

## COMMITTEE ON LIMITED JURISDICTION COURTS

<b>Date of Meeting:</b>  <b>August 22, 2012</b>	<b>This agenda item is for:</b>  <input checked="" type="checkbox"/> Formal Action/Request  <input type="checkbox"/> Information Only  <input type="checkbox"/> Other	<b>Subject:</b>  <b>Supervised Probation for Limited Jurisdiction Courts</b>
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### **Presenters:**

Elizabeth R. Finn, Presiding Judge, Glendale City Court  
Glynn Thomas, Supervised Probation Officer, Maricopa County Probation

### **Discussion:**

Since 1998, county supervised probation services have been available to limited jurisdiction courts for second offense or more domestic violence defendants. All that is required for a county to participate is a joint order from the County Presiding Superior Court Judge and the County Chief Probation Officer. Though Maricopa County has twenty-five cities, only three participate in the program. This presentation will highlight the services available through County Probation as well as feature the only domestic violence supervised probation review docket in Maricopa County.

### **Recommended Action or Request (if any):**

Information only



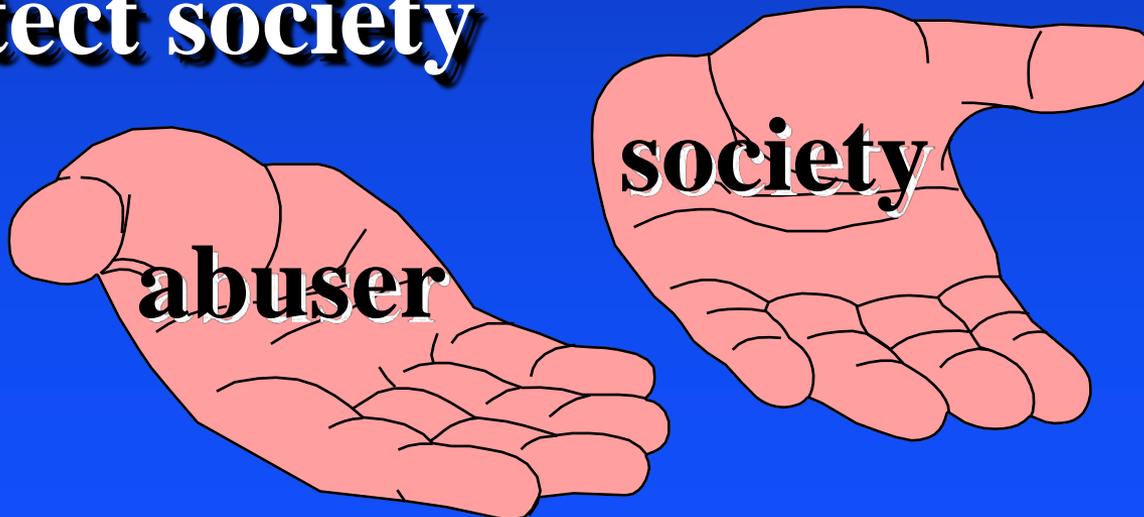
# **Supervised Probation for Second Offense Domestic Violence Cases**

**Elizabeth R. Finn, Presiding Judge  
Glendale City Court  
Maricopa County Adult Probation:  
Glynn Thomas, Probation Officer  
Dave Puyear, Surveillance Officer**



# GOALS

- **Help the abuser**
- **Hold abuser accountable**
- **Protect society**



# Criteria for Supervised Probation



- **Second domestic violence offense within 60 months**
- **Victim does not need to be same**



# Maricopa County Adult Probation



- **Specialized caseloads with probation and surveillance officers**
- **Treatment**
  - ◆ **Outpatient and inpatient treatment programs**
- **Financial enforcement**
  - ◆ **Probation can help collect**



# Probation Can Help

## ■ Victims

- ◆ Provide resources to victims
- ◆ Specialized advocates for victims
- ◆ Victim can contact probation
- ◆ Probation can go to residence without revealing victim call

# What Probation Can Do

- **Loss of constitutional rights**
  - ◆ **Searches and drug testing**
- **Warrantless arrests based on preponderance of the evidence**

# What Can Probation Do

- **Job search**
- **Mental health screenings**
- **Able to monitor offender's behavior in the community**

# Petitions to Revoke

- **Allege all violations**
  - ◆ **Contact with victim**
  - ◆ **Drug use**
  - ◆ **Failure to report to probation**
- **Hearsay is admissible**
- **Probation officer can make case without victim**
- **Standard is preponderance of the evidence**

# Important DV Terms



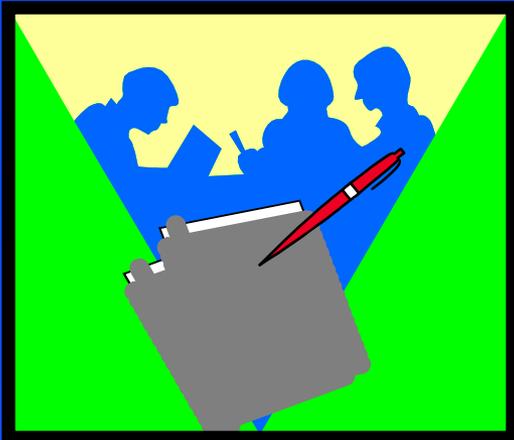
- **No alcohol/drugs**
- **No weapons**
- **Specialized terms**
  - ◆ **No contact with victim unless approved by probation officer or court**
  - ◆ **report any contact with victim**
  - ◆ **report any service of legal proceedings**
  - ◆ **treatment approved by probation**

# **How to Set Up? Who Would You Go To?**



# REQUIREMENTS

**Probation  
Terms**



**Admin Order**

# Requirements (cont)

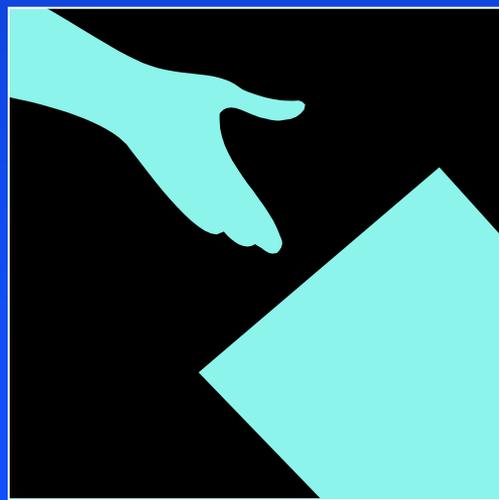
- **Administrative Order from Presiding Judge**
- **Standardized terms**
- **Need process to convey information to probation**
- **Identify Petition to Revoke process**

# Petition to Revoke Process

- **Need one process for all courts in the county**
- **Probation should prepare worksheet**
- **Most times, worksheet sent to prosecutor's office**

**FAX to:**

- **PROBATION TERMS**
- **CONFINEMENT ORDER**
- **D.R.**



# Why is Fingerprint Important?

- **Creates criminal history record**
- **Terms delegate to probation authority to order fingerprint (DNA if felony prior)**



# **Glendale Experience**

# DV Supervised Probation Court

- **Staffing bi weekly before every docket**
- **Prosecutor, public defender, probation and surveillance officers, victim advocate and judge**
- **Identify case progress and/ or sanctions**

# Court

- **Judge is in position to recognize progress**
- **Extend review hearings**
  - ◆ **Early termination**
  - ◆ **Convert to summary probation**
  - ◆ **Order more relevant services**

# Advantage to Probation

- **Change in attitude of defendants**
  - ◆ **Judge able to intervene with issues between the defendant and probation**
  - ◆ **Judge can order next report date with probation**
- **Defendants have opportunity for immediate contact with probation**
- **Probation has leverage of judge to help enforce probation terms**

# Sanctions

- **Community service**
- **More frequent review hearings**
- **Jail**
- **Order no contact with victim**

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