

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

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| IN THE MATTER OF ACCESS TO CLOSED,) | ADMINISTRATIVE ORDER |
| CONFIDENTIAL AND WORK PRODUCT) | No. 2013-129 |
| RECORDS AND INFORMATION OF THE) | |
| ADULT PROBATION DEPARTMENT) | |
| _____) | |

WHEREAS, the Regents of the University of Minnesota have been awarded a grant by the National Institute of Justice to evaluate the implementation of the Sex Offender Treatment Intervention and Progress Scale (SOTIPS), a dynamic risk assessment measure developed and studied by the state of Vermont to predict sexual recidivism; and

WHEREAS, the Maricopa County Adult Probation Department has been awarded a grant by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) to replicate a Vermont study by implementing SOTIPS and to document how the use of this model may inform and enhance sex offender practices; and

WHEREAS, the Regents of the University of Minnesota need data from the Maricopa County Adult Probation Department to conduct its evaluation of SOTIPS; and

WHEREAS, the Maricopa County Adult Probation Department agreed to assist with the evaluation project as a condition of accepting the SMART office grant and desires to obtain the results of the evaluation; and

WHEREAS, Rule 123(d)(2)(B) 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;

WHEREAS, the Superior Court and Regents of the University of Minnesota will be entering into a Memorandum of Understanding/Record Access Agreement regarding the data to be provided to Regents of the University of Minnesota; and

WHEREAS, before any criminal history information is released, the Regents of the University of Minnesota will execute a Federal Bureau of Investigation Criminal Justice Information Services Security Addendum and each person having access to the criminal history information at the University of Minnesota 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 Memorandum of Understanding/Record Access 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, non-identifying victim information, and other work product of the Adult Probation Department to the principal investigator at the University of Minnesota, Medical School for approximately 500 defendants convicted of sexual offenses who were on probation before the implementation of SOTIPS and approximately 500 defendants convicted of sexual offenses who have participated in SOTIPS.
2. The data will be provided electronically in a format and at intervals agreed upon by the University of Minnesota and the Adult Probation Department.
3. The exact data to be provided will be agreed upon by the University of Minnesota and the Adult Probation Department.
4. The University of Minnesota is authorized, pursuant to the terms of the grant with the National Institute of Justice for the evaluation, to provide the data necessary to support its findings to the National Institute of Justice. The University of Minnesota is not authorized to provide any protected criminal history information to the National Institute of Justice. The University of Minnesota may provide summary criminal background information, as authorized by this order and the Memorandum of Understanding/Record Access Agreement.
5. The University of Minnesota 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 Memorandum of Understanding/Record Access Agreement and this order.
6. The University of Minnesota shall ensure that only University of Minnesota 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. The University of Minnesota shall provide a draft of the evaluation when available to the Adult Probation Department prior to publication, and shall provide a copy of the final evaluation to the Adult Probation Department and Criminal Presiding Judge. The final evaluation shall not include personal identifiers or any information which may be used to identify a specific defendant, treatment provider, probation officer, or victim.
8. When the evaluation has been completed and the data, records, and information is no longer needed, the University of Minnesota shall destroy all records and information, and shall confirm 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.

IT IS FURTHER ORDERED that the University of Minnesota shall provide a copy of the final evaluation to the Presiding Judge and this Administrative Order terminates upon receipt of the final evaluation to the Presiding Judge.

Dated this 15th day of July, 2013.

/s/ Norman J. Davis

Norman J. Davis
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Joseph Welty, Criminal Presiding Judge
Raymond L. Billotte, Judicial Branch Administrator
Barbara Broderick, Chief Adult Probation Officer
Phil Knox, Deputy Court Administrator
Bob James, Criminal Court Administrator
Michael Miner, Principal Investigator, University of Minnesota