

## LEGISLATIVE AUTHORITY

In the Arizona Revised Statutes, Chapter 2 (Judicial Officers and Employees) clarification as to the court's role in overseeing adult probation departments within the state follow:

### *Article 6. ADULT PROBATION OFFICER*

#### **§ 12-251. Adult probation officers and support staff; appointment; qualifications**

A. The presiding judge of the superior court in each county shall appoint a chief adult probation officer who shall serve at the pleasure of the presiding judge. Such chief adult probation officer, with the approval of the presiding judge of the superior court, shall appoint such deputy adult probation officers and support staff as are necessary to provide presentence investigations and supervision services to the superior court. Presentence investigations and probation services may be provided to the justice courts in each county for persons who are convicted of violating § 28-1381 or 28-1382 or title 13, chapter 14, 35.1 or 36 and who are placed on supervised probation by the court. Presentence investigations and supervised probation services may be provided by a county probation office to a municipal court through an intergovernmental agreement entered into by the respective county and municipality. On approval of the presiding judge and in accordance with policies and procedures developed by the supreme court, the presiding judge of the superior court may direct that presentence investigations and supervised probation services be provided for other persons if a risk of violence exists or if it would be in the best interest of justice. Those deputy adult probation officers engaged in case supervision shall supervise no more than an average of sixty adults who reside in the county on probation to the superior court. Such deputy adult probation officers shall hold office under rules and procedures established by the supreme court.

B. Each adult probation officer appointed pursuant to subsection A of this section shall give bond in the principal amount to be fixed by the court and approved by the judge making the appointment, conditioned upon faithful performance by such officer of his official duties and the payment of all monies coming into his possession as such officer to the person, officer or body entitled to receive the monies. Any adult probation officer covered by state risk management shall be deemed to be in compliance with this section.

C. Probation department personnel shall qualify under minimum standards of experience and education established by the supreme court. Such standards may differ for counties of less than three hundred thousand persons from counties with three hundred thousand persons or more. Notwithstanding § 12-265, any additional salary costs that might be required as a result of the adoption of minimum salary standards by the supreme court may be paid by funds made available to the probation department pursuant to §§ 12-267 and 12-268 or by the supreme court.

D. Presently appointed adult probation officers who qualify under the provisions of subsection C of this section shall be retained in their position as long as they are qualified.

### **§ 12-252. Salaries and expenses**

A. The salary ranges of the adult probation department personnel shall be fixed by the board of supervisors on recommendation of the presiding judge of the superior court. Adult probation department personnel shall be hired pursuant to the rules and procedures approved by the supreme court.

B. The expenses and allowances of the adult probation officers incurred in performance of their duty or in the execution of orders of the court shall, when approved by the presiding judge of the superior court, be paid amounts provided in §§ 38-623 and 38-624 in accordance with the approved expenditure plan pursuant to § 12-267, subsection B.

### **§ 12-253. Powers and duties**

The adult probation officer shall:

1. Make and file a complete record of persons placed under suspended sentence by the court, and of all reports made to the officer in writing or in person, in accordance with the conditions imposed by the court.
2. Exercise general supervision and observation over persons under suspended sentence, subject to control and direction by the court.
3. Serve warrants, make arrests and bring persons before the court who are under suspended sentences. The officer has the authority of a peace officer in the performance of the officer's duties.
4. Investigate cases referred to the officer for investigation by the court in which the officer is serving and report to the court. In an investigation for a presentence report, the adult probation officer shall promptly inquire into the circumstances of the offense, the convicted person's history of delinquency or criminality, social history, employment history, family situation, economic status, including the ability to contribute to reimbursement for the costs of the person's legal defense pursuant to § 11-584, education and personal habits. The presentence report shall contain a recommendation by the officer regarding contribution by the convicted person toward the cost of legal defense pursuant to § 11-584. The officer shall also promptly inquire into the physical, emotional and financial impact of the offense on the immediate family of the victim and shall notify the victim or the immediate family of the victim of the right to appear personally or by counsel at any aggravation or mitigation proceeding.
5. Secure and keep a complete identification record of every person released under a suspended sentence and a written statement of the conditions of the suspension.

6. Obtain and assemble information concerning the conduct of persons placed under suspended sentence and report the information to the court.

7. Bring defaulting probationers into court when in his judgment the conduct of the probationer justifies the court to revoke suspension of the sentence.

**§ 12-254. Chief adult probation officer; duties; other officers' duties**

A. In each county having a chief adult probation officer, such officer, with the approval of the presiding judge, shall:

1. Establish organizational and operational procedures for the deputy adult probation officers of the county.

2. Direct the work and activities of the deputy adult probation officers of the county.

3. Supply such information as may be requested by the state department of corrections pursuant to 41-1604, subsection A, paragraph 6.

4. Perform other duties assigned by the presiding judge, which duties may include serving as a juvenile probation officer, if such officer meets the minimum qualification prescribed by § 8-203, subsection C.

B. In a county having no chief probation officer the adult probation officer shall supply the information required by subsection A, paragraph 3 of this section.

**§ 12-255. Private enterprise probation services**

Nothing in this article prevents a presiding judge of the superior court in a county from entering into agreements with private enterprise to provide supervision and counseling services for persons placed on probation in the county.