

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	<u>No. 2009 - 114</u>
§ 6-202: ADULT INTENSIVE)	(Affecting Administrative
PROBATION)	Orders No. 2000-77, 2002-93,
)	2005-83, and 2007-86)

Pursuant to the Arizona Code of Judicial Administration § 1-201 (E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council. In the Third Special Session of the Forty-Ninth Legislature (2009), the Legislature passed House Bill 2010 (Chapter 6). The bill was signed by the governor on September 3, 2009 and has an effective date of November 24, 2009.

These technical amendments also include changing references from months to days in order to be consistent with other probation codes.

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 effective November 24, 2009. All other provisions of § 6-202 as adopted, remain unchanged and in effect.

Dated this 10th day of November, 2009.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 2: Adult Services

Section 6-202: Adult Intensive Probation

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

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

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

“Court” means the superior court.

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

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

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

“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 the state-approved tool to determine the offender’s needs related to criminal behavior and propensity to re-offend.

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

“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.

Sections B through H – No changes

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 title 15 or title 32, chapter 30 and making progress deemed satisfactory to the probation officer, or both, or being involved in supervised job searches and community restitution work at least six days a week throughout the offender’s term of intensive probation;
 2. Paying restitution and probation fees of not less than seventy-five dollars \$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 restitution and as specifically allowed in each instance by the adult probation officer;
 5. Allowing administration of drug and alcohol tests if requested by a member of the intensive probation team;
 6. Performing not less than forty hours of community restitution ~~each month every 30 days~~. Full-time students may be exempted or required to perform fewer hours of community restitution. For good cause, the

court may reduce the number of community restitution hours performed to not less than twenty hours ~~each month~~ every 30 days;

7. Meeting any other conditions imposed by the court to meet the needs of the offender and limit the risks to the community, including participation in a program of community punishment authorized in title 12, chapter 2, article 11.
2. Good cause, in the context of reducing an intensive probationer's monthly community restitution requirement, includes but is not limited to:
 - a. Physical or mental disability;
 - b. Physical or mental illness;
 - c. Completion of residential treatment;
 - d. Working full time and attending at least six college credit hours or 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, or day treatment program; or
 - f. Successful completion of any level 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~~ every 30 days.
4. The court shall exempt community restitution requirements while the probationer is incarcerated or participating in residential treatment.
5. A.R.S. § 13-918(B) provides:

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

J. No Change

K. Active Direct Case.

1. Intensive probation teams shall only supervise persons on intensive probation supervision.
2. The intensive probation team's active direct caseload shall include:
 - a. Probationers receiving intensive supervision services residing in the team's county, 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.
 - f. Probationers on warrant status for less than 90 days.
3. The intensive probation team's active direct caseload shall not include:
 - a. Probationers imprisoned in the Arizona Department of Corrections as a condition of probation;
 - b. Probationers considered absconders with an active warrant for 90 days or more;
 - c. Probationers deported to another country and the team has received notice of the deportation;
 - d. Probationers serving concurrent or consecutive prison commitments;
 - e. Probationers residing in another county pending acceptance of transfer to another county;
 - f. Probationers in long term residential treatment in another county; or
 - g. 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.

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. 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.~~
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. Waiver requests shall be renewed annually if the participating court expects to maintain caseloads of no more than fifteen persons on intensive probation supervision caseloads.~~
4. Minimum supervision requirements under the waiver provision shall remain in effect throughout the period of intensive probation supervision and shall include:
 - a. Visual contact standards of one visual contact at least one time per week per probationer;
 - b. Pursuant to A.R.S. §13-914(E)(6), “For good cause, the court may reduce the number of community restitution hours performed to not less than twenty hours each month” and,
 - c. All requirements identified in subsections O (3)(b-g) ACJA 6-202.

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 restitution hours are maintained for each intensive probationer. Credit toward court-ordered community restitution requirements are awarded on the basis of actual hours completed unless authorized by the court;
 - 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 which require probation officers providing intensive probation 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~~ 180 days the supervising intensive probation officer administer the standardized reassessment and develop a new case plan.
- g. 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.

- h. 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
- i. 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. Utilize the results of the standardized assessment to establish a level of supervision and develop a case plan within ~~one month~~ 30 days 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;
 - b. Administer the standardized reassessment every ~~six months~~ 180 days. 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;
 - 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 direct 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
 - f. 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;.
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 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 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.
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~~ 30 days 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~~ 30 days 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.

O. Minimum Supervision Requirements.

1. The following supervision requirements are established as minimum thresholds for intensive probationers being supervised in the community. Each probation department may establish more rigorous intensive supervision requirements. Each chief probation officer shall ensure that all established minimum intensive supervision requirements are provided in writing to each intensive probation team, along with training on adherence to those requirements.
2. The probation department shall establish and document minimum intensive supervision requirements for intensive probationers incarcerated in jail. Each probation department shall provide, in writing to each intensive probation team, the minimum intensive supervision requirements established for intensive probationers incarcerated in jail and furnish training on adherence to those requirements.
3. Supervision level I 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. 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 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. Schedule. The intensive probation team shall monitor and enforce approved schedules established pursuant to A.R.S. § 13-914(E)(4).
- e. Community restitution. The intensive probation team shall monitor, record and enforce the community restitution requirements ordered by the court.
- 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 documented in the 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 or drug test ~~per month~~ every 30 days, unless otherwise directed by the court. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.
- 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 when a need for treatment or counseling is identified. 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. 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. 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 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. Schedule. The intensive probation team shall monitor and enforce approved schedules established pursuant to A.R.S. § 13-914(E)(4).
- e. Community restitution. The intensive probation team shall monitor, record and enforce the community restitution requirements ordered by the court.
- 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 documented in the 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 or drug test ~~per month~~ every 30 days, unless otherwise directed by the court. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.
- 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 when a need for treatment or counseling is identified. 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. 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~~ every 30 days 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. 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 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. Schedule. The intensive probation team shall monitor and enforce approved schedules established pursuant to A.R.S. § 13-914(E)(4).
 - e. Community restitution. The intensive probation team shall monitor, record and enforce the community restitution requirements ordered by the court.
 - 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 documented in the 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 or drug test ~~per month~~ every 30 days, unless otherwise directed by the court. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.
 - 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 when a need for treatment or counseling is identified. 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. 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~~ every 30 days 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. 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~~ every 30 days. The intensive probationer, if unemployed, shall each weekday, unless otherwise 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. Schedule. The intensive probation team shall monitor and enforce approved schedules established pursuant to A.R.S. § 13-914(E)(4).
 - e. Community restitution. The intensive probation team shall monitor, record and enforce the community restitution requirements ordered by the court;
 - 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 documented in the 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 or drug test ~~per month~~ every 30 days, unless otherwise directed by the court. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.
 - 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 when a need for treatment or counseling is identified. 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.
7. Supervision level V is reserved for intensive probationers participating in residential treatment. On release from residential treatment, the intensive probation team shall

utilize the results of the standardized assessment or reassessment, along with the intensive probationer's compliance with the conditions of intensive probation, discharge plan supported by and involving the treatment provider, intensive probation team and intensive probationer, and any other relevant factors to place the intensive probationer in one of the various supervision levels. Supervision level V shall include:

- a. Visual contacts. The intensive probation team shall have a minimum of one visual contact ~~each month~~ every 30 days with each intensive probationer. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled.
- b. Treatment provider contacts. The intensive probation team shall have a minimum of one face-to-face, telephonic or written contact ~~per month~~ every 30 days 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 restitution. Intensive probationers participating in residential treatment are exempt from community restitution requirements.
- g. 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. Alcohol and drug testing shall be administered by either the intensive probation team or the residential treatment provider. The testing frequency shall be specified in the case record. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.

P. No Change