

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF ACCESS TO
CLOSED, CONFIDENTIAL AND WORK
PRODUCT RECORDS AND
INFORMATION OF THE ADULT
PROBATION DEPARTMENT

} ADMINISTRATIVE ORDER
No. 2018-161

WHEREAS, the Maricopa County Adult Probation Department has been awarded a grant by the Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services, for the project "Housing Outreach and Peer Engagement (*HOPE*)"; and

WHEREAS, LeCroy and Milligan Associates Inc. have been identified as evaluators in the grant to conduct monitoring and performance assessment of the *HOPE* project; and

WHEREAS, LeCroy and Milligan Associates Inc. need data from the Maricopa County Adult Probation Department to conduct its monitoring and performance assessment of *HOPE*; and

WHEREAS, the Maricopa County Adult Probation Department agreed to assist with the performance assessment as a condition of accepting the SAMHSA grant and desires to obtain the results of the performance assessment; and

WHEREAS, Rule 123(d)(2)(A) of Rules of the Arizona Supreme Court provides that "Criminal History Records, diagnostic evaluations, psychiatric and psychological reports, medical reports, alcohol screening and treatment reports, social studies, probation supervision histories and any other records maintained as the work product" of the probation department are not public records; and

WHEREAS, the Adult Probation Department and LeCroy and Milligan Associates Inc. will be entering into a Records Access and Confidentiality Agreement regarding the data to be provided to LeCroy and Milligan Associates Inc.; and

WHEREAS, before any criminal history information is released, LeCroy and Milligan Associates Inc. will execute a Federal Bureau of Investigation Criminal Justice Information Services Security Addendum and each person having access to the criminal history information that works with LeCroy and Milligan Associates Inc. on the *HOPE* evaluation will have a fingerprint background check, view an informational video, complete any required testing, sign a verification of having viewed the video and a security addendum, and complete any other requirements necessary under Arizona or Federal law to be authorized to view criminal history information as a Criminal Justice Practitioner;

IT IS ORDERED as follows:

1. Subject to the terms of the Records Access and Confidentiality Agreement and the Federal Bureau of Investigation Criminal Justice Information Services Security Addendum, the Adult Probation Department is authorized to provide criminal history information, demographic information, treatment information, probation violation information, new offense information, assessment information, and other work product of the Adult Probation Department to the principal investigators at LeCroy and Milligan Associates Inc. for probationers referred to and/or participating in *HOPE*.
2. The data will be provided electronically in a format and at intervals agreed upon by LeCroy and Milligan Associates Inc. and the Adult Probation Department.
3. The exact data to be provided will be agreed upon by LeCroy and Milligan Associates Inc. and the Adult Probation Department.
4. LeCroy and Milligan Associates Inc. is authorized, pursuant to the terms of the grant with the SAMHSA for the performance assessment, to provide the data necessary to support its findings to the SAMHSA. LeCroy and Milligan Associates Inc. is not authorized to provide any protected criminal history information to the SAMHSA. LeCroy and Milligan Associates Inc. may provide summary criminal background information, as authorized by this order and the Records Access and Confidentiality Agreement.
5. LeCroy and Milligan Associates Inc. shall secure all data, records, and information provided by the Adult Probation Department and shall not share, copy, or use the data, records, and information except as authorized in this order and the Records Access and Confidentiality Agreement and this order.
6. LeCroy and Milligan Associates Inc. shall ensure that only LeCroy and Milligan Associates Inc. employees, researchers, students, interns, externs and/or volunteers who have been approved by the Adult Probation Department have access to the data, records, and information provided under this order.
7. Performance assessment reports completed by LeCroy and Milligan Associates shall not include personal identifiers or any information which may be used to identify a specific defendant, service provider employee, probation officer, or victim.
8. When the performance assessment has been completed and the data, records, and information is no longer needed, LeCroy and Milligan Associates Inc. shall destroy all records and information, and shall confirm in writing to the Adult Probation Department that the data, records, and information has

been destroyed. Any criminal history information shall be destroyed in accordance with the requirements of the Federal Bureau of Investigation for this data.

Dated this 26th day of November, 2018.

/s/ Janet E. Barton

Janet Barton
Presiding Court Judge

Original: Clerk of the Superior Court

Copies: Hon. Sam Myers, Criminal Presiding Judge
Barbara Broderick, Chief Adult Probation Officer
Dr. Michael Lahti, LeCroy and Milligan Associates Inc.