

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	
JUDICIAL ADMINISTRATION § 6-202:)	Administrative Order
ADULT INTENSIVE PROBATION)	<u>No. 2005 - 83</u>
)	(Affecting Administrative
)	Order No. 2000-77)
_____)	

An amendment to the above captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on October 19, 2005, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-202 is amended as indicated on the attached document. All other provisions of § 6-202, as originally adopted, remain unchanged and in effect.

IT IS FURTHER ORDERED that the effective date of this amendment shall be December 31, 2005.

Dated this 15th day of November, 2005.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-202: Adult Intensive Probation

[Added text is shown underlined, deleted text by ~~strikethrough~~.]

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

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

“ACJIS” means Arizona Criminal Justice Information System.

“Administrative director” means both the administrative director of the Administrative Office of the Courts and the director’s designee.

“Alcohol and drug testing” means any method of determining the level or identifiable substances in the body including, but not limited to, breathalyzer tests, blood tests, and urine samples.

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

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

“Case plan” means the documented supervision strategy developed by the supervising probation officer which clearly identifies the risk factors and needs of the probationer and how they will be addressed.

“Case record” means any record pertaining to a particular probationer maintained by the probation department in an electronic or paper medium.

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

“Court” means the superior court.

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

“Hand counts” means the manual tabulation of all intensive probation case files in the ~~county~~ probation department, conducted independently from any automated system.

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

~~“Long term residential treatment” means any type of treatment or counseling where the probationer resides at the facility for 31 days or more.~~

~~“Short term residential treatment” means any type of treatment or counseling where the probationer resides at the facility for 30 days or less.~~

“Residential treatment” means any type of licensed treatment or counseling where the probationer resides at the facility. “Short term residential treatment” is 30 days or less. “Long term residential treatment” is 31 days or more. Halfway houses are not considered residential treatment.

“Standardized assessment” means a the state-approved tool to ~~indicate~~ determine the ~~individual’s offender’s~~ needs related to criminal behavior and propensity to re-offend ~~and the treatment services needed to help prevent further illegal activities.~~

“Standardized reassessment” means the state-approved tool designed to measure changes in an offender’s needs related to criminal behavior and propensity to re-offend.

“Visual contact” means face-to-face communication with the intensive probationer at any place including but not limited to the probation department, the intensive probationer’s residence, place of employment, treatment location or community restitution placement to confirm compliance with conditions of probation and discuss progress, issues of concern other appropriate matters.

B. Applicability. Pursuant to ~~Article VI, Section 3 of the Arizona Constitution, Az. Const. Art. 6, § 3~~ and A.R.S. §§ 13-913 through 13-920, the following requirements are ~~issued~~ adopted to govern the administration and operation of adult intensive probation programs. The AOC shall administer adult intensive probation programs on behalf of the supreme court.

C. Purpose. A.R.S. § 13-913 provides that intensive probation supervision is a “. . . highly structured and closely supervised probation which emphasizes the payment of restitution.”

D. General Administration.

1. The AOC shall:

a. Administer and direct intensive probation programs on behalf of the supreme court;

b. Monitor intensive probation programs;

- c. Prepare written material setting forth various techniques, practices, guidelines and other recommendations regarding the operation and management of intensive probation programs and distribute this material to judges and probation personnel;
 - d. Inspect, audit, or have audited the records of any superior court operating an intensive probation program;
 - e. Prescribe and adopt procedures, forms and reports necessary for financial administration, program administration, operation and management of intensive probation programs;
 - f. Conduct seminars and educational sessions regarding the purpose and operation of intensive probation programs;
 - g. Establish performance measures and expectations in consultation with the court for determining compliance with each court's intensive probation program plan and budget request;
 - h. Assist courts in developing their intensive probation program plans and budgets;
 - i. Provide general assistance to courts on the operation of intensive probation programs; and
 - j. Adopt other administrative practices and procedures, consistent with this ~~code~~ section, as necessary for the administration of the intensive probation supervision program.
2. ~~For purposes of~~ To promote uniform administration, each adult probation department ~~receiving state intensive probation funds operating an intensive probation program~~ shall comply with this ~~code~~ section.

E. Budget Request Preparation.

- 1. Pursuant to A.R.S. § 13-920 the presiding judge wishing to receive state funding to operate an intensive probation program shall submit a proposed plan and budget request for the subsequent fiscal years to the AOC. The administrative director shall establish the date for submission, as well as the forms to be used and the corresponding instructions.
- 2. The administrative director shall review each request, and may modify the request based on appropriate statewide considerations. The AOC shall include the court's request, or the modified request, in the supreme court's annual budget request. The administrative director shall allocate to the court the monies appropriated by the legislature for intensive probation programs based on the proposed plan, availability of funds, caseload population, past year use, and program effectiveness.

3. If a court does not agree with the allocations and requests further review, the chief justice shall make the final determination.
4. Each ~~participating~~ court requesting state funding shall support the budget request with written justification and explanation as required by the administrative director.

F. Program Plan and Financial Management.

1. Each ~~participating~~ court requesting state funding shall submit an expenditure plan to the administrative director. The expenditure plan and any plan modification shall be consistent with A.R.S. §§ 13-913 through 13-920, this code, the supreme court's budget request and with available monies appropriated by the legislature for intensive probation programs. The ~~participating~~ court shall submit the plan within the prescribed time frame and on forms required by the administrative director.
2. Each presiding judge shall submit, in writing, all requests to modify expenditure plans on a form approved by the administrative director.
3. In the event that the administrative director disapproves a plan or plan modification submitted by a court, the presiding judge of the court may request that the administrative director submit the plan to the chief justice for consideration and final determination.
4. Pursuant to A.R.S. § 12-263, on approval of the plan as submitted or modified and the availability of funds, the administrative director shall enter into a written funding agreement with the submitting court for the distribution of funds. The administrative director may amend or terminate funding agreements due to lack of funds, lack of financial need, or the court's failure to comply with applicable statutes, the approved plan, funding agreement or this code.
5. The administrative director may reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications.
6. Pursuant to A.R.S. § 12-267(B), the county's chief fiscal officer shall deposit funds received by the court pursuant to A.R.S. § 13-920 into a separate account within the adult probation services fund.
7. The ~~participating~~ court receiving state funds shall use allocated ~~state~~ funds and interest only for the support and operation of approved intensive probation programs.
8. On agreement with a participating court, the administrative director may withhold funds allocated to the court and may authorize direct expenditures for the benefit of the court. The administrative director may also reallocate these funds during the fiscal year.
9. The presiding judge of each participating court shall submit to the AOC, by January 31 of each year, a mid-year financial and program activity report related to the court's plan

through December 31. Failure to submit the report in a timely manner may result in financial sanctions.

10. The presiding judge of each participating court shall submit to the AOC, by August 31 of each year, a closing financial and program activity report related to the court's plan through June 30. Failure to submit the report in a timely manner may result in financial sanctions.
11. The presiding judge of each participating court shall return to the AOC, by August 31 of each year, all intensive probation program funds distributed to the court which are unencumbered as of June 30 and unexpended as of July 31. Failure to revert the unencumbered funds in a timely manner may result in financial sanctions.
12. The administrative director shall determine how the funds are used in the event that a court experiences a decreased need for funds or declines to participate after the legislature has appropriated funds for intensive probation programs.
13. Each ~~participating~~ court and its probation department operating an intensive probation program shall maintain and provide to the AOC data and statistics as may be required by the supreme court to administer intensive probation programs.
14. On request of the AOC, the chief probation officer shall conduct hand counts of the ~~county's~~ department's intensive probation population. The chief probation officer shall submit the results of the hand counts to the AOC.
15. Each ~~participating~~ court and its probation department operating an intensive probation program shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least ~~5~~ five years from the close of each fiscal year.

G. Allocation and Management of Intensive Probation Supervision Personnel Placements.

The administrative director shall allocate state funded intensive probation personnel placements approved for intensive probation among courts. The administrative director may prepare and implement procedures for adjusting allocated placements and associated monies among courts.

H. Eligibility Requirements for Intensive Probation.

1. A.R.S. § 13-914(A) provides:

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

1. Been convicted of a felony and for whom the granting of probation is not prohibited by law.

2. Violated probation by commission of a technical violation that was not chargeable or indictable as a criminal offense.
2. The presentence report assists the court in determining appropriateness for placement on intensive probation.
3. Probation officers shall support any recommendation for the placement of an offender on intensive probation with ~~a~~ the standardized risk assessment or reassessment. Probation officers shall not recommend placement on intensive probation for ~~A~~an offender who scores outside the acceptable limits of the standardized ~~risk assessment or reassessment~~ is not eligible for intensive probation unless approved in writing by the chief probation officer or designee.
4. A.R.S. § 13-914(B) provides: “The adult probation officer shall evaluate the needs of the offender and the offender’s risk to the community, including the nature of the offense and the prior criminal history of the offender” ~~The a~~Adult probation officer department staff shall administer the standardized assessment. The adult probation officer shall consider these factors in making a recommendation to the court for placement on intensive probation.
5. In determining appropriateness for intensive probation the probation officer shall also consider:
 - a. The offender’s need for the structure, accountability, and close monitoring;
 - b. The focus on treatment inherent in the intensive probation program;
 - c. The benefits of the intensive probation program to the offender;
 - d. Community safety;
 - e. The potential harm to the victim including the victim’s attitude toward placing the offender on intensive probation;
 - f. Payment of restitution;
 - g. The probability the offender will remain at liberty without violating the law;
 - h. Performance of community ~~service~~ restitution hours; and
 - i. Any other factors determined appropriate to the ends of justice and the safety of the community.
6. The probation officer shall include the reasons supporting intensive probation in the presentence report.

I. Sentencing Provisions.

1. A.R.S. § 13-914(E) provides that intensive probation shall be conditioned on the offender:
 1. Maintaining employment or maintaining full-time student status at a school subject to the provisions of ~~T~~title 15 or ~~T~~title 32, ~~C~~chapter 30 and making progress deemed satisfactory to the probation officer, or both, or being involved in supervised job searches and community ~~service~~ restitution work at least six days a week throughout the offender's term of intensive probation;
 2. Paying restitution and probation fees of not less than \$50 unless, after determining the inability of the offender to pay the fee, the court assesses a lesser fee;
 3. Establishing residence at a place approved by the intensive probation team and not changing the offender's residence without the team's prior approval;
 4. Remaining at the offender's place of residence at all times except to go to work, to attend school, to perform community ~~service~~ restitution and as specifically allowed in each instance by the adult probation officer;
 5. Allowing administration of drug and alcohol tests if requested by a member of the intensive probation team;
 6. Performing not less than forty hours of community ~~service~~ restitution each month. Full-time students may be exempted or required to perform fewer hours of community ~~service~~ restitution. For good cause, the court may reduce the number of community ~~service~~ restitution hours performed to not less than twenty hours each month;
 7. Meeting any other conditions imposed by the court to meet the needs of the offender and limit the risks to the community, including participation in a program of community punishment authorized in ~~T~~title 12, ~~C~~chapter 2, ~~A~~article 11.
2. Good cause, in the context of reducing an intensive probationer's monthly community ~~service~~ restitution requirement, includes but is not limited to:
 - a. Physical or mental ~~D~~isability;
 - b. Physical or mental illness;
 - c. ~~Participation in or e~~Completion of ~~long-term~~ residential treatment;

- d. Working full time and attending at least ~~6~~ six college credit hours or ~~6~~ six hours at general equivalency diploma, adult basic education or vocational education classes per week;
- e. Working full time and participating in a licensed intensive outpatient, ~~short term residential~~, or day treatment program; or
- f. Successful completion of any levels ~~I or II~~ of intensive probation.

3. Any reduction in an intensive probationer's community restitution requirement shall not exceed ten hours per supervision level change or be reduced below twenty hours per month.

~~3~~ 4. The court shall exempt community ~~service~~ restitution requirements while the probationer is incarcerated as a condition of intensive probation or participating in residential treatment. In addition, where otherwise appropriate and permissible, a probationer incarcerated as a condition of intensive probation is eligible for work furlough and job search programs while incarcerated.

~~4~~ 5. A.R.S. § 13-918(B) provides:

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

J. Caseload Limit. A.R.S. § 13-916(B) provides: "A two person intensive probation team shall supervise no more than twenty-five persons at one time, and a three person intensive probation team shall supervise no more than forty persons at one time."

K. Active Case.

- 1. Intensive probation teams shall only supervise persons on intensive probation supervision.
- 2. The intensive probation team's active caseload shall include:
 - a. Probationers receiving intensive supervision services residing in the team's county ~~receiving intensive supervision services~~, regardless of their supervision level;
 - b. Probationers in jail pending probation revocation proceedings;

- c. Probationers in short term residential treatment in another county;
 - d. Probationers in residential treatment in the team's county; and
 - e. Probationers in jail and participating in a work furlough, work release, or job search program.
3. The intensive probation team's active caseload shall not include:
- a. Probationers imprisoned in the Arizona Department of Corrections as a condition of probation;
 - ~~b. Probationers residing in another state;~~
 - ~~eb.~~ Probationers considered absconders with an active warrant;
 - ~~dc.~~ Probationers deported to another country and the team has received ~~a copy~~ notice of the deportation;
 - ~~ed.~~ Probationers serving concurrent or consecutive prison commitments;
 - ~~fe.~~ Probationers residing in another county pending acceptance of transfer to another county ~~or state~~;
 - ~~gf.~~ Probationers in long term residential treatment in another county; or
 - ~~hg.~~ Probationers in jail as a condition of intensive probation, regardless of length of incarceration, who are not participating in a work furlough, work release, or job search program.

L. Waiver Provisions. ~~On request of the participating court, the administrative director may waive supervision, contact and caseload limit requirements.~~

1. A.R.S. § 13-919 provides:

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

2. On request of the participating court, the administrative director may waive supervision, contact and caseload limit requirements.

- 2 3. The presiding judge shall file a waiver request pursuant to A.R.S. § 13-916 with the AOC on a form prescribed by the administrative director. The administrative director shall determine whether to grant the waiver.

M. Program Operations.

1. Each probation department shall:
 - a. Have a written procedure regarding the alcohol and drug testing of persons on intensive probation. The procedure shall address the methods used to select intensive probationers for testing, the frequency of testing, and the type of test to be administered;
 - b. Have a process by which accurate and timely records of the completion of community ~~service~~ restitution hours are maintained for each intensive probationer. Credit toward court-ordered community ~~service~~ restitution requirements are awarded on the basis of actual hours completed unless authorized by the court;
 - c. Work with the office of the clerk of the court to establish a process by which supervising intensive probation officers are provided with accurate and timely information concerning collections;
 - d. Ensure the collection of monies owed as a condition of intensive probation. Each probation department and intensive probation team shall immediately address any arrearage. Each probation department and intensive probation team shall also encourage the intensive probationer's payment of other assessments, such as child support or traffic fines, ordered by any court;
 - e. Develop policies and procedures ~~to ensure that~~ which require probation officers providing intensive probation supervision ~~reexamine and reassess the risk and needs of each intensive probationer under their supervision and the factors associated with reducing, maintaining or increasing the intensive probationer's level of supervision to use the results of the standardized assessment, as well as any other relevant information, when developing the case plan.~~
 - f. Develop policies and procedures which require that once every six months the supervising intensive probation officer administer the standardized reassessment and develop a new case plan.
 - fg. Develop policies and procedures which require supervising intensive probation officers to monitor intensive probationer compliance and request the court modify an intensive probationer's level of supervision when behavior and compliance with conditions of intensive probation have been achieved. Documentation regarding the compliance factors and justification for a requested level change shall be maintained in the intensive probationer's case record. Upon court approval of the requested level

change, the supervising intensive probation officer shall develop a new case plan or revise the existing case plan.

A.R.S. § 13-917(A) provides:

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

- fh. Have a written policy concerning the monitoring of intensive probationers' compliance with court-ordered or disclosed prescription medications for mental health or public health concerns. This policy shall include protocols to ensure routine and timely communication between the supervising intensive probation officer and physician regarding the intensive probationer's compliance with dosage requirements; and
- gi. Accurately and timely record information on persons placed on intensive probation in the ACJIS maintained by the Arizona department of public safety. Members of intensive probation teams shall respond to each arrest notification received through ACJIS or through any law enforcement officer.

2. Each intensive probation team shall:

a. ~~Conduct a standardized assessment on every intensive probationer.~~

~~(1) Each probation officer providing intensive probation supervision shall~~ Utilize the results of the ~~conduct a standardized assessment of each new probationer to establish a level of supervision and develop a case plan within 30 days~~ one month of a probationer's placement on intensive probation or initial release from custody as a condition of intensive probation. The case plan shall contain the signatures of the supervising probation officer, surveillance officer and the probationer; unless a standardized assessment was previously conducted during the presentence process. The supervising probation officer shall use the results of the assessment to establish a level of supervision for the probationer and formulate a supervision plan.

~~(2) b. Each probation officer providing intensive probation supervision shall every 90 days~~ Administer the standardized reassessment every six months. The results of the standardized reassessment, along with the intensive probationer's compliance with the conditions of intensive probation and any other relevant factors, shall be used to develop a new case plan; examine and reassess the risk and needs of each probationer under the officer's supervision and the factors associated with reducing, maintaining or increasing the intensive probationer's

~~level of supervision. The probation officer shall petition the court to increase or decrease a probationer's level of supervision at regular intervals, when appropriate, based on standardized assessments and the probationer's compliance with conditions of probation.~~

- ~~(3) c. Monitor intensive probationer behavior and compliance with the conditions of intensive probation and, when warranted, petition the court to increase or decrease the intensive probationer's level of supervision;~~
 - d. Petition the court to modify the intensive probationer's supervision to standard probation or terminate the period of probation when the intensive probation team determines that intensive probation is no longer needed. If the intensive probation grant is modified to standard supervision, the probation department shall transfer the case to a standard probation officer;
 - e. Require each active probationer under the intensive probation team's supervision to submit a schedule of activities for approval. Intensive probationers who are incarcerated or participating in residential treatment are exempt from this requirement. The intensive probation team shall monitor and enforce the approved schedule; and
 - ~~hf. Make a documented effort to locate an intensive probation absconder. If the intensive probationer is not located within 72 hours, the intensive probation team shall file a petition to revoke probation and request that the court issue a warrant. The probation department's Efforts to locate the intensive probationer shall continue until the intensive probationer is apprehended;~~
 - ~~e. Petition the court to modify the probationer's supervision to standard probation or terminate the period of probation when the team determines that intensive probation is no longer needed. If the probation grant is modified to standard supervision, the probation department shall transfer the case to a standard probation officer;~~
 - d. Have "... the authority of a peace officer in the performance of his duties" pursuant to A.R.S. § 12-253(3);
 - e. "... assist each person under its supervision in obtaining employment" pursuant to A.R.S. § 13-918(A); and
 - f. ~~Require each active probationer under the team's supervision to submit a weekly schedule of activities for approval. The intensive probation team shall use the approved schedule to establish a curfew which specifies the hours during which the probationer is to remain at their place of residence. The intensive probation team shall monitor and enforce any established curfew.~~
3. Pursuant to A.R.S. § 13-917(C) "The court shall notify the prosecuting attorney, and the victim on request, of any proposed modification of a person's intensive probation if that

modification will substantially affect the person's contact with or safety of the victim or if the modification involves restitution or incarceration status.”

4. A.R.S. § 13-917(B) provides:

The court may issue a warrant for the arrest of a person granted intensive probation. If the person commits an additional offense or violates a condition of probation, the court may revoke intensive probation at any time before the expiration or termination of the period of intensive probation. If a petition to revoke the period of intensive probation is filed and the court finds that the person has committed an additional felony offense or has violated a condition of intensive probation which poses a serious threat or danger to the community, the court shall revoke the period of intensive probation and impose a term of imprisonment as authorized by law. If the court finds that the person has violated any other condition of intensive probation, it shall modify the conditions of intensive probation as appropriate or shall revoke the period of intensive probation and impose a term of imprisonment as authorized by law.

5. A.R.S. § 13-918(B) provides that the intensive probationer's:

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

6. In the absence of specific court-ordered monthly payment schedules the chief probation officer shall establish monthly, bimonthly or weekly payment schedules for each person on intensive probation which emphasizes the payment of restitution and probation fees.

7. At the time a warrant is issued for an ~~probationer who absconds~~ absconder from intensive supervision, the intensive probationer is revoked from intensive probation, or at the time of the intensive probationer's death, any monies remaining in the account ~~at the time~~ shall be disbursed to satisfy court-ordered payments in a manner and in amounts determined by the chief probation officer or the court. Any remaining balance in the account over \$5.00 shall, on request, be paid to the intensive probationer or the intensive probationer's beneficiary.

8. A person on intensive probation may have supervision transferred to another Arizona county provided the receiving county operates an intensive probation supervision program, ~~has an available opening on an active caseload, and approves the transfer.~~

9. A person on intensive probation must reside in the state of Arizona until completion of the term of intensive probation, or until the court otherwise modifies the probation grant or discharges the person from supervision.

N. Program Placement.

1. A person placed on intensive probation shall be supervised by the intensive probation team pursuant to the minimum supervision requirements established for supervision level I for one month from the date of initial placement on intensive probation or initial release from custody as a condition of intensive probation.
2. Upon the intensive probationer's completion of one month of initial placement on intensive probation or initial release from custody as a condition of intensive probation, the intensive probation team shall utilize the results of the standardized assessment, along with the probationer's compliance with the conditions of intensive probation and any other relevant factors, and recommend to the court placement on an appropriate supervision level.
3. A person continued on intensive probation as a result of a probation violation proceeding may be supervised at any supervision level. The intensive probation team shall utilize the results of the standardized assessment, along with the probationer's compliance with previously imposed conditions of standard or intensive probation and any other relevant factors, and recommend to the court placement on an appropriate supervision level.
4. An intensive probationer may exit intensive probation at any supervision level.

N O. Minimum Contact Supervision Requirements.

1. The following ~~contact~~ supervision requirements are established as minimum thresholds for intensive probationers being supervised in the community. Each probation department may establish more rigorous ~~contact~~ intensive supervision requirements for ~~any supervision level~~. Each chief probation officer shall ensure that all established minimum ~~contact~~ intensive supervision requirements are provided in writing to each intensive probation team, along with ~~appropriate~~ training on adherence to those requirements.
2. The probation department shall establish and document minimum intensive supervision requirements for intensive probationers incarcerated in jail. Each probation department shall provide, in writing to each intensive probation team, the minimum intensive supervision requirements established for intensive probationers incarcerated in jail and furnish training on adherence to those requirements.

2 3. Supervision level I shall include:

- a. Visual contacts. The intensive probation team shall have a minimum of four visual contacts each week with each intensive probationer, with at least two occurring at the

- intensive probationer's residence. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays;
- b. ~~Employment verification.~~ Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall have face-to-face, telephonic or written contact with the intensive probationer's employer each week. The intensive probationer, if unemployed, shall each weekday, unless otherwise ~~specified~~ directed, provide the intensive probation team with verification of job search activities;
 - c. Investigation of arrest notification. The intensive probation team shall immediately contact the law enforcement officer or agency involved, upon receipt of an arrest notification, to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The intensive probation team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident;
 - d. ~~Curfew Schedule.~~ The intensive probation team shall monitor and enforce ~~curfews~~ approved schedules established pursuant to A.R.S. § 13-914(E)(4);
 - e. Community ~~service~~ restitution. The intensive probation team shall monitor, record and enforce the community ~~service~~ restitution requirements ordered by the court pursuant to A.R.S. § 13-914(E)(6);
 - f. Alcohol and drug testing. The intensive probation team shall administer or cause to have administered alcohol and drug tests on a variable schedule. The intensive probation team shall assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals ~~frequency shall be specified on~~ documented in the supervision plan case record. In the absence of a specified frequency, the intensive probation team shall administer or cause to have administered a minimum of one alcohol ~~and~~ or drug test per month, unless otherwise directed by the court. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing; and.
 - g. Treatment and counseling. The intensive probation team shall provide a written directive to the intensive probationer referring the intensive probationer to an appropriate service provider within 60 days of sentencing, initial release from custody as a condition of intensive probation, ~~or identification of the need if~~ when a need for treatment or counseling is identified ~~through the use of a statewide standardized assessment or is ordered by the court.~~ If more than one area of treatment or counseling is identified, the intensive probation team shall prioritize the needs and address the one with highest priority within the prescribed time frame. The intensive

probation team shall then address the remaining treatment or counseling areas in descending order.

3 4.Supervision level II shall include:

- a. Visual contacts. The intensive probation team shall have a minimum of two visual contacts each week with each intensive probationer, with at least one occurring at the intensive probationer's residence. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays;.
- b. Employment ~~verification~~. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall have face-to-face, telephonic or written contact with the intensive probationer's employer every two weeks. The intensive probationer, if unemployed, shall each weekday, unless otherwise ~~specified~~ directed, provide the intensive probation team with verification of job search activities;.
- c. Investigation of arrest notification. The intensive probation team shall immediately contact the law enforcement officer or agency involved, upon receipt of an arrest notification, to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The intensive probation team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident;.
- d. Curfew Schedule. The intensive probation team shall monitor and enforce ~~curfews~~ approved schedules established pursuant to A.R.S. § 13-914(E)(4);.
- e. Community ~~service~~ restitution. The intensive probation team shall monitor, record and enforce the community ~~service~~ restitution requirements ordered by the court ~~pursuant to A.R.S. § 13-914(E)(6);.~~
- f. Alcohol and drug testing. The intensive probation team shall administer or cause to have administered alcohol and drug tests on a variable schedule. The intensive probation team shall assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals ~~frequency shall be specified on~~ documented in the ~~supervision plan~~ case record. In the absence of a specified frequency, the intensive probation team shall administer or cause to have administered a minimum of one alcohol ~~and~~ or drug test per month, unless otherwise directed by the court. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing; and.

- g. Treatment and counseling. The intensive probation team shall provide a written directive to the intensive probationer referring the intensive probationer to an appropriate service provider within 60 days of sentencing, initial release from custody as a condition of intensive probation, or ~~identification of the need if when~~ a need for treatment or counseling is identified ~~through the use of a statewide standardized assessment or is ordered by the court~~. If more than one area of treatment or counseling is identified, the intensive probation team shall prioritize the needs and address the one with highest priority within the prescribed time frame. The intensive probation team shall then address the remaining treatment or counseling areas in descending order.

4 5. Supervision level III shall include:

- a. Visual contacts. The intensive probation team shall have a minimum of one visual contact each week with each intensive probationer, with at least two per month occurring at the intensive probationer's residence. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays;.
- b. ~~Employment verification~~. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall have face-to-face, telephonic or written contact with the intensive probationer's employer every two weeks. The intensive probationer, if unemployed, shall each weekday, unless otherwise ~~specified~~ directed, provide the intensive probation team with verification of job search activities;.
- c. Investigation of arrest notification. The intensive probation team shall immediately contact the law enforcement officer or agency involved, upon receipt of an arrest notification, to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The intensive probation team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident;.
- d. ~~Curfew Schedule~~. The intensive probation team shall monitor and enforce ~~curfews~~ approved schedules established pursuant to A.R.S. § 13-914(E)(4);.
- f. ~~Community service restitution~~. The intensive probation team shall monitor, record and enforce the ~~community service~~ restitution requirements ordered by the court ~~pursuant to A.R.S. § 13-914(E)(6);~~.
- g. Alcohol and drug testing. The intensive probation team shall administer or cause to have administered alcohol and drug tests on a variable schedule. The intensive probation team shall assess each intensive probationer's need for monitoring of

alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals ~~frequency shall be specified on~~ documented in the supervision plan case record. In the absence of a specified frequency, the intensive probation team shall administer or cause to have administered a minimum of one alcohol ~~and~~ or drug test per month, unless otherwise directed by the court. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.
~~and~~

- h. Treatment and counseling. The intensive probation team shall provide a written directive to the intensive probationer referring the intensive probationer to an appropriate service provider within 60 days of sentencing, initial release from custody as a condition of intensive probation, or ~~identification of the need if~~ when a need for treatment or counseling is identified ~~through the use of a statewide standardized assessment or is ordered by the court~~. If more than one area of treatment or counseling is identified, the intensive probation team shall prioritize the needs and address the one with highest priority within the prescribed time frame. The intensive probation team shall then address the remaining treatment or counseling areas in descending order.

5 6. Supervision level IV is designed to provide a transition between intensive and standard probation and is reserved for intensive probationers who have successfully completed one or more of the more stringent levels of intensive probation. Supervision level IV shall include:

- a. Visual contacts. The intensive probation team shall have a minimum of two visual contacts each month with each intensive probationer, with at least one ~~of these contacts~~ occurring at the intensive probationer's residence ~~or employment~~. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays;.
- b. Employment ~~verification~~. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall have face-to-face, telephonic or written contact with the intensive probationer's employer once each month. The intensive probationer, if unemployed, shall each weekday, unless otherwise ~~specified~~ directed, provide the intensive probation team with verification of job search activities;.
- c. Investigation of arrest notification. The intensive probation team shall immediately contact the law enforcement officer or agency involved, upon receipt of an arrest notification, to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The intensive probation team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident;.

- d. Curfew Schedule. The intensive probation team shall monitor and enforce ~~curfews~~ approved schedules established pursuant to A.R.S. § 13-914(E)(4);
 - e. Community service restitution. The intensive probation team shall monitor, record and enforce the community service restitution requirements ordered by the court pursuant to A.R.S. § 13-914(E)(6);
 - f. Alcohol and drug testing. The intensive probation team shall administer or cause to have administered alcohol and drug tests on a variable schedule. The intensive probation team shall assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals ~~frequency shall be specified on~~ documented in the ~~supervision plan~~ case record. In the absence of a specified frequency, the intensive probation team shall administer or cause to have administered a minimum of one alcohol ~~and~~ or drug test per month, unless otherwise directed by the court. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing; and.
 - g. Treatment and counseling. The intensive probation team shall provide a written directive to the intensive probationer referring the intensive probationer to an appropriate service provider within 60 days of sentencing, initial release from custody as a condition of intensive probation, or ~~identification of the need if~~ when a need for treatment or counseling is identified ~~through the use of a statewide standardized assessment or is ordered by the court~~. If more than one area of treatment or counseling is identified, the intensive probation team shall prioritize the needs and address the one with highest priority within the prescribed time frame. The intensive probation team shall then address the remaining treatment or counseling areas in descending order.
- 6 7. Supervision level V is reserved for intensive probationers participating in ~~long-term~~ residential treatment. On release from ~~the residential facility~~ treatment, the intensive probation team shall utilize the results of the standardized assessment or reassessment, along with the intensive probationer's compliance with the conditions of intensive probation, discharge plan supported by and involving the treatment provider, intensive probation team and intensive probationer, and any other relevant factors to place the intensive probationer in one of the various supervision levels ~~using criteria such as a discharge plan supported by and involving the treatment provider, intensive probation team and the probationer, and the probationer's compliance with the conditions of probation~~. Supervision level V shall include:
- a. Visual contacts. The intensive probation team shall have a minimum of one visual contact each month with each intensive probationer. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, ~~and include days, nights, weekends and holidays;~~

- b. Treatment provider contacts. The intensive probation team shall have a minimum of one face-to-face, telephonic or written contact per month with the intensive probationer's treatment provider;
- c. Investigation of arrest notification. The intensive probation team shall immediately contact the law enforcement officer or agency involved, upon receipt of an arrest notification, to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The intensive probation team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident;
- d. ~~Community service restitution. The intensive probation team shall monitor, record and enforce the community service requirements ordered by the court pursuant to A.R.S. § 13-914(E)(6)~~ Intensive probationers participating in residential treatment are exempt from community restitution requirements; and.
- e. Alcohol and drug testing. The intensive probation team shall, in conjunction with the residential treatment provider, assess each intensive probationer's need for monitoring of alcohol and drug use and establish a variable schedule for the administration of alcohol and drug tests ~~administer or cause to have administered alcohol and drug tests on a variable schedule. Alcohol and drug testing shall be administered by either the intensive probation team or the residential treatment provider. The intensive probation team shall assess each probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing frequency shall be specified on in the supervision plan case record. In the absence of a specified frequency, the intensive probation team shall administer or cause to have administered a minimum of one alcohol and drug test per month, unless otherwise directed by the court. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.~~

OP. Required Records.

- 1. A.R.S. § 13-916(F)(1) provides: "The intensive probation team shall secure and keep a complete identification record of each person supervised by the team and a written statement of the conditions of probation."
- 2. The intensive probation team shall also maintain verifiable case records for each intensive probationer, including, but not limited to:
 - a. An individual case plan setting forth behavioral and program expectations;
 - b. Contact logs detailing the time, nature and location of each contact related to each intensive probationer; and

c. Current photograph of each intensive probationer.

Adopted by Administrative Order 2000-77, Effective January 1, 2001 and Amended by Administrative Order 2002-93, Effective August 29, 2002