI or LFI needs a record of approvals so that they will know when/if someone shows up carrying who is not authorized and perhaps going postal.	Change not incorporated.
Section G. 6. S. Procedures for Authorization, Denial, Temporary Suspension or Revocation	The Superior Court in Maricopa County is has reviewed the proposed changes to ACJA 6-113 (Firearms Standards) and has a few concerns. The Court requests you consider removing the phrase "other than time in service" from section (G)(6)(s) on page 6. The time in service is a relevant factor to consider when determining whether to arm a probation officer. Given the size of the probation departments in Maricopa County, the chiefs many not deem it appropriate or necessary to arm new probation officers that have not yet completed their probationary period of employment. The probation chiefs should have discretion to consider length of time	Change not incorporated.

	in the department when deciding whether to arm a probation officer.	
Section G. 6. S. Procedures for Authorization, Denial, Temporary Suspension or Revocation	<p>I concur with the comments posted by Lori Ash on behalf of Presiding Judge Norman Davis.</p> <p>Removing a Departments ability to consider time in service in essence removes the ability of the Chief or Director to adequately assess an officer to be fit to be armed. The decision of an officer to carry a firearm weapon is a very personal choice. Many new juvenile officers enter our service without a frame of reference to make an informed decision. This is often evident in the hiring psychological testing. Actual time in the field improves an officers understanding of the field environment and our probationers to make a more informed decision. Lastly, removal of any time consideration could result in officers being armed sooner than the standard time it takes a law enforcement officer to become trained armed and working without a partner.</p>	Change not incorporated.
Section M. 4. Responses to Discharges and Firearms Involved Incidents	strike "and train officers on" - it is already covered under M.5.	Change incorporated.
Section M. 4. e. Responses to Discharges and Firearms Involved Incidents	<p>I concur with Judge's Davis position.</p> <p>Additionally: Regarding notification to county attorney and attorney general. In reality the investigating police agency would be notifying either the county attorney or the city attorney based on the seriousness of the situation. It is recommended this section be removed.</p>	Change not incorporated.
Section M. 4. f. Responses to Discharges and Firearms Involved Incidents	The sentence at M.4.f. should be modified to two sentences.	Change incorporated.

<p>Section M. 4. h. Responses to Discharges and Firearms Involved Incidents</p>	<p>The Superior Court in Maricopa County is has reviewed the proposed changes to ACJA 6-113 (Firearms Standards) and has a few concerns. In addition, we request the addition of the phrase “if deemed appropriate” to section (M)(4)(h). The new language would read “Procedures to place an officer on administrative leave following a shooting or discharge, if deemed appropriate.” Not every firearm discharge requires the officer be placed on administrative leave. This takes the discretion away from the probation chief to manage his/her department.</p>	<p>Change not incorporated. This is existing language (M.4.e.8.).</p>
<p>Section M. 4. h. Responses to Discharges and Firearms Involved Incidents</p>	<p>using the word "procedures" is redundant because the section under M.4. includes "Each department's policies and procedures shall include, but are not limited to, the following:" Recommend that "h" read as follows: "Circumstances under which an officer may be placed on administrative leave, to include, but not limited to, at the discretion of the chief probation officer or director of juvenile court services."</p>	<p>Change not incorporated.</p>
<p>Section M. 4. h. Responses to Discharges and Firearms Involved Incidents</p>	<p>I concur with Judge's Davis position. Additionally: “Procedures to place an officer on administrative leave following a shooting or discharge”. The way the current sentence reads suggests an officer involved in a “firearms involved incident”, no matter what the circumstances, must be placed on leave. It is suggested adding “if deemed necessary by the Chief probation officer or Juvenile Director” to the end: Procedures to place an officer on administrative leave following a shooting or discharge, if deemed necessary by the Chief Probation Officer or Juvenile Director.</p>	<p>Change not incorporated.</p>
<p>Section M. 5. Responses to Discharges and Firearms Involved Incidents</p>	<p>I concur with Judge's Davis position. Additionally: It does not seem to be necessary to ensure that all officers are trained in policies and procedures regarding firearm discharges or firearm involved incidents. There is value in non-</p>	<p>Change not incorporated.</p>

	armed officers reviewing the firearms policy/code, but it seems that in firearm discharges or firearm involved incidents, an officer's primary objective is to immediately contact their supervisor. It is recommended that M.5 address this issue in very broad terms: Each department is responsible to ensure that staff is familiar with their department's firearms policy, to include discharges and firearm involved incidents.	
Section R. 3. Stolen or Lost Firearm	This section deals with the written report that goes from officer to supervisor to chief or director. There is a chain of command between supervisor and chief that should be included. Recommend that R.3. be changed as follows: "An officer shall provide a written report to the supervisor no later than the close of that business day. The supervisor shall review the report and forward it THROUGH THE CHAIN OF COMMAND to the chief probation officer or director of juvenile court services."	Change not incorporated. This does not preclude the recommendation being in local policies.