

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCONINO

In the Matter of:

AUTHORIZING RELEASE OF)
INFORMATION MAINTAINED)
IN THE ADULT PROBATION)
ENTERPRISE TRACKING SYSTEM)
AND COCONINO COUNTY PRETRIAL)
SERVICES ACTIVITY RECORDS TO)
ARIZONA STATE UNIVERSITY)
_____)

ADMINISTRATIVE ORDER
No. 2020- 03

The Administrative Office of the Courts (AOC) maintains the Adult Probation Enterprise Tracking System (APETS). APETS is the statewide adult probation case management system and repository for records kept during the time an offender is on pretrial supervision, probation supervision, or had a Public Safety Assessment (PSA) completed after an arrest. In Arizona, Probation Departments, excluding Pima County, use and provide data and information to APETS for completing the PSA pretrial risk assessment and for pretrial supervision. These records, as well as internal case tracking records of the pretrial services agencies, are the work product of probation officers and are closed from public inspection. [See Rule 123(d)(2)(A), Rules of the Supreme Court]

Rule 123 “govern[s] public access to the records of all courts and administrative offices of the judicial department of the State of Arizona.” [See Rule 123(a)] This rule also contains specific authorization for employees of government agencies and private organizations serving a public purpose to be granted “such access to court records as required to serve that purpose according to this rule or as provided by any supplemental Supreme Court policies or court order.” [See Rule 123(c)(6)]

The Arizona Code of Judicial Administration (ACJA) permits custodians of court or probation records to provide case records or data to federal, state, tribal and local government agencies and private organizations, the objective of which is to serve a public purpose, such as criminal justice, child welfare, licensing, mental health treatment, or research for scholarly or governmental purposes. [See *ACJA § 1-606: Providing Case Record Access to Public Agencies or to Serve a Public Purpose*]

Arizona State University School of Criminology and Criminal Justice has received grant funding from the Laura and John Arnold Foundation (Arnold Ventures, LLC) to be used to conduct research and evaluation of the impact of persons failing to appear for court during the pretrial phase in Coconino, Pima, Pinal and Yuma Counties. This evaluation will be helpful in the ongoing development of pretrial services in superior courts as well as to assist in the development of pretrial

services in the limited jurisdiction courts in Arizona. Data needed for this evaluation will come from APETS as well as internal case tracking records or other pretrial case information kept at the county level. This data and information are considered work product of probation officers and pretrial staff and are closed from public inspection. The sharing of information from the counties will be addressed by local administrative orders.

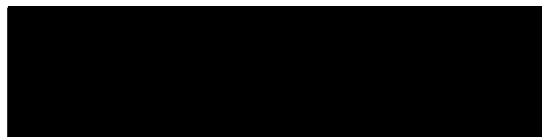
Additionally, the research project will include a survey to be mailed to a randomly selected group of approximately 443 persons who are included in the research sample. This survey will include questions to assess the person's reasons for failing to appear for court or why they chose to appear for all court hearings. The US Postal mailing address and electronic mail address for these persons, if available, will be provided to ASU for this limited purpose. The AOC will provide the US Postal mailing addresses and electronic mail address, if available, from APETS.

THEREFORE, pursuant to Article VI, Section 3, of the Arizona Constitution and Rule 123, Rules of the Supreme Court,

IT IS ORDERED that the data identified, derived from the Coconino County Adult Probation Department, specifically, the internal case tracking records or other pretrial case information kept at the local level required for an analysis of pretrial released defendants for the impact of failure to appear for court, may be provided to ASU for purposes of conducting the aforementioned analysis and in accordance with the terms of the party's agreement with the AOC.

IT IS FURTHER ORDERED that the confidential Coconino County information provided by this order shall be maintained by ASU as confidential in compliance with all applicable confidentiality requirements of Supreme Court Rule 123, as well as the agreement of the parties.

Dated this 13 day of Feb, 2020.



HON. DAN R. SLAYTON
Presiding Judge of Coconino County