

**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 SUPERVISION)
HISTORY OF THE ADULT PROBATION)
DEPARTMENT)
_____)

ADMINISTRATIVE ORDER
NO. 2013-175

WHEREAS, many pretrial defendants are released from custody under the supervision of Pretrial Services, a division of the Maricopa County Adult Probation Department; and

WHEREAS, many of those released from custody under the supervision of Pretrial Services are placed on global positioning system (GPS) monitoring; and

WHEREAS, many defendants are placed on probation after conviction and ordered to participate in GPS monitoring; and

WHEREAS, the Maricopa County Adult Probation Department routinely receives requests from law enforcement officers for the GPS data of pretrial defendants and defendants who are on probation for use in current investigations; and

WHEREAS, pursuant to Rule 123(d)(2)(B) of Rules of the Arizona Supreme Court, GPS monitoring data is not public as “probation supervision histories and any other records maintained as the work product;” and

WHEREAS, non-public records cannot be released absent a court order;

IT IS ORDERED that upon written request from a law enforcement agency, the Maricopa County Adult Probation Department may share a pretrial defendant’s or a probationer’s GPS monitoring data with a law enforcement agency for use in an ongoing investigation. The records are to remain confidential and closed to the public, except that the law enforcement agency may release these records to a prosecuting agency or to a court in relation to charges arising from the ongoing criminal investigation. Any prosecuting agency receiving these records shall use these records only for the ongoing criminal investigation and shall keep the records confidential and closed to the public.

Dated this 23rd day of October, 2013.

/s/ Joseph C. Welty

Joseph C. Welty
Criminal Department Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Norman J. Davis, Presiding Judge
Raymond L. Billotte, Judicial Branch Administrator
Barbara Broderick, Chief Adult Probation Officer
Phil Knox, Deputy Court Administrator
Bob James, Criminal Court Administrator