

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	<u>No. 2010 - 26</u>
§ 6-202.01: ADULT INTENSIVE)	(Affecting Administrative
PROBATION EVIDENCE-BASED)	Order No. 2009-115)
PRACTICES)	
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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.

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

IT IS ORDERED that Arizona Code of Judicial Administration § 6-202.01 is amended as indicated on the attached document. All other provisions of § 6-202.01 as adopted, remain unchanged and in effect.

Dated this 24th day of February, 2010.

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.

Sections A. through N. – No changes

O. Minimum Supervision Requirements.

Subsections 1 through 5 – No changes

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~~ 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.

Subsections 7 and 8 – No changes

Section P. No changes