

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ARIZONA CODE OF JUDICIAL) Administrative Order
ADMINISTRATION § 6-202.01:) No. 2009 - 115
ADULT INTENSIVE PROBATION)
EVIDENCE-BASED PRACTICES)
_____)

The above captioned provision having come before the Arizona Judicial Council on October 21, 2009, and having been approved and recommended for adoption with technical changes being made pursuant to Arizona Code of Judicial Administration §1-201(E), consistent with House Bill 2010 (Chapter 6) passed in the Third Special Session of the Forty-Ninth Legislature (2009),

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

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration, effective November 24, 2009.

IT IS FURTHER ORDERED that courts and probation departments shall be governed by section 6-202, unless and until the presiding judge of the court submits a plan and requests approval by the Administrative Director, Administrative Office of the Courts (AOC), for the court's probation department to be governed by section 6-202.01. The Administrative Director shall approve a request and plan that meets the following criteria:

1. The plan presents policies and procedures for the approval of the Administrative Director of the AOC that do the following:
 - a. Aim to reduce offender risk and the likelihood of future criminal behavior that are consistent with the principles of evidence-based practices;
 - b. Require the administration of standardized reassessments upon the discovery of significant changes in criminogenic risk and needs or continued criminal conduct, including arrests for new criminal offenses for probationers that assess as low on the initial standardized assessment;
 - c. Require probation officers to utilize graduated responses of consequences and incentives to address violation behavior and promote positive behavioral change;
 - d. Identify the criteria for the recommendation of early termination for eligible probationers including the requirement that officers review case files to determine eligibility, and;
 - e. Require the supervising officer to develop a new case plan for probationers assessed as

- low risk on the standardized assessment or reassessment if an intervention for criminogenic risk or needs is required.
2. The plan documents and confirms that all current probation and surveillance officers have completed AOC approved training in the following areas:
 - a. Revised standardized assessment
 - b. Arizona Code of Judicial Administration section 6-202.01
 3. The plan presents for approval a strategic plan that is consistent with evidence-based practices.

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 6-202.01: Adult Intensive Probation Evidence-Based Practices

Courts shall be governed by section 6-202, except and until approved by the Administrative Director to be governed by section 6-202.01.

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.

“Actuarial risk” means measurable factors that have been correlated to the probability of offender recidivism that are gathered informally through routine interactions and observations with offenders and by formal assessment guided by instruments.

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

“Alcohol and drug testing” means any 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 behavior change plan and supervision strategy developed by the supervising probation officer in collaboration with the probationer which clearly identifies the risk factors and needs of the probationer and how they will be addressed.

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

“Collateral” means any individual or agency that has a relationship to a particular probationer that serves as a source of information or point of contact, including but not limited to friends, family members, law enforcement, victims, community members, neighbors, treatment providers or other associates.

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

“Court” means the superior court.

“Criminogenic need” means any issues of concern which are directly linked to criminal behavior that when addressed and changed affect a probationer’s risk for recidivism, which include, but are not limited to criminal personality, antisocial attitudes, values, beliefs, low self control, criminal peers, substance abuse, dysfunctional family, unemployment and lack of education.

“Direct case” means probationers actively supervised.

“Evidence-based practice” means strategies that have been shown through current, scientific research to lead to a reduction in recidivism.

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

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

“Pro-social activity” means any action or event that promotes sobriety and/or provides an opportunity for building a social support system that encourages a crime free lifestyle and improved community bonds.

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

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

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

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

“Target interventions” means supervision related services determined by the probationer’s risk, criminogenic needs, and other factors such as temperament, learning style, motivation, gender and culture.

“Visual contact” means face-to-face communication with the intensive probationer at any place including but not limited to the probation department, the intensive probationer’s residence, place of employment, treatment location or community restitution placement to confirm compliance with conditions of probation and discuss progress, issues of concern and other appropriate matters. Contacts with probationers are not ends in themselves but are opportunities for officers to achieve specific objectives. These objectives include establishing rapport with the offender, assessing the offender’s criminogenic factors and

triggers, developing and, when needed, modifying a supervision plan, and using both subtle and overt incentives and sanctions to guide the offender toward positive change.

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

C. Purpose. Intensive probation is a structured program aimed to provide high and medium risk probationers intensive interventions to promote positive behavioral changes and reduce the likelihood of future criminal conduct. A.R.S. § 13-913 provides that intensive probation supervision is a "... highly structured and closely supervised probation which emphasizes the payment of restitution."

D. General Administration.

1. The AOC shall:

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

2. To promote uniform administration, each adult probation department operating an intensive probation program shall comply with this section.

E. Budget Request Preparation.

1. A.R.S. § 13-920 provides:

The presiding judge of the superior court shall annually submit a proposed budget for the following fiscal year for the intensive probation program to the supreme court. The supreme court shall include the counties' requests in its annual budget request and shall distribute to the participating counties the monies appropriated by the legislature for intensive probation.

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 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. The chief justice shall make the final determination if a court does not agree with the allocations and requests further review.
4. Each court requesting state funding shall support the budget request with written justification and explanation as required by the administrative director.
5. A.R.S. § 12-269 provides:

The administrative office of the courts shall not disburse any direct state aid for probation services monies, including motor pool costs, that are appropriated for juvenile intensive probation services pursuant to section 8-353, state aid for probation services pursuant to § 12-262, adult intensive probation pursuant to title 13, chapter 9 and community punishment programs pursuant to article 11 of this chapter to a county with a population of two million or more persons.

F. Program Plan and Financial Management.

1. Each 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 section, the supreme court's budget request and with available monies appropriated by the legislature for intensive probation programs. The 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. A.R.S. § 12-263 provides:

The supreme court shall have the authority to reject any plan submitted pursuant to § 12-262. Upon approval of a plan submitted, the supreme court shall enter into a funding agreement with the county and shall make payments to the county as necessary to carry out the agreement.
5. 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 section.
6. The administrative director may reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications.
7. Pursuant to A.R.S. § 12-267(B), "The chief fiscal officer shall establish and maintain separate accounts..." The 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.
8. The court receiving state funds shall use allocated funds and interest only for the support and operation of approved intensive probation programs.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. Each 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.
15. On request of the AOC, the chief probation officer shall conduct hand counts of the department's intensive probation population. The chief probation officer shall submit the results of the hand counts to the AOC.
16. Each 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 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. For all probation eligible cases, presentence reports shall also contain case information related to criminogenic risk and needs as documented by the standardized risk assessment and other file and collateral information. The report shall also contain the officer's recommendation for supervision and treatment services based upon the convicted person's documented criminogenic risk and needs when authorized.
 3. Probation officers shall support any recommendation for the placement of an offender on intensive probation with the standardized assessment or reassessment. Probation officers shall not recommend placement on intensive probation for an offender who scores outside the acceptable limits of the standardized assessment or reassessment unless approved in writing by the chief probation officer or designee.
 4. Pursuant to A.R.S. § 13-914(B), "The adult probation officer shall evaluate the needs of the offender and the offender's risk to the community, including the nature of the offense

and the criminal history of the offender...” Adult probation department staff shall administer the standardized assessment. The adult probation officer shall consider these factors in making a recommendation to the court for placement on intensive probation.

5. Probation officers shall only recommend intensive probation supervision for offenders that assess as high or medium risk on the standardized assessment or reassessment, unless approved in writing by the chief probation officer or designee. In determining appropriateness for intensive probation the probation officer shall also consider:
 - a. Community safety;
 - b. The potential harm to the victim including the victim’s attitude toward placing the offender on intensive probation;
 - c. The offender’s need for structure, accountability, and close monitoring in order to maximize treatment and intervention outcomes;
 - d. The focus on treatment inherent in the intensive probation program;
 - e. The benefits of the intensive probation program to the offender;
 - f. The probability the offender will remain at liberty without violating the law; and
 - g. The offender’s assessment scores in areas known to be significant predictors of the risk to re-offend, which include but are not limited to criminal history, anti-social cognition, anti-social personality and anti-social companions;
6. The probation officer shall also consider the following when determining the appropriateness for intensive probation:
 - a. Payment of restitution;
 - b. Performance of community restitution hours; and
 - c. The offender’s legal eligibility to work in the United States.
7. The probation officer shall include the reasons supporting intensive probation in the presentence report.

I. Sentencing Provisions.

1. A.R.S. § 13-914(E) provides:

E. Intensive probation shall be conditioned on the offender:

1. Maintaining employment or maintaining full-time student status at a school subject to 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 unless, after determining the inability of the offender to pay the fee, the court assesses a lesser fee. Probation fees shall be deposited in the adult probation services fund established by § 12-267. Any amount greater than forty dollars of the fee assessed pursuant to this subsection shall only be used to supplement monies currently used for the salaries of adult probation and surveillance officers and for support of programs and services of the superior court adult probation departments.

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

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

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

6. Performing not less than forty hours of community restitution each month. 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.

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;
 - f. Successful completion of any level of intensive probation; or

- g. Progress with positive behavioral changes.
- 3. An officer shall not recommend reduction of below twenty hours per month.
- 4. The court shall exempt community restitution requirements while the probationer is incarcerated or participating in residential treatment.
- 5. A.R.S. § 13-918(B) provides:

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

- J. 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." Pursuant to A.R.S. § 12-269(B):

A county with a population of two million or more persons shall maintain probation standards that are otherwise prescribed by law, except that the probation ratios that are listed in sections 8-203, 8-353, 12-251 and 13-916 do not apply. The county shall maintain appropriate ratios of officers to probationers consistent with evidence based practices in differentiated case management...

K. Direct Case.

- 1. Intensive probation teams shall only supervise persons on intensive probation supervision.
- 2. The intensive probation team's 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;

- e. Probationers in jail and participating in a work furlough, work release, or job search program; and
 - f. Probationers on warrant status for less than 90 days.
3. The intensive probation team's 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. 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. 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 (1-3) and O(6)(a-m) ACJA 6-202.01.

M. Program Operations.

1. Each probation department shall develop:
 - a. Policies and procedures that aim to reduce offender risk and the likelihood of future criminal behavior that are consistent with the principles of evidence-based practices.
 - b. Policies and procedures which require probation officers providing intensive supervision to use the results of the standardized assessment, as well as any other relevant information, when developing a case plan.
 - c. Policies and procedures which require that once every 180 days the supervising intensive probation officer administer the standardized reassessment and develop a new case plan.
 - d. Policies and procedures that require probation officers to utilize graduated responses of consequences and incentives to address violation behavior and promote positive behavioral change.
 - e. Policies and procedures which require supervising intensive probation officers to monitor intensive probationer compliance, behavioral changes and level of risk and request the court modify an intensive probationer’s level of supervision when behavior and compliance with conditions of intensive probation have been achieved. Documentation regarding the compliance factors and justification for a requested level change shall be maintained in the intensive probationer’s case record. A.R.S. § 13-917(A) provides:

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

- f. Policies and procedures regarding the alcohol and drug testing of persons on intensive probation. The procedure shall address the methods used to select intensive probationers for testing, the frequency of testing, and the type of test to be administered.

- g. Policies and procedures by which accurate and timely records of the completion of community restitution hours are maintained for each intensive probationer. Credit toward court -ordered community restitution requirements are awarded on the basis of actual hours completed unless authorized by the court.
 - h. Protocols for working with the office of the clerk of the court to establish a process by which supervising intensive probation officers are provided with accurate and timely information concerning collections.
 - i. Policies and procedures to ensure the collection of monies owed as a condition of intensive probation. Each probation department and intensive probation team shall immediately address any arrearage. Each probation department and intensive probation team shall also encourage the intensive probationer's payment of other assessments, such as child support or traffic fines, ordered by any court.
 - j. A written policy concerning the monitoring of intensive probationers' compliance with court-ordered or disclosed prescription medications for mental health or public health concerns. This policy shall include protocols to ensure routine and timely communication between the supervising intensive probation officer and physician regarding the intensive probationer's compliance with dosage requirements.
 - k. Policies and procedures to ensure the accurate and timely recording of information on persons placed on intensive probation in the ACJIS maintained by the Arizona department of public safety. Members of intensive probation teams shall respond to each arrest notification received through ACJIS or through any law enforcement officer.
2. Each intensive probation team shall:
- a. Administer the standardized assessment within 30 days of a probationer's placement on probation or initial release from custody if an assessment was not completed prior to sentencing;
 - b. Re-evaluate the adequacy and applicability of the court-ordered conditions of probation as part of the ongoing assessment and planning process and, if applicable, petition the court for modifications;
 - c. Utilize the results of the standardized assessment to establish a level of supervision and finalize a case plan within 30 days of a probationer's placement on intensive probation or initial release from custody. The officer shall ensure the case plan includes signatures of the probation officer, surveillance officer and probationer and objectives in the case plan are measurable;
 - d. Develop and implement supervision strategies that are matched by standardized assessment results and criminogenic factors with the probationer's risks, needs and strengths that promote supervision goals and to provide effective supervision that is

individualized, proportional and purposeful. Surveillance and other interventions shall be proportionately matched to emerging or decreasing risk factors;

- e. Target interventions to promote public safety;
- f. Evaluate the case plan on an ongoing basis;
- g. Administer the standardized reassessment every 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;
- h. Review the assessment and the previous case plan during the development of a new case plan to determine if a change in strategies is required to promote behavioral changes. Strategies shall be re-evaluated if there has been regress or no change in behavior;
- i. 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;
- j. Respond to emerging risk indicators with graduated increases in the level of supervision, pursuant to probation departmental policy;
- k. Provide probationers with feedback on the results of an assessment or reassessment and progress with the established behavioral goals and conditions of probation and provide positive reinforcement to encourage behavioral changes;
- l. Provide probationers with information and referrals to social services that may promote the individual's ability to function under decreasing levels of supervision;
- m. Petition the court to reduce the level of supervision for a probationer that assesses as low risk on the standardized assessment or standardized reassessment. The intensive probation team shall document in the case record the circumstances for continuing probationers that assess as low risk on the standardized risk needs instrument on intensive probation supervision.
- n. 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 court grants the modification from intensive supervision to standard supervision, the probation department shall transfer the case to a standard probation officer;
- o. Require each direct 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

- p. 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 no later than the next business day and request that the court issue a warrant. The probation department's efforts to locate the intensive probationer shall continue until the intensive probationer is apprehended.
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 until such time as the standardized assessment and initial case plan have been completed and the probationer has demonstrated satisfactory progress meeting case plan objectives.
2. Upon the completion of the standardized assessment and initial case plan, 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 as established by the standardized assessment or reassessment and other relevant case information. The intensive probation team shall utilize the results of the standardized assessment or reassessment, 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. The probation department shall establish supervision guidelines that are directed toward achieving desired outcomes that include, but are not limited to the reduction of the offender recidivism and criminogenic factors and will ensure that the majority of intensive probation supervision resources are dedicated to high risk probationers in order to successfully complete their term of probation and promote positive behavioral changes. Supervision guidelines shall include the following considerations:
 - a. Tailored to the risks, needs and strengths presented by the individual probationer as determined by the standardized assessment;
 - b. Supervision monitoring and intervention strategies are to involve no greater deprivations of liberty or property than are reasonably necessary to address sentencing purposes. Supervision programs, surveillance, and strategies that are utilized shall be the least intrusive means necessary to promote public safety and supervision goals;
 - c. Initial and subsequent supervision planning shall develop specific goal-directed objectives to be accomplished by the probationer during the term of supervision and the strategies that the officer will use to monitor compliance and promote the accomplishment of those objectives. Supervision contacts shall be integral to implementing the overall supervision strategies, have a purpose that is directly related to case objectives and the probationer's level and type of risk;
 - d. High risk cases require the concurrent implementation of multiple intervention strategies that apply the skills from a variety of disciplines to address the level and type of risk presented by the individual probationer, build on a probationer's strengths, and provide probationers with incentives to change;
 - e. Document changes in a probationer's circumstances throughout the period of probation and actively engage in assessing the impact of any changes on the level and type of supervision. Officers shall independently assess a probationer's circumstances through field and collateral contacts at a level proportional to the issues in the individual case;
 - f. Responses to noncompliance shall be timely, realistic and escalating; and shall include elements designed to both control and correct noncompliance; and
 - g. The intensity and frequency of supervision activities shall be reduced over time for stable, compliant probationers who are meeting their supervision objectives.
4. Supervision level I is reserved for probationers who assess as high risk on the standardized assessment or reassessment as well as newly sentenced probationers who assess as medium or low risk and shall include:
 - a. Visual contacts. The intensive probation team shall have a minimum of four visual contacts each week with each intensive probationer. Home contacts are required on a

random and varied basis. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.

- b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall have face-to-face, telephonic or written contact with the intensive probationer's employer each week. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
- 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). For probationers that are meeting expected behavioral goals, scheduling requirements shall provide the probationer a graduated reduction in structured activities to promote a successful transition to reduced supervision. Scheduled activities shall provide opportunities for pro-social activities "as specifically allowed in each instance by the adult probation officer" (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 assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use 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, education 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.

- h. Development of case plans that target risk and need areas evidenced to be significant predictors of risk to re-offend.
 - i. The use of communication techniques that engage the probationer in their own case plan, motivation and goals.
 - j. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives.
 - k. Evaluation of ongoing supervision and strategies.
 - l. Responses to positive pro-social behavior pursuant to established departmental incentives policies.
 - m. The probation officer's recommendation for a reduction of supervision for eligible probationers pursuant to the results of the standardized risk assessment or standardized risk reassessment may be made to the court once it has been ascertained that a change in supervision level is warranted based upon standardized assessment and reassessment and progress with established behavioral goals.
5. Supervision level II is reserved for probationers who assess as high risk on the standardized assessment or reassessment and who have demonstrated positive behavioral change. A modification must be obtained from the court prior to placement on level II. Supervision level II shall include:
- a. Visual contacts. The intensive probation team shall have a minimum of two visual contacts each week with each intensive probationer, with at least one occurring at the intensive probationer's residence. 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 and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
 - c. Investigation of arrest notification. Upon the receipt of an arrest notification, the intensive probation team shall immediately contact the law enforcement officer or agencies involved 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). For probationers that are meeting expected behavioral goals, scheduling requirements shall provide the probationer a graduated reduction in structured activities to promote a successful transition to reduced supervision. Scheduled activities shall provide opportunities for pro-social activities “as specifically allowed in each instance by the adult probation officer” (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 assess each intensive probationer’s need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use 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, education 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.
 - h. Collateral Contacts: The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.
 - i. Development of case plans that target risk and need areas evidenced to be significant predictors of risk to re-offend.
 - j. The use of communication techniques that engage the probationer in their own case plan, motivation and goals.
 - k. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives.
 - l. Responses to positive pro-social behavior pursuant to established departmental incentives policies.
 - m. Evaluation of ongoing supervision and strategies.
6. Supervision level III is designed for transitioning high risk probationers to standard probation supervision and as a step down from level I for probationers assessed as medium or low risk. A modification must be obtained from the court prior to placement on level III. Supervision level III shall include:

- a. Visual contacts. The intensive probation team shall have a minimum of one visual contact each week with each intensive probationer, with at least one occurring at the intensive probationer's residence every other week. 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 and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
- c. Investigation of arrest notification. Upon the receipt of an arrest notification, the intensive probation team shall immediately contact the law enforcement officer or agencies involved 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). For probationers that are meeting expected behavioral goals, scheduling requirements shall provide the probationer a graduated reduction in structured activities to promote a successful transition to reduced supervision. Scheduled activities shall provide opportunities for pro-social activities "as specifically allowed in each instance by the adult probation officer" (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 assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use 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, education 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.

- h. Collateral Contacts: The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.
 - i. Development of case plans that target risk and need areas evidenced to be significant predictors of risk to re-offend.
 - j. The use of communication techniques that engage the probationer in their own case plan, motivation and goals.
 - k. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives.
 - l. Responses to positive pro-social behavior pursuant to established departmental incentives policies.
 - m. Evaluation of ongoing supervision and strategies.
7. Supervision level IV is reserved for probationers who assesses as medium or low risk on the standardized assessment or reassessment and is designed to be a transition between intensive and standard probation. The supervising probation officer may petition the court to reduce the level of supervision for a probationer that assesses as low risk on the standardized assessment or standardized reassessment. The case record shall document the circumstances for continuing probationers that assess as low risk on the standardized risk needs instrument on intensive probation supervision. A modification must be obtained from the court prior to placement on level IV. Supervision level IV shall include:
- a. Visual contacts. The intensive probation team shall have a minimum of one visual contact every two weeks with each intensive probationer, occurring at the intensive probationer's residence. 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 every four weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
 - c. Investigation of arrest notification. Upon the receipt of an arrest notification, the intensive probation team shall immediately contact the law enforcement officer or agencies involved 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). For probationers that are meeting expected behavioral goals, scheduling requirements shall provide the probationer a graduated reduction in structured activities to promote a successful transition to reduced supervision. Scheduled activities shall provide opportunities for pro-social activities “as specifically allowed in each instance by the adult probation officer” (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 assess each intensive probationer’s need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use 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, education 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.
 - h. Collateral Contacts: The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 4 weeks, if applicable.
 - i. Development of case plans that target risk and needs areas evidenced to be significant predictors of risk to re-offend.
 - j. The use of communication techniques that engage the probationer in their own case plan, motivation and goals.
 - k. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives.
 - l. Responses to positive pro-social behavior pursuant to established departmental incentives policies.
 - m. Evaluation of ongoing supervision and strategies.
8. 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 every 30 days with each intensive probationer. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled.
- b. Treatment provider contacts. The intensive probation team shall have a minimum of one face-to-face, telephonic or written contact every 30 days with the intensive probationer's treatment provider.
- c. 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.
- e. Alcohol and drug testing. 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. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.
- f. Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 30 days, if applicable.
- g. Development of case plans that target risk and needs areas evidenced to be significant predictors of risk to re-offend.
- h. The use of communication techniques that engage the probationer in their own case plan, motivation and goals.
- i. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives.
- j. Responses to positive pro-social behavior pursuant to established departmental incentives policies.
- k. Evaluation of ongoing supervision and strategies.

P. 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 the probation.”
2. The intensive probation team shall also maintain verifiable case records for each intensive probationer, including, but not limited to:
 - a. An individual case plan setting forth behavioral and program expectations;
 - b. Contact logs detailing the time, nature and location of each contact related to each intensive probationer;
 - c. Current photograph of each intensive probationer; and
 - d. Documentation regarding violation behavior, positive progress and behavioral changes while under supervision.

The Arizona Supreme Court, Administrative Office of the Courts acknowledges the Office of Probation and Pretrial Services of the Administrative Office of the United States Courts, the Oklahoma Department of Corrections, Maryland Division of Parole and Probation, and the National Institute of Corrections for granting permission to pattern the Code section 6-202.01: Adult Intensive Probation after the “The Supervision of Federal Offenders”, Monograph 109, “Evidence- Based Offender Management Guidelines, ” Operations Manual 07.01 of Maryland Division of Probation and Parole, and “Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention.” National Institute of Corrections & Crime and Justice Institute 2004, respectively.