



MEMORANDUM

Date: May 28, 2020

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Report regarding Probationers in Pima County Prepared by Bill De La Rosa and Wendy Petersen**

I am attaching a copy of a draft report *Probationers in Pima County: A Comprehensive Review* recently completed in May 2020 regarding the number of individuals on probation who are housed in the Pima County Adult Detention Complex (PCADC).

The number of probationers held in our PCADC has been a concern for some time. Very often, these probationers amount to one-quarter to one-third of the total population in the PCADC. This is a significant amount of probation violators to hold in a pretrial facility. Based on these concerns Mr. De La Rosa and Ms. Petersen authored the attached report that performed an in-depth analysis of probationers held in our facility. I encourage you to read the complete report and in particular concentrate on the *Summary and Implications* section.

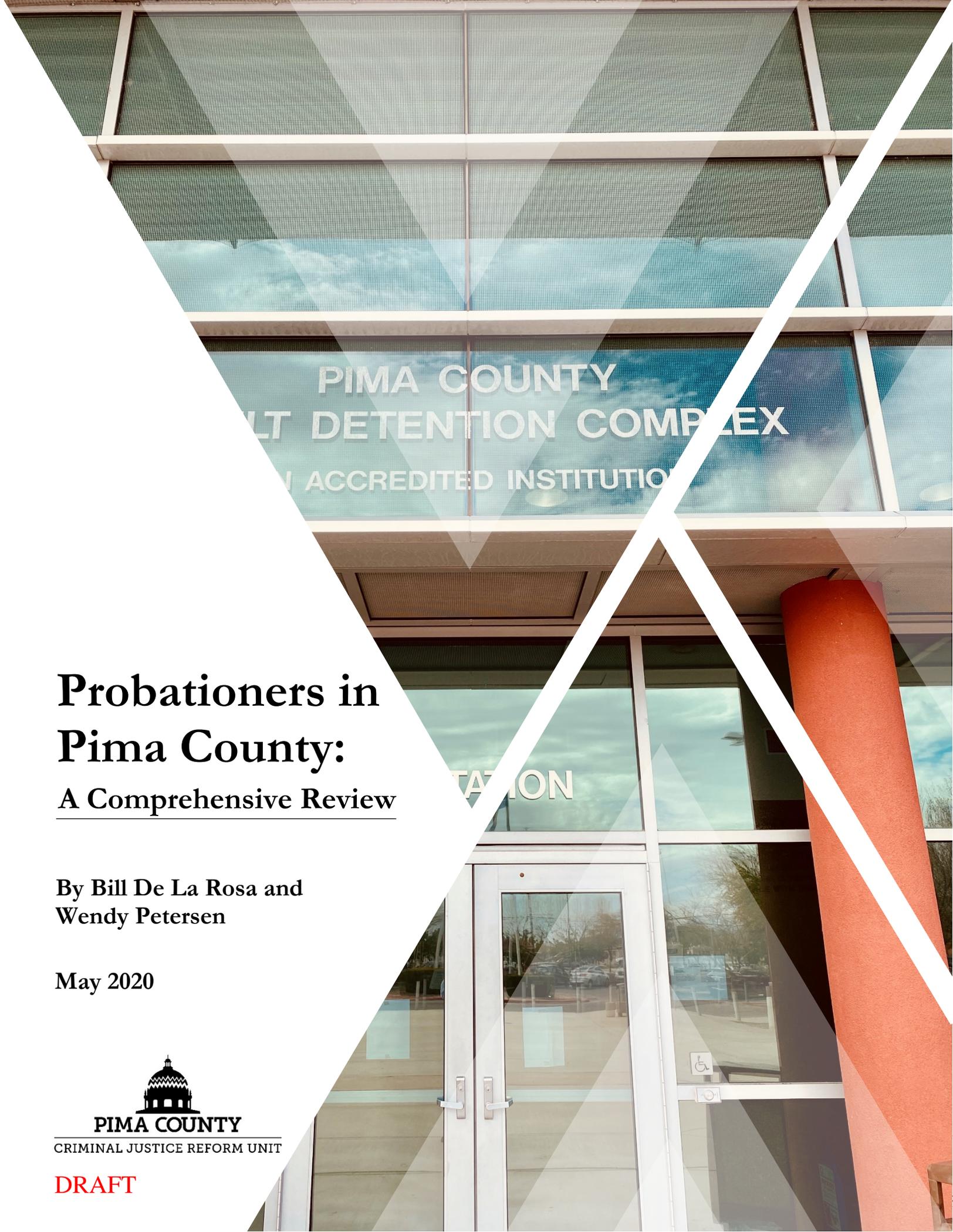
Today our average daily census in PCADC is approximately 1,350. Prior to the current public health crisis with COVID-19, our census was averaging nearly 2,000. It is important that we continue to employ strategies such as those outlined in the attached report to reduce our detention population.

The *Key Findings* on pages 1, 2 and 3, are also important to review and understand. These key findings include a finding that large number of probationers in the PCADC are there because they have not been sentenced on probation-related charges. The majority of probationers in the PCADC are there for "*Probation Charges Only*" referred to as probation violations, not actual crimes. There are racial disparities among probationers and probationers are often sentenced to 60 or more days of confinement in the PCADC; and 40 percent of probationers had unresolved charges.

We can and should do better at confining only those that present a risk to the community.

Attachment

c: The Honorable Kyle Bryson, Presiding Judge, Superior Court
The Honorable Barbara LaWall, Pima County Attorney
The Honorable Mark Napier, Pima County Sheriff
Wendy Petersen, Assistant County Administrator for Justice and Law
Dean Brault, Director, Public Defense Services
Bill De La Rosa, Program Coordinator, Criminal Justice Reform Unit



**Probationers in
Pima County:**
A Comprehensive Review

By Bill De La Rosa and
Wendy Petersen

May 2020



PIMA COUNTY
CRIMINAL JUSTICE REFORM UNIT

DRAFT

A Comprehensive Review of Probationers in the Pima County Adult Detention Complex

By Bill De La Rosa and Wendy Petersen

May 2020



PIMA COUNTY

CRIMINAL JUSTICE REFORM UNIT

Foreword

The state of probationers in the Pima County Adult Detention Complex looks different today from when we began our research prior to the spread of COVID-19. For instance, on March 27, 2020, before criminal justice stakeholders in Pima County employed innovative strategies to reduce the jail population, 540 individuals were in custody on probation-related charges. In comparison, on May 15, 2020, 306 individuals out of the total jail population remained in detention on probation-related charges. Nevertheless, as COVID-19 subsides and we begin a new chapter, we hope this whitepaper will contribute to our understanding of probationers in the jail and help further Pima County's criminal justice reform initiatives.

Acknowledgments

This whitepaper would not have been possible without the support of several people across multiple agencies. The authors wish to thank their colleagues at the Criminal Justice Reform Unit for all their support and guidance. They owe special thanks to Kate Vesely, Cara Stevens, as well as Michael Steber of the Pima County Sherriff's Department, for their invaluable help. The authors also wish to acknowledge Ramses Rocha and Maria Renteria from the Pima County Adult Probation Department for their time and effort in collecting the probation data used in this study.

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List of Abbreviations

ADOC	Arizona Department of Corrections
AOC	Administrative Office of the Courts
APD	Adult Probation Department
APETS	Adult Probation Enterprise Tracking System
IPS	Intensive Probation Supervision
LOS	Length of Stay
PCADC	Pima County Adult Detention Complex (Jail)
PO	Probation Officer
PCO	Probation Charges Only
PTM	Petition to Modify
PTR	Petition to Revoke
PCSD	Pima County Sheriff's Department
SPS	Standard Probation Supervision

Overview

As an alternative to imprisonment, probation is the most common form of community supervision across the country.¹ It provides offenders the opportunity to put their offenses behind them while allowing them to live and work in their community as long as they adhere to a set of conditions. For the justice system, probation offers the ability to deliver accountability, ensure public safety, and reduce taxpayer costs. Nevertheless, if the justice system continues to incarcerate probationers instead of supporting successful community supervision, then probation—as a substitute to incarceration—has fallen short of its purpose.

In Pima County, the probation population held in custody has steadily been rising since 2017. Most recently, on March 27, 2020, out of the 1926 inmates in the Pima County Adult Detention Complex (PCADC), 540 individuals were in detention on probation-related charges, representing nearly 30 percent of the total jail population. However, according to the Pima County Adult Probation Department (APD), the number of probationers successfully completing their supervision has increased in the past five years.² In 2015, for example, the APD experienced a 76.16 percent completion rate, and conversely, a 23.84 percent revocation rate. In comparison, in 2019, 82.89 percent of probationers completed their community supervision, while 17.11 percent had their probation revoked.³ It is necessary to conduct a comprehensive review of probationers in the PCADC to understand why the percentage of probation violators in detention is increasing despite the rate of successful completion increasing as well.

This whitepaper investigates the probation population in the PCADC. Specifically, using data from the Pima County Sheriff's Department (PCSD) and APD, we analyze the various classifications of probationers detained in the jail on **October 25, 2019** and the reasons for their confinement. In doing so, this whitepaper advances our understanding of probationers in the PCADC to inform policy solutions that support community supervision, reduce expenses, and improve outcomes for people in the criminal justice system.

Key Findings

- **Probationers in the PCADC fall under five overarching classifications, which overall contain 19 different subcategories.** Six subcategories concern misdemeanor probation violators. The remaining 13 include felony probation violators. See Appendix A for a full list and description of all 19 subcategories.
- **More than 40 percent of the probationers in the PCADC are there because of other crimes.** Eleven subcategories of probationers involve people who committed new offenses.
- **The high percentage of probationers reflected in the daily count of inmates in the PCADC is misleading.** Because the PCSD prioritizes probation charges over other crimes in their data

¹ Horowitz, “Probation and Parole Systems Marked by High Stakes, Missed Opportunities.”

² Wellner, “The Adult Probation Department of the Superior Court in Pima County 2019 Annual Report.”

³ *Ibid.*, p. 7.

classification algorithm, individuals incarcerated on multiple charges, including probation, may appear as probation violators first and foremost. The percentage of probationers represented in the daily count of inmates would drop considerably if the PCSD's classification algorithm prioritized other crimes over probation violations.

- **The Arizona Superior Court in Pima County has not sentenced a large majority of individuals in custody on probation-related charges.** Out of the 486 probationers in the jail on October 25, 2019, 313 (64 percent) had unresolved charges. The probationers awaiting a disposition included individuals in custody for violating probation only, other charges, or both.
- **The majority of probationers in the PCADC are on Probation Charges Only (PCO), also referred to as “probation violations.”** The APD places in detention the probationers across six different subcategories. From the 486 probationers in confinement on October 25, 2019, 278 (57 percent) were in custody on PCO.
- **There are racial disparities among the 278 probationers in the PCADC.** When compared to the racial composition of Pima County, Hispanic, Black, and Native American probationers in detention were overrepresented by 11 percent, eight percent, and two percent, respectively. White probationers, on the other hand, were underrepresented by 19 percent.
- **From the probationers in the PCADC on PCO, the courts sentenced 44 of them to 60 or more days of confinement.** On October 25, 2019, out of the 278 individuals in custody on PCO, the courts sentenced 130 to the jail. From here, the courts sentenced 44 of them to 60 or more days of detention. Varying case-by-case, the incarceration term that follows a probation revocation depends on the plea agreement. The courts have the authority to rerelease individuals on probation. See Appendix B for a detailed account regarding a case where the courts sentenced a probationer to more than 60 days in detention and subsequently rereleased the individual on probation.
- **From the probationers in detention on PCO, over 40 percent had unresolved charges.** On October 25, 2019, out of the 278 individuals in custody on PCO, 114 (42 percent) awaited their disposition hearing. From this number, the APD placed 29 individuals in the jail for violating the technical conditions of their supervised probation. The top three conditions that these individuals violated were possession of illegal drugs, failure to report to the APD, and failure to provide the APD unrestricted residential access. Because the courts have not sentenced individuals in this subcategory, they represent the best opportunity for policy intervention.
- **Although there are six subcategories of probationers involving the ADOC, they only constitute a small fraction of the probationers in the PCADC.** A small number of probationers in the jail (21) include individuals who the courts have sentenced—or will sentence—to the ADOC and await a transfer to the state prison. On October 25, 2019, there were 13 individuals who the courts sentenced to the ADOC. They spent an average of ten days in custody before the PCSD transferred them to the state prison. Unless the ADOC is responsible for the delay, the PCSD is unable to charge the state prison for any incurred expenses.

- **The ability to coordinate and share data across multiple stakeholders is essential to improve probation research in Pima County.** From the PCSD to the APD, criminal justice stakeholders use different systems to track their data and allow limited access to their databases. The use of various databases and the lack of proper access to them impede rigorous research on probation. A web-based, data-sharing platform would encourage cross-collaborative exchanges and facilitate access across multiple databases.

Data and Methods

This whitepaper utilizes data from two different databases: the PCSD's Spillman software and the APD's State Adult Probation Enterprise Tracking System (APETS), a statewide information management system. We used Spillman to collect information about probationers in the PCADC. This information included details about a probationer's length of stay (LOS) as well as whether individuals were in custody on other charges beyond a probation violation. Then, we relied on APETS to comprehend the reasons regarding an individual's probation revocation.

From the outset of our research, we found collecting data difficult and time-consuming due to the nature of working with two separate systems and our inability to access APETS. To gather data about probationers in custody, for example, we first had to request information from the PCSD. Once we received this data, because we lacked authorization to APETS, we required the APD staff to cross-reference the information manually in their database to locate the particular details of each probationer's record on our behalf.

Given how long this process took, we concluded that we would overburden the APD if we attempted to analyze the probation population in the PCADC over an extended period. Therefore, we opted for conducting an in-depth analysis of the probationers in custody on October 25, 2019, when our research began. By examining the number of probationers in detention on this day, we uncovered the various classifications of probation violators that exist in the jail, their nuances, and the reasons for their confinement.

Before explaining our findings, it is crucial to elaborate on how we determined the different classes of probationers in the PCADC. To start, we divided the probationers in custody by the classification of their criminal offenses: misdemeanor probation violators and felony probation violators. From here, we asked the following questions to determine a probationer's case status: what was the final judicial outcome of an individual's arrest? Has the individual already had his or her disposition hearing? If so, did the courts sentence the individual to the PCADC or the ADOC? We constructed five different classes out of this screening process.

We subsequently broke down these categories to better identify why probationers were in the jail by distinguishing those held in custody on PCO from individuals in detention for other crimes in addition to violating probation. To do so, the PCSD's Jail Population Coordinator sorted all probationers in custody on October 25, 2019 by their booking number. This process grouped all the charges that an individual had for one specific booking. He then highlighted the number of probation violations individuals had to determine if this number corresponded to their total charges. If these numbers matched, then an individual's charges were probation violations. Vice versa, if these numbers mismatched, then an individual was in custody on other charges besides a

probation violation. Ultimately, we concluded that there could be 19 different subcategories of probationers in the PCADC.⁴

Lastly, as we explain in the whitepaper, there are six categories of probationers associated with the ADOC. We relied on Spillman, APETS, and Agave—the case management system used by the Arizona Superior Court in Pima County—to obtain more information about these probationers. We now turn to our findings, beginning with the different classes of probationers in the PCADC.

Findings

We based our study’s findings on an in-depth analysis of the probation population in the PCADC on October 25, 2019. We divide our findings into three parts. The first explains the different classes of probationers in the jail. The second part examines the probationers in detention on PCO. The final part focuses on the probationers in custody associated with the ADOC.

What are the Different Classes of Probationers in the Pima County Adult Detention Complex?

There are five broad classes of probationers in the PCADC, encompassing 19 different subcategories. The following are the five general categorizations of probationers in the PCADC:

1. Misdemeanor probation violators sentenced to the jail (four subcategories)
2. Misdemeanor probation violators awaiting a disposition hearing (two subcategories)
3. Felony probation violators sentenced to the jail (six subcategories)
4. Felony probation violators awaiting a disposition hearing (two subcategories)
5. Felony probation violators sentenced to the ADOC (five subcategories)

Overall, six subcategories are associated with misdemeanor probation violators and the other 13 involve felony probation violators.⁵ Table 1 below outlines the various subcategories of probationers that can exist in the PCADC:

⁴ Appendix A includes a complete list and description of the 19 subcategories of probationers incarcerated in the jail.

⁵ Misdemeanor charges predominantly stem out of municipal and justice courts. In contrast, felony charges derive from superior courts.

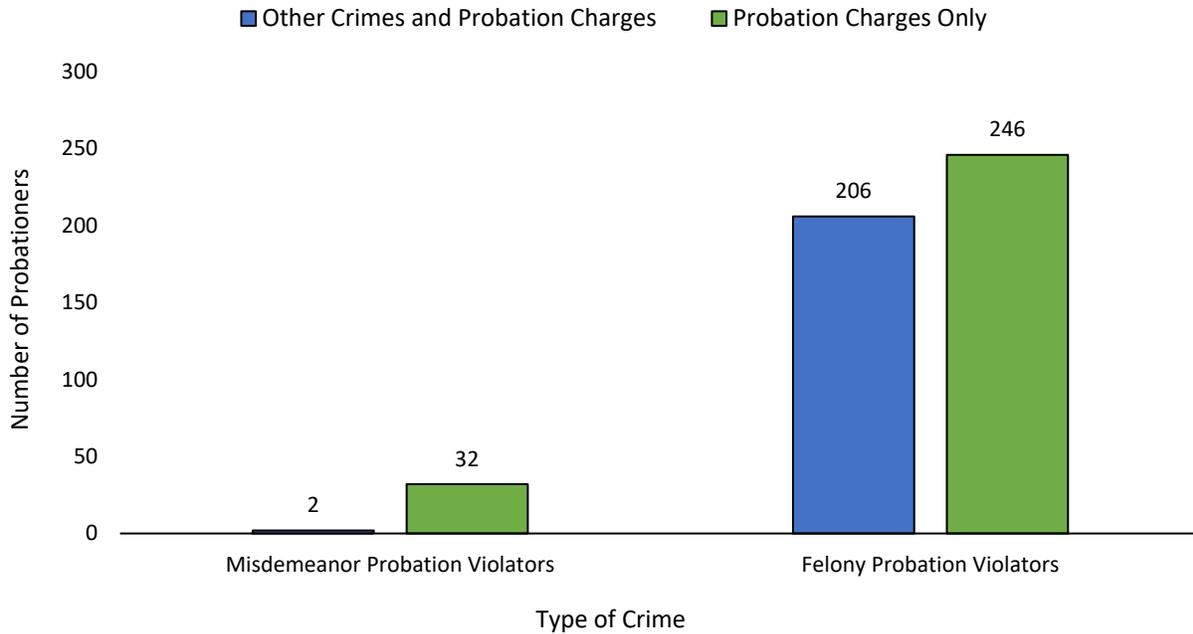
Table 1. The Different Classes of Probationers in Detention on October 25, 2019

Classes of Probationers	Number of Probationers
I. Misdemeanor Probation Violation	
1. Sentenced to PCADC	
Probation only	20
Probation but pending other charges	0
Other charges but pending probation	0
Probation and other charges	0
2. Pre-Disposition Hearing	
Probation only	12
Probation and other charges	2
Total number of misdemeanor probation violators	34
II. Felony Probation Violation	
3. Sentenced to PCADC	
Probation only	131
Probation but pending probation charges	4
Probation but pending other charges	15
Other charges but pending probation	1
Probation and other charges	7
Probation and sentenced to ADOC	0
4. Pre-Disposition Hearing	
Probation only	98
Probation and other charges	175
5. Sentenced to ADOC	
Probation only	13
Probation but pending other charges	4
Other charges but pending probation	2
Probation and other charges	2
Probation and sentenced to PCADC	0
Total number of felony probation violators	452
Total number of probationers in the PCADC	486

Probationers by Charges: Probation Charges Only and Multiple Charges

Initial calculations from the PCSD revealed that 486 individuals were in detention on probation charges on October 25, 2019—34 appeared as misdemeanor probation violators and the remaining 452 as felony probation violators. This information, however, is misleading. The multiple categories listed in the table above show that not all 486 incarcerated individuals were exclusively probationers on PCO. From the 486 individuals, 208 (43 percent) were in custody due to other crimes in addition to violating probation. Figure 1 below breaks down the data by the number of misdemeanor probation violators and felony probation violators in detention due to other crimes versus those held on strict probation charges:

Figure 1. The Number of Probationers in Detention on October 25, 2019 for Other Crimes and PCO by Misdemeanor and Felony

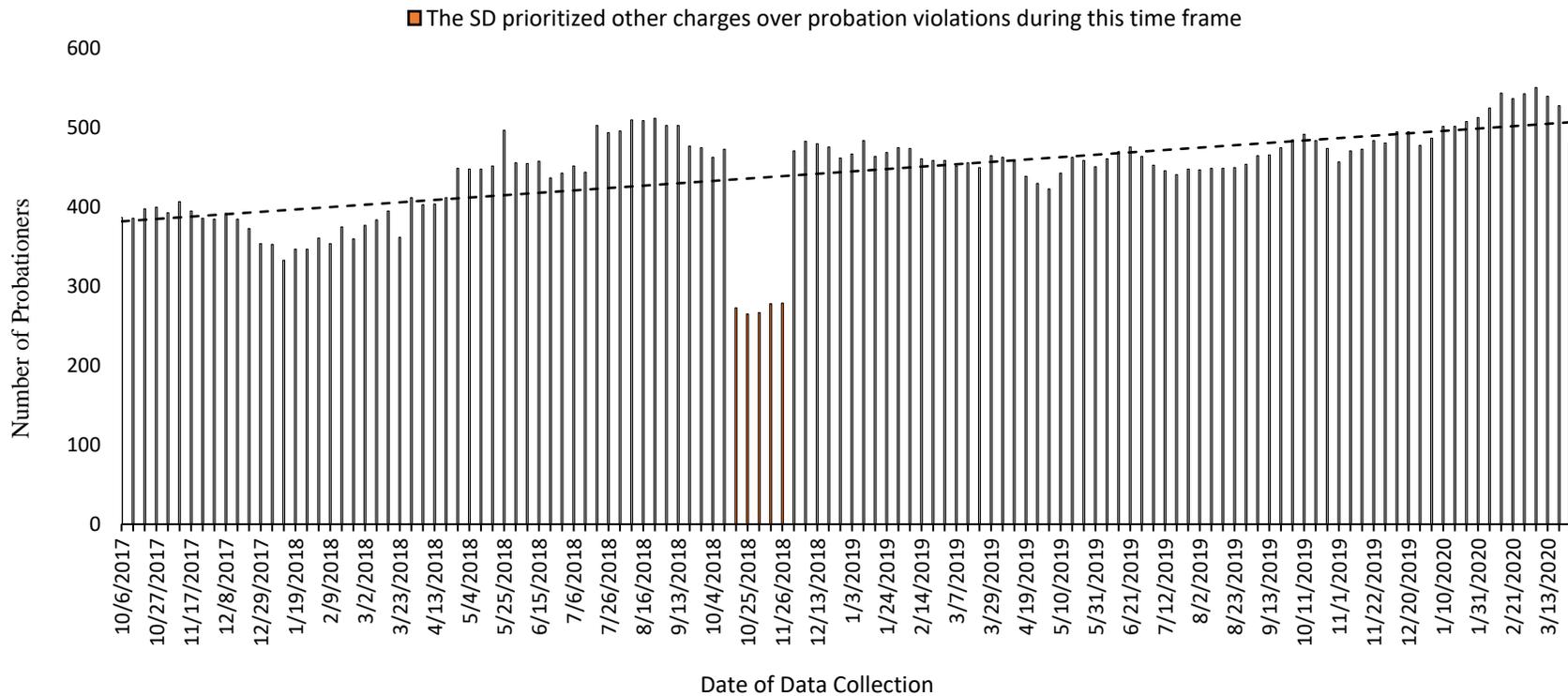


Out of the 34 misdemeanor probation violators, 32 were in custody on PCO. The other two probationers were also in detention for other crimes. With respect to felony probation violators, 246 were in custody on PCO; the remaining 206 included individuals in detention for other crimes and probation charges. There are 11 subcategories of probationers involving individuals in detention on other charges and probation-related ones (see Table 1 in the previous page).

Sherriff's Department Data Classification Algorithm

The reason why the 486 individuals appeared in the daily count of inmates as principally probationers is due to the PCSD's data classification algorithm. The PCSD's data classification system prioritizes probation violations over other crimes. Consequently, some individuals booked in the jail on multiple charges, including probation violations, appear in the system as probationers, primarily. If the PCSD's data classification algorithm deprioritized probation violations, the number of probationers reflected in the daily count of inmates would drop as Figure 2 illustrates in the following page:

Figure 2. The Number of Probationers in Detention from October 6, 2017 to March 13, 2020 according to the Pima County PCSD

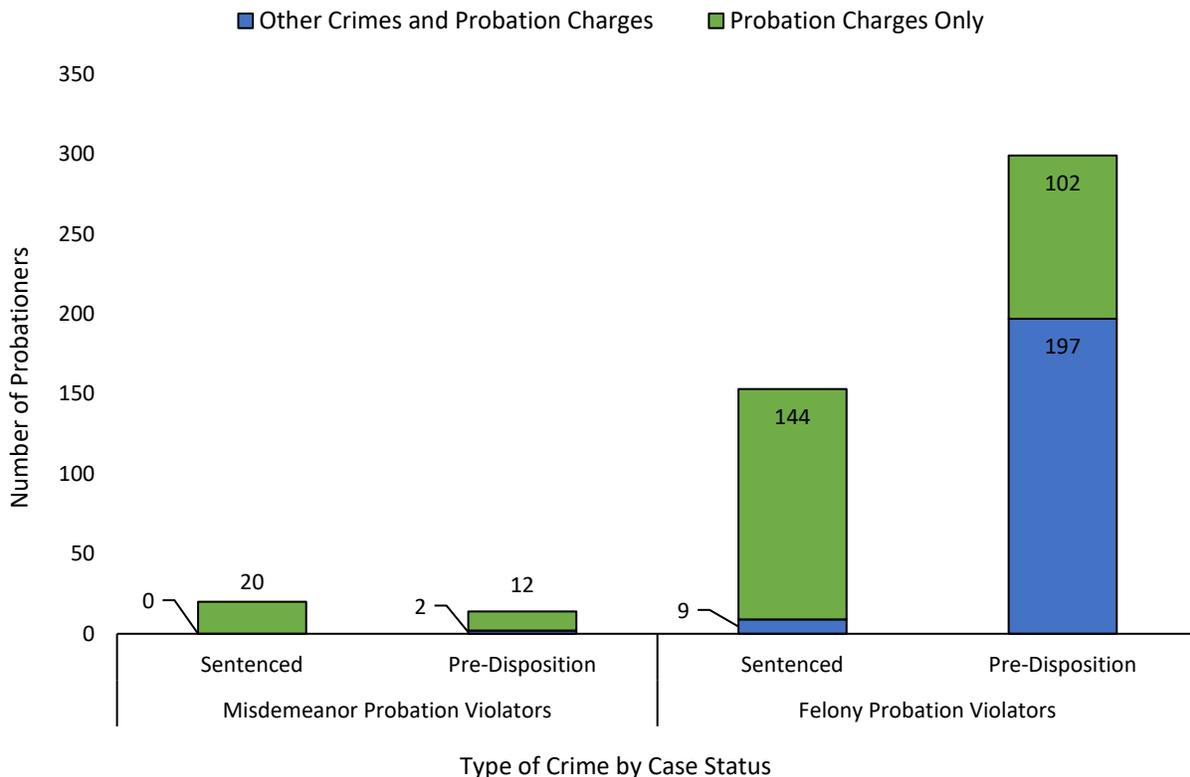


For two months in 2018, the PCSD reconfigured their data classification algorithm to prioritize other crimes over probation violations. Since the leading charges of probationers in custody on multiple charges were no longer probation violations, the number of probationers represented in the daily count of inmates decreased. Subsequently, however, when the SD returned to their original data classification procedure, the number of probationers in custody increased because probation violations resurfaced as their leading charges.

Probationers by Case Status: Sentenced and Pre-Disposition Hearing

Besides criminal charges, probationers in detention on PCO and other criminal charges can be further broken down into two different categories: sentenced and pre-disposition hearing. Probationers in the sentenced category represent those individuals who the courts sentenced to either the PCADC or the ADOC. In contrast, probationers in the pre-disposition category entail those individuals in detention whose cases remain unresolved. Figure 3 below divides the number of misdemeanor probation violators and felony probation violators in custody due to other crimes and PCO by those who the courts sentenced and those awaiting their disposition hearing.

Figure 3. The Number of Probationers in Detention on October 25, 2019 for Other Crimes and PCO by Type of Crime and Case Status



The courts had not sentenced the large majority of individuals in custody on probation-related charges on October 25, 2019. Overall, the courts had only sentenced 173 (36 percent) out of the 486 probationers in detention. In particular, 20 out of 34 (59 percent) misdemeanor probation violators had their cases resolved. However, for felony probation violators, the courts had

sentenced just 153 out of 452 (34 percent) individuals. This means that 299 felony probation violators were in custody pending the outcome of their cases.

As Figure 3 above highlights, most of the pre-disposition cases comprised individuals arrested for other crimes and violating probation. For example, 199 (64 percent) out of the 313 pre-disposition cases involved individuals who were incarcerated for committing other crimes and violating probation. Out of these cases, 197 concerned felony probation violators while the remaining two were misdemeanor probation violators. Vice versa, 114 (36 percent) out of the 313 pre-disposition cases consisted of individuals arrested on PCO. Felony probation violators made up 102 of these cases, and the other 12 included misdemeanor probation violators. As we explain in the next part, 110 out of the 114 cases involving probationers on PCO are important to examine in detail because they do not involve new crimes and the courts have not sentenced them. As such, this group of probationers represent an opportunity for policy intervention.

Who are the Probationers in the Pima County Adult Detention Complex on Probation Charges Only?

Probationers on Probation Charges Only

All of the 486 individuals in custody on October 25, 2019 were on probation-related charges, also known as “probation violations.” However, to better delineate who out of these probationers the APD places in the jail, it is important to isolate probationers arrested on PCO from those who committed new crimes.

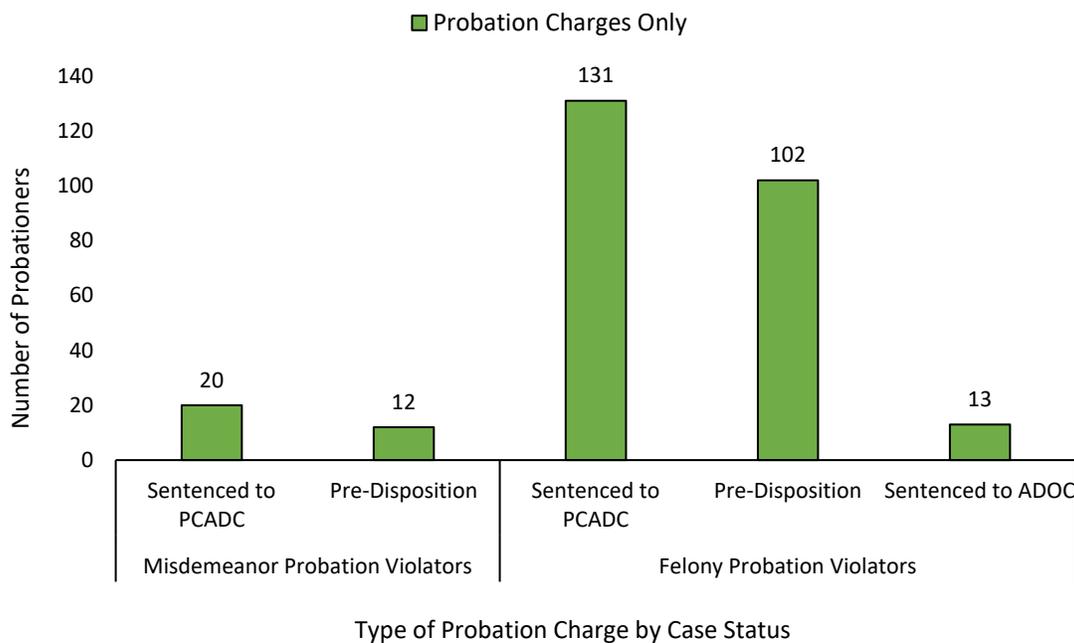
Table 2. The Probationers in Detention on October 25, 2019 on PCO

Classes of Probationers	Number of Probationers
I. Misdemeanor Probation Violation	
1. Sentenced to PCADC	
Probation only	20
2. Pre-Disposition Hearing	
Probation only	12
Total number of misdemeanor probation violators	32
II. Felony Probation Violation	
3. Sentenced to PCADC	
Probation only	131
Probation but pending probation charges	4
4. Pre-Disposition Hearing	
Probation only	98
5. Sentenced to ADOC	
Probation only	13
Total number of felony probation violators	246
Total number of probationers on probation charges only	278

In doing so, we found that the APD places in the jail the probationers across six subcategories. Table 2 above specifically lists the number of probationers detained in detention who fall under these categories. All of these individuals were in custody on PCO. Three of the six subcategories include sentenced probationers—two to the jail and one to the ADOC. Two groups involve probationers with unresolved cases. The final one concerns individuals sentenced to the jail on some probation charges, but who have other unresolved probation charges.⁶

On October 25, 2019, most probationers were in custody for PCO. From the 486 jailed probationers, 278 (57%) were only charged with a probation violation. Out of the 278 individuals, 32 included misdemeanor probation violators, while the remaining 246 concerned felony probation violators. From the misdemeanor population, the courts sentenced 20 individuals to the jail, and the other 12 had unresolved cases. With respect to the felony population, the courts sentenced 131 individuals to the jail and 13 to the ADOC, 102 had unresolved cases, and four had a sentenced probation violation and a pending probation charge.⁷ Figure 4 below visualizes the number of misdemeanor and felony probation violators in custody on PCO by the status of their cases.

Figure 4. The Number of Misdemeanor and Felony Probationers in Detention on October 25, 2019 for PCO by Case Status



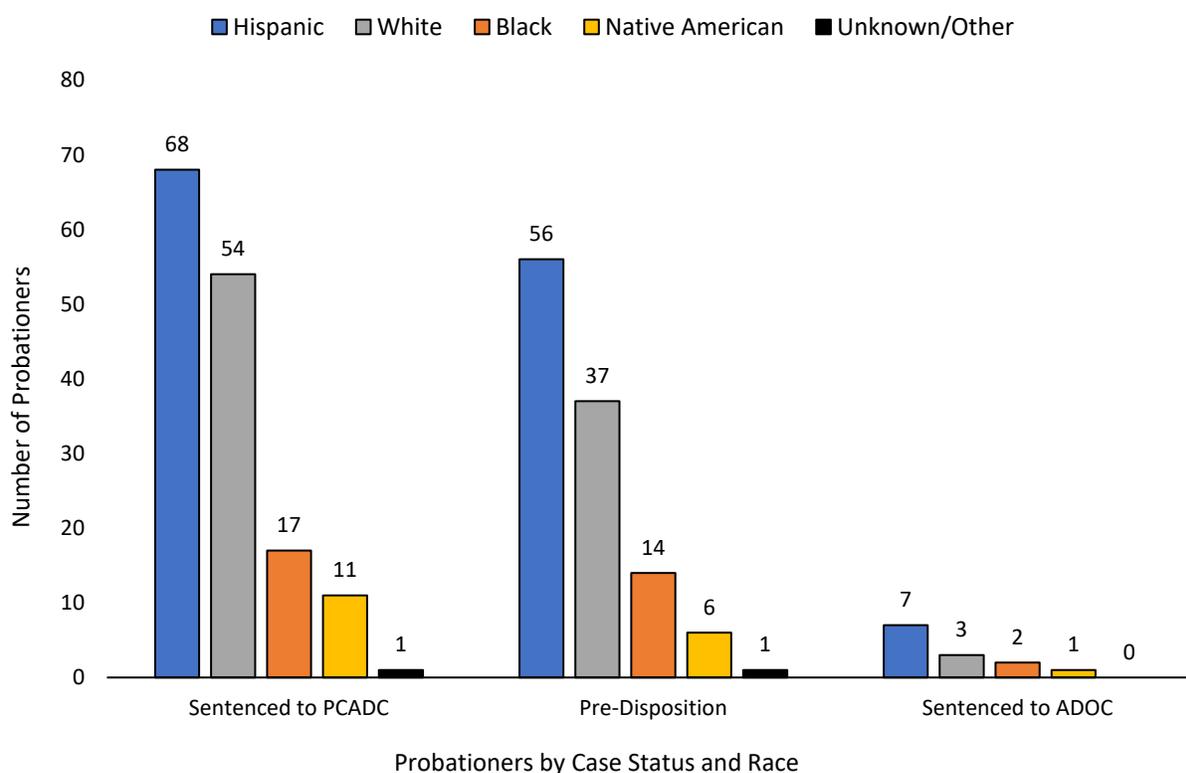
⁶ On a case-by-case basis, depending on whether an individual’s probation charges are from Pima County, other probation departments in addition to the APD may be involved.

⁷ Out of the four individuals in this group, the Marana Municipal Court placed one on probation for driving under the influence in 2017. Two years later, this individual attempted assault with a deadly weapon and pled to three years of probation in the Arizona Superior Court in Pima County. While a judge sentenced the individual for the Marana-based probation violation on October 14, 2019, the Superior Court violation remained pending on October 25, 2019. Per the other three individuals, although a Superior Court judge sentenced them on probation charges in Pima County, they each had a pending probation violation from one of the following three counties: Cochise, Santa Cruz, and Maricopa.

Racial Disparities Among Probationers on Probation Charges Only

We also found there to be racial disparities throughout the 278 individuals in detention on PCO.⁸ As Figure 5 below demonstrates, Hispanics were the most represented racial group among white, Black, Native American, and other probationers in custody.⁹ Hispanics represented 68 (44 percent) out of 156 probationers sentenced to the jail, 56 (49 percent) out of 114 pending disposition, and seven (54 percent) out of 13 sentenced to the ADOC. Whites were the next largest group, followed by Blacks, Native Americans, and other probationers.

Figure 5. The Number of Probationers in Detention on October 25, 2019 for PCO by Case Status and Race



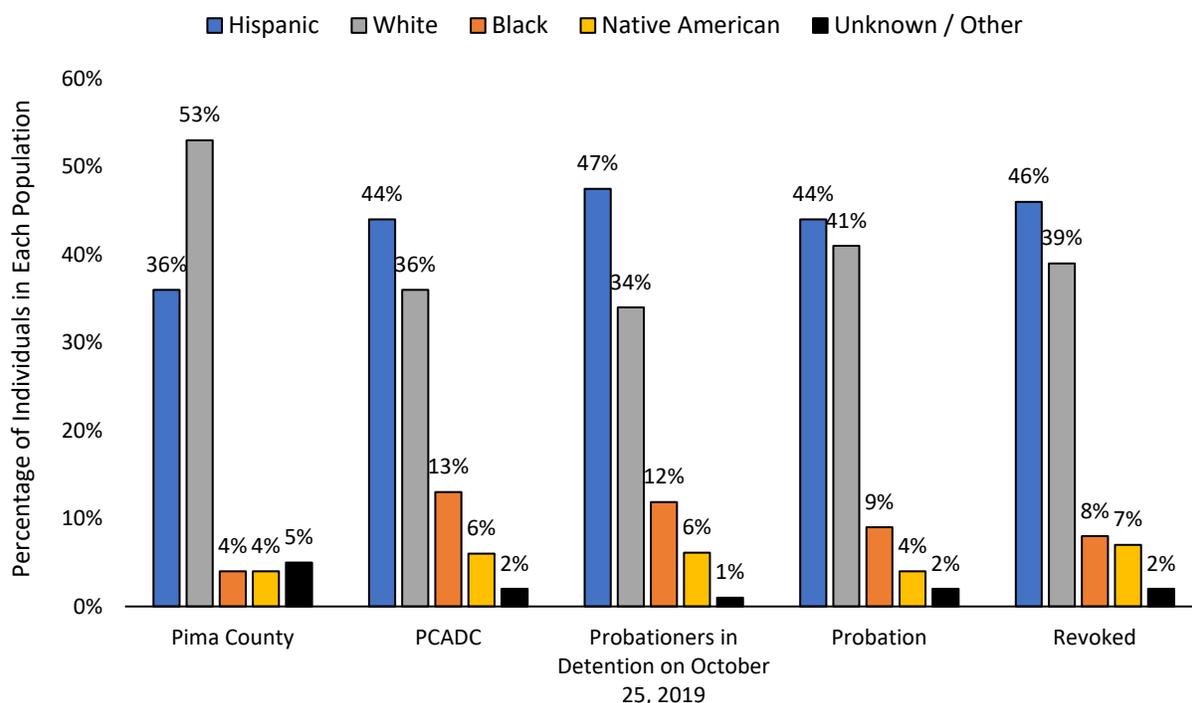
The racial disparities in our population sample are clearer when we compare them to the racial composition of Pima County’s population. Figure 6 below reveals how our sample relates to the racial demographics of Pima County, the jail, and the APD’s population and probation revocations in 2019:¹⁰

⁸ As part of Pima County’s commitment to the MacArthur Foundation’s Safety and Justice Challenge, we identified the racial disparities among probationers in custody to support ongoing efforts of addressing the overrepresentation of racial and ethnic minorities in the criminal justice system.

⁹ Individuals in the unknown/other category included Asians, Pacific Islanders, and those who did not report this information. Only two individuals identified as Asian.

¹⁰ Wellner, “The Adult Probation Department of the Superior Court in Pima County 2019 Annual Report,” p. 9.

Figure 6. The Racial Makeup of Individuals Across Different Populations in Pima County in 2019



Populations by Race in 2019

Although Hispanics, Blacks, and Native Americans were overrepresented in our sample when compared to Pima County’s population, we found the opposite to be true for whites. On one hand, while Hispanics constituted 36 percent of the residents in Pima County in 2019, they represented 47 percent of the probationers in detention on PCO on October 25, 2019. Similarly, Blacks and Native Americans were overrepresented in our sample by eight percent and two percent, respectively. On the other hand, even though whites accounted for 53 percent of Pima County residents, they made up 34 percent of the probationers in question. The underrepresentation of whites, juxtaposed with the overrepresentation of Hispanic, Blacks, and Native Americans, illuminate the racial disparities throughout our sample.¹¹

Long Jail Sentences and Length of Stays

Aside from racial disparities, we learned that the courts sentenced a significant portion of probationers in detention to long jail sentences. Out of the 130 individuals sentenced to the jail on PCO, the courts sentenced 44 (34 percent) of them to 60 or more days in detention. The average length of sentence for the 44 probationers was almost 153 days, ranging from 60 to 366 days in the jail.¹²

¹¹ While our findings’ generalizations are limited, it is worth highlighting that there are significant similarities between the racial composition of our study’s population and the individuals in detention, under community supervision, and those whose probation was revoked in 2019.

¹² The courts sentenced five individuals to 60 days and four individuals to 366 days.

In theory, when the courts terminate the community supervision of a felony probation violator, the courts should revoke the individual to the ADOC. Moreover, the number of days that the individual serves in prison due to a probation revocation should depend on the individual's original offense.¹³

However, in practice in Pima County, the courts sentence some felony probation violators to the jail through coterminous sentences. Under these sentences, felony probation violators concurrently serve time in the jail for their underlying offense and probation violation. In other words, their probation period expires when their term in the jail ends. Varying case-by-case, coterminous sentences and incarceration terms are contingent on the plea agreement. Furthermore, from the individuals who the courts sentence to the jail for violating probation, some of them are eventually rereleased on probation. Likewise, however, this differs by case, depending on several factors such as whether an individual's defense counsel files a motion to amend their sentence.¹⁴

Because of the complexed and dynamic nature of sentenced probationers in detention, examining their LOS in custody as of October 25, 2019 provides a better alternative for knowing how many days they spent in the jail. In this regard, we found that the 44 sentenced probationers were in custody an average length of 83 days—the shortest LOS being 32 (four individuals total) while the longest was 268 days.

Additionally, it is important to identify how many days the 114 individuals with unresolved charges spent in the jail as of October 25, 2019. After all, the courts have not sentenced these probationers. From the 114 individuals, 110 spent an average of nearly 28 days in custody. The other four probationers—the individuals sentenced on a probation charge but have other probation violations pending—stayed an average length of almost 50 days in detention.

Pre-Disposition Hearing Probationers on Probation Charges Only

It is worth pausing to review the reasons why the 110 individuals on PCO remained in custody with unresolved charges. This group of probationers presents an opportunity for policy intervention, primarily because the courts have not made a final decision regarding their cases. At their disposition hearing, depending on the circumstances in each case, the courts can decide to reinstate their probation rather than further incarcerating them.¹⁵

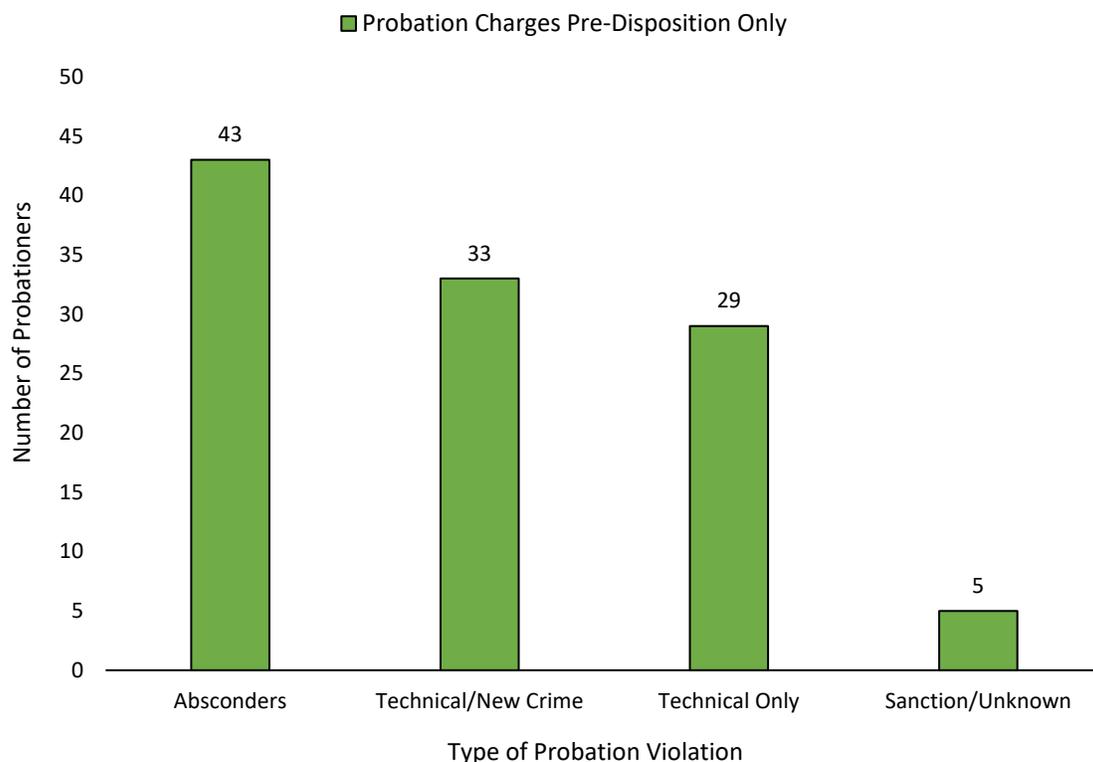
In order to understand why the 110 probationers were in detention, we researched the basis of their probation violations. That is, we investigated why their probation officers (PO) filed a petition to revoke (PTR) their community supervision. Below, Figure 7 breaks down these probationers by the filed PTR probation:

¹³ “Arizona Task Force on Community Corrections,” p. 3.

¹⁴ For practical reasons, we examined one case in detail in Agave to better discern how the courts sentence probationers and rerelease some on probation. See Appendix B for a thorough description of the case.

¹⁵ Ibid.

Figure 7. The Number of Probationers in Detention on October 25, 2019 with Unresolved PCO by Probation Violation



As the figure above exhibits, we found that the APD cited the 110 probationers for four different violations. The APD cited 43 individuals for absconding, 33 for committing a new crime, and 29 for violating the technical conditions of their supervised probation. The remaining five received a sanction or we did not have sufficient information to determine their violation.¹⁶

According to the Pima County APD’s Field Services Division Operations Manual, an absconder is a “probationer who has willfully chosen to evade supervision and whose whereabouts is unknown.”¹⁷ Under policy, when the whereabouts of an individual on standard probation supervision (SPS) is unknown, a PO must attempt to find the probationer at least once every 30 days. If the PO does not locate the probationer on SPS within 90 days, the PO has to file a PTR and request a bench warrant. Moreover, when the location of a probationer on intensive probation supervision (IPS) is unidentified, a PO will similarly attempt to locate the individual. However, in these cases, the PO will file a PTR and request a bench warrant if the probationer is not located in 72 hours.

A PO may also file a PTR probation for probationers who commit a new crime. Depending on the nature of the offense, however, a PO has other options. For example, if the new offense does not

¹⁶ Specifically, the APD sanctioned two probationers, referring them to drug treatment. We had insufficient data for three individuals.

¹⁷ Pima County Adult Probation Department, “The Adult Probation Department of the Superior Court in Pima County Field Services Division Operations Manual,” p. 65.

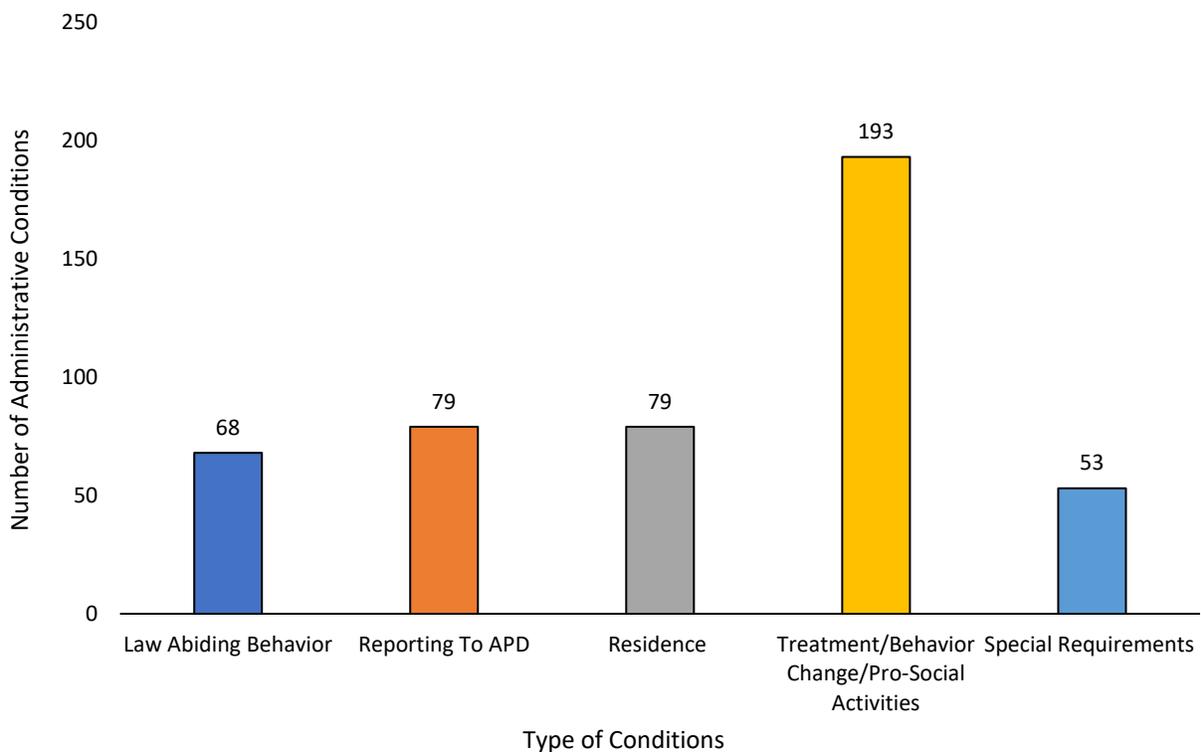
pose a serious threat to others, a PO can file a petition to modify (PTM) probation “to a specialized caseload or add sanctions as an alternative to revocation proceedings.”¹⁸ If a PO does not file a PTR or PTM, the PO at the very least must notify the court in writing of the new offense.

Moreover, a PO can file a PTR probation when probationers violate the technical conditions of their community supervision. In Arizona, there are 22 uniform conditions of supervised probation, divided into the following five types:¹⁹

1. Law abiding behavior (five conditions)
2. Reporting to APD (one condition)
3. Residence (four conditions)
4. Treatment/behavior change/pro-social activities (six conditions)
5. Special requirements (six conditions)

Special requirements include mandated community restitution hours and jail time, as well as specialized caseloads involving IPS, domestic violence, mental health, sex offenders, and drug court, for example. The next figure displays the number of technical conditions that the 110 probationers violated by their type.

Figure 8. The Number of Administrative Conditions that the 110 Probationers in Detention on October 25, 2019 with Unresolved PCO Violated by Type

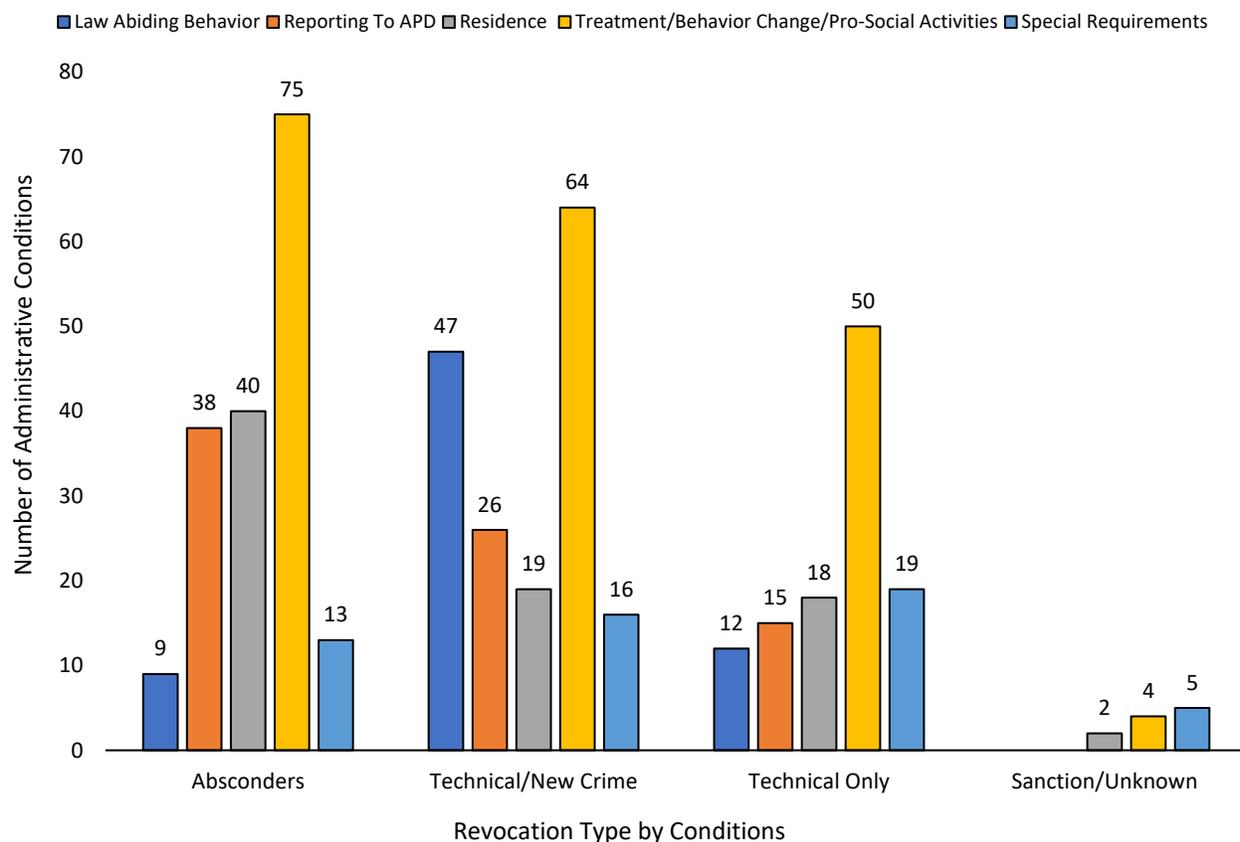


¹⁸ Ibid., p. 45.

¹⁹ In Appendix C, we include a sample form of Arizona’s uniform conditions of supervised probation.

Altogether, the 110 probationers on PCO accumulated 472 technical violations. From this number, 193 (41 percent) violations concerned treatment/behavior change/pro-social activities. Failure to report to the APD and residential-related conditions combined for 158 (33 percent) violations. The remaining 121 violations were associated with law abiding (14 percent) and specially required (11 percent) conditions. The following illustration organizes these conditions by probation violation.

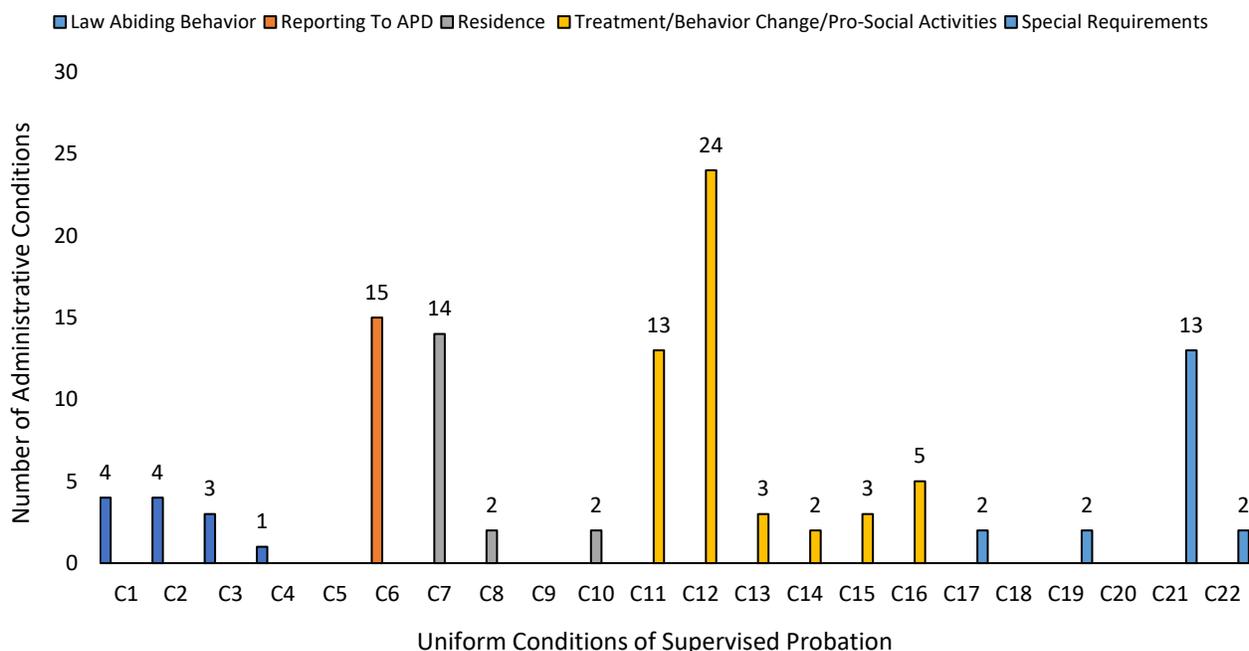
Figure 9. The Number of Administrative Conditions that the 110 Probationers in Detention on October 25, 2019 with Unresolved PCO Violated by Type and Violation



As Figure 9 represents, the most common technical violations among probationers who absconded, committed a new crime, or only violated the technical aspects of their supervision are associated with treatment/behavior change/pro-social activities. For absconders, the next two common technical violations concerned residence and failure to report to the APD, which one would expect given that they evaded supervision. With respect to probationers who committed a new crime, the second most common technical violations included law-abiding behavior. For those individuals who only violated the technical aspects of their supervision, the remaining violations were evenly distributed, for the most part, between the other four types of conditions.

Because the APD filed PTRs for 29 probationers out of the 110 individuals on PCO due to technical violations, we examined these violations specifically.²⁰ Figure 10 below shows the specific technical conditions that the 29 probationers violated:

Figure 10. The Number of Administrative Conditions that 29 Probationers in Detention on October 25, 2019 with Unresolved PCO Violated



Overall, the 29 probationers accumulated 114 technical violations. The following administrative conditions resulted in the five most common technical violations:

1. Possession or consumption of illegal drugs (C12)
2. Failure to report to APD (C6)
3. Failure to provide the APD safe and unrestricted residential access (C7)
4. Failure to participate in any program of counseling or assistance (C11)
5. Failure to abide by special conditions (C21)

There was no individual with only one technical violation. Each probationer had an average of nearly four technical violations, ranging from two (four individuals) to six (three individuals) technical violations.

Although the overwhelming majority of probationers in detention have unresolved charges or the courts sentenced them to the jail, there exist a small number of probationers associated with the ADOC. In the next section, we address who these individuals are and why they are in the PCADC rather than the state prison.

²⁰ There is a possibility that some of these 29 probationers were absconders. If this is the case, then this means that at initial appearance, the individual had his or her absconding charges dropped in exchange for entering admission to other allegations.

Who are the Arizona Department of Corrections Probationers and Why are they in the Pima County Adult Detention Complex?

There are six subcategories of probationers in the PCADC involving the ADOC. On the whole, these subcategories constitute a small number of probationers. Before we discuss what the subcategories are, including whom from the probationers in detention on October 25, 2019 had ties to the ADOC, it is essential to first explain the criminal justice process involving these cases.

Arizona Department of Corrections Caseload

To begin, all ADOC cases involve felony probation violators. When an individual commits a felony, depending on the crime, a superior court may place the individual on probation instead of sentencing him or her to the ADOC. In these instances, if the incident took place in Pima County, the APD will be responsible for overseeing the individual’s community supervision. Subsequently, if the individual absconds, commits a new crime, or violates probation, the APD or another law enforcement agency may detain the individual until the courts determine whether to revoke him or her to the ADOC.

There are also cases where superior courts may sentence an individual who commits a felony to both the prison and probation. Under these circumstances, the individual must fully serve the prison sentence prior to starting probation. Then, as in the prior example, if the individual violates probation, he or she may be incarcerated in the jail while a judge decides on the consequence. In either occurrence, if the courts revoke a probationer to the ADOC, the probationer will remain in local custody until the PCSD transfers him or her to the state prison.

Arizona Department of Corrections Probationers in the Pima County Adult Detention Complex

Table 3. The ADOC Related Probationers in Detention on October 25, 2019

Classes of Probationers	Number of Probationers
II. Felony Probation Violation	
3. Sentenced to PCADC	
Probation and sentenced to ADOC	0
5. Sentenced to ADOC	
Probation only	13
Probation but pending other charges	4
Other charges but pending probation	2
Probation and other charges	2
Probation and sentenced to PCADC	0
Total number of felony probation violators	21
Total number of probationers in the PCADC	21

Table 3 above specifically notes the number of probationers in detention on October 25, 2019 with ties to the ADOC. In sum, out of the 486 probationers in custody on this day, 21 cases involved the ADOC. From the 21 individuals, 13 were on PCO. The remaining eight individuals were in detention due to probation and other charges. The courts sentenced the 13 individuals on PCO to the ADOC. The other eight had either a pending probation violation or another unresolved charge.

Length of Stay of Probationers Sentenced to the Arizona Department of Corrections

The PCSD will eventually transfer most probationers in the PCADC who the courts sentenced to the ADOC. Similarly, those individuals with unresolved charges will remain in the jail until the courts sentence them to the state prison. Although rare, as Table 3 shows, there are two subcategories in which the courts may sentence probationers to serve time in the jail followed by a term in the state prison, or vice versa. On October 25, 2019, however, there were no individuals in these two groups.

Given that the PCSD ultimately transfers the probationers who the courts sentence to the ADOC, how many days do these probationers spend in the jail after their disposition hearing? Table 4 reveals the number of days that the probationers sentenced to the ADOC spent in the jail prior to and after their disposition hearing:

Table 4. The LOS of the 13 Probationers in the PCADC on October 25, 2019 who the Courts Sentenced to the ADOC

Name Number	LOS Pre-Disposition	LOS Post-Disposition	Total LOS
196388	19	8	27
401645	28	13	41
710032	37	22	59
935762	29	7	36
1014046	26	7	33
1164781	31	5	36
1344585	20	8	28
1603484	47	11	58
1691310	23	10	33
1849493	46	7	53
1878767	130	11	141
1915841	28	8	36
1922375	24	8	32
Total LOS	488	125	613

As Table 4 shows, various probationers spent a substantial number of days in detention after the courts sentenced them to the ADOC. After they were sentenced, the 13 probationers remained in custody an average length of ten days—the shortest LOS being five while the longest was 22 days. Overall, the 13 probationers spent 125 days in the jail after the courts sentenced them to the ADOC.

There are several factors contributing to the PCSD’s delay in transferring sentenced probationers from the PCADC to the ADOC. For instance, the courts may take longer than expected to submit

the required certified paperwork to the PCSD. Furthermore, an attorney may file a last minute motion, prolonging the transfer in the process. There is also the possibility that the PCSD was unable to transport some of the probationers due to space limitations in their transport vehicles. Because the ADOC is not responsible for the delay, the PCSD is unable to bill them for the costs that the probationers incurred while they remained in custody.

Summary and Implications

In this section, we draw upon the whitepaper’s main conclusions to outline potential steps that Pima County can take to support community supervision, reduce expenses, and better outcomes for probationers in the criminal justice system.

Community Supervision Strategies

There are measures that the APD can employ to support community supervision if POs only file a PTR probation when a probationer presents a danger to themselves and the community. If a probationer is not a threat, for example, should he or she abscond, the field services director can ask the Absconder Unit to petition the court to quash the bench warrant in effect once they locate the individual. This is possible as long as the probationer is not a sex offender, the case is not of special interest to the court, and there is no restitution owed in excess of \$500.²¹

If a probationer commits a new crime, we discourage POs from filing a PTR unless the crime is a major violation that poses a “serious threat to others.”²² As we stated earlier, POs have other tools beyond filing a PTR that they can deploy when an individual commits a new crime. However, we do not recommend modifying a probationer’s SPS to IPS. Not only is IPS costly, but it is also ineffective, containing a higher rate of revocation and a low success rate.²³ This is because the stringent requirements placed upon probationers through IPS set them up for failure.²⁴ POs can rely on other punitive sanctions as alternatives to IPS and revocation.

As our results show, 110 probationers on PCO amassed 472 technical violations in total. This high volume of technical violations supports the findings of a report authored by the Arizona Task Force on probation. In this report, the Arizona Task Force, with technical assistance from The Pew Charitable Trusts and The Crime and Justice Institute at Community Resource for Justice, found that standard probation conditions are “overly burdensome for probationers.”²⁵ Drawing on the insight of members from the Administrative Office of the Courts (AOC), the ADOC, and representatives from the Maricopa and Pima County APDs, the Arizona Task Force recommended narrowing down the 22 standard probations conditions to eight. We support their recommendation to narrow the current standard conditions to focus on risk and needs.²⁶ To do so, Section 6-207 of the Arizona Code of Judicial Administration would require amending.

²¹ Pima County Adult Probation Department, “The Adult Probation Department of the Superior Court in Pima County Field Services Division Operations Manual,” p. 66.

²² *Ibid.*, p. 45.

²³ Arizona Task Force on Probation, “Arizona Task Force on Community Corrections,” p. 6.

²⁴ Petersilia, *Reforming Probation and Parole in the 21st Century*.

²⁵ Arizona Task Force on Probation, “Arizona Task Force on Community Corrections.”

²⁶ *Ibid.*, p. 7.

Legal and Administrative Strategies

Similar to the APD, the Arizona Superior Court in Pima County may want to consider reinstating probation for those individuals who do not pose a threat to themselves and others. After all, judges have the ultimate authority to revoke or reinstate a probationer's community supervision.

Judges have the option of reinstating an individual's probation not only at his or her disposition hearing, but also at any point after they have served time in the jail. For this to happen, we encourage judges to be open when defense attorneys file motions to amend sentences to remove jail time or motions to amend sentences to time served. By amending sentences, judges can continue to hold individuals accountable, while also ensure probationers are not in custody for extended periods.

Two other strategies can reduce probationers' LOS in detention. The first concerns the days that individuals on PCO spend in custody while awaiting their disposition hearing. As our findings demonstrate, as of October 25, 2019, 110 probationers on PCO with unresolved cases spent an average of almost 28 days in detention. Although judges might have not reinstated the probation of all individuals at their disposition hearing, it is possible that some judges did reinstate the probation of some individuals. For these cases, it is important the courts expedite the time it takes to schedule an individual's disposition hearing after initial appearance to reduce his or her LOS in detention. We recommend the courts consider scheduling disposition hearings ten business days after initial appearance.²⁷

The second strategy is expediting the transfers of the probationers in custody who the Court sentenced to the ADOC. As our results reveal, 13 probationers who the Court sentenced to the state prison spent an average length of ten days in custody before the PCSD finally transferred them to the ADOC. Because the PCSD cannot charge the ADOC for any related expenses, we advise the PCSD and relevant stakeholders reduce the time it takes to transfer a sentenced probationer from the jail to the ADOC. If, for instance, the 13 sentenced probationers had an average LOS of five days instead of ten, this would have saved 60 days in custody.

Why Research on Probation Matters

Today, 4.5 million people are under community supervision in the United States.²⁸ The purpose of probation, as we highlight at the beginning of this whitepaper, is to reduce confinement, promote public safety, and allow individuals to serve their punishment in the community. However, when 45 percent of prison admissions nationwide are due to violations of community supervision, we must ask ourselves the following question: is probation operating as a pipeline to incarceration?²⁹

²⁷ Ten days would also provide the APD enough time to complete and submit the necessary addendum to the courts before the sentencing hearing.

²⁸ Arnold Ventures, "Community Supervision."

²⁹ The Council of State Governments Justice Center, "Confined and Costly: How Supervision Violations Are Filling Prisons and Burdening Budgets."

Although probation revocations have decreased in the past five years in Pima County, petitions to revoke probation have not, probationers continue to be incarcerated due to technical violations, and community supervision remains marked by racial disparities. For these reasons, research on probation matters.

To support rigorous, relevant, and transparent research on probation in Pima County, it is crucial that stakeholders across the criminal justice system coordinate and share data. To do so, a web-based, data-sharing platform would facilitate collaboration and data exchanges throughout the justice system.

Future research on probation may evaluate the racial composition of the APD's probation and revocation population by field office and probation unit to better identify the drivers of racial disparities. Other research efforts may examine the Superior Court's practice of imposing coterminous sentences instead of revoking probationers to the state prison. Overall, through research we can build and implement effective criminal justice reform strategies.

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Appendix A

Definitions of Probation Subcategories

Misdemeanor Probation Violation

I. Sentenced to PCADC

1. **Sentenced to PCADC probation only:** Individuals who a court sentenced to the county jail on a misdemeanor probation violation.
2. **Sentenced to PCADC probation but pending charges:** Individuals who a court sentenced to the county jail on a misdemeanor probation violation but have other unresolved criminal charges.
3. **Sentenced to PCADC other charges but pending probation:** Individuals who a court sentenced to the county jail on other criminal charges but have an unresolved misdemeanor probation violation.
4. **Sentenced to PCADC probation and other charges:** Individuals who a court sentenced to the county jail on a misdemeanor probation violation and other criminal charges.

II. Pre-Disposition Hearing

5. **Pre-disposition hearing probation only:** Individuals who are in the county jail for an unresolved misdemeanor probation violation.
6. **Pre-disposition hearing probation and other charges:** Individuals who are in the county jail for an unresolved misdemeanor probation violation and other criminal charges.

Felony Probation Violation

III. Sentenced to PCADC

7. **Sentenced to PCADC probation only:** Individuals who a superior court sentenced to the county jail on a felony probation violation.
8. **Sentenced to PCADC probation but pending probation charges:** Individuals who a court sentenced to the county on a felony probation violation but have other unresolved probation charges.
9. **Sentenced to PCADC probation but pending charges:** Individuals who a superior court sentenced to the county jail on a felony probation violation but have other unresolved criminal charges.
10. **Sentenced to PCADC other charges but pending probation:** Individuals who a superior court sentenced to the county jail on other criminal charges but have an unresolved felony probation violation.
11. **Sentenced to PCADC probation and other charges:** Individuals who a superior court sentenced to the county jail on a felony probation violation and other criminal charges.

12. Sentenced to PCADC probation and sentenced to ADOC: Individuals who a superior court sentenced to the county jail and state prison on a felony probation violation. Such individuals serve part of their sentence in the county jail and then transfer to the state prison.

IV. Pre-Disposition Hearing:

13. Pre-disposition hearing probation only: Individuals who are in the county jail for an unresolved felony probation violation.

14. Pre-disposition hearing probation and other charges: Individuals who are in the county jail for an unresolved felony probation violation and other criminal charges.

V. Sentenced to ADOC

15. Sentenced to ADOC probation only: Individuals who a superior court sentenced to the state prison on a felony probation violation. Such individuals are booked into the county jail and then transfer to state prison.

16. Sentenced to ADOC probation but pending charges: Individuals who a superior court sentenced to state prison on a felony probation violation but have other unresolved criminal charges.

17. Sentenced to ADOC other charges but pending probation: Individuals who a superior court sentenced to the state prison on other criminal charges but have an unresolved felony probation violation.

18. Sentenced to ADOC probation and other charges: Individuals who a superior court sentenced to the state prison on a felony probation violation and other criminal charges. Such individuals are booked in the county jail and then transfer to the state prison.

19. Sentenced to ADOC probation and sentenced to PCADC: Individuals who a superior court sentenced to the state prison and county jail on a felony probation violation. Such individuals were at the state prison and are now serving the rest of their sentence in the county jail.

Appendix B

A Closer Look

From the probationers in custody on October 25, 2019, Daniel was one of the 44 individuals on PCO who the courts sentenced to 60 or more days in detention.³⁰ The courts sentenced him to 184 days to the PCADC, and as of October 25, 2019, he had spent 179 days in custody.

The following account is a description of Daniel's case. We relied on Agave to learn more his case. Specifically, we only researched the records in the database that were available to the public. Because we did not have access to them, we did not examine the two petitions to revoke probation that the APD filed throughout his case or the negotiated plea agreement.

On August 8, 2017, a grand jury indicted Daniel for Second Degree Burglary, a Class Five Felony. The court ordered him to remain in custody with a bond posted at \$2,700 and to return on August 17, 2017 for arraignment proceedings.

Daniel attended arraignment on August 17, 2017. He entered a not guilty plea. The court scheduled a case management conference for September 18, 2017.

At the case management conference, the defense counsel requested additional time for plea negotiations. The county prosecutor did not object. The judge scheduled a status conference/change of plea on October 19, 2017. Daniel waived his right to a speedy trial.

On October 19, 2017, the defense counsel informed the court that he had just received the county prosecutor's offer that day, and he requested more time to allow him the opportunity to discuss it with Daniel. The county prosecutor did not object. The judge scheduled a status conference/change of plea on November 2, 2017.

At the status conference/change of plea on November 2, 2017, Daniel entered a plea of guilty to the crime of amended count one: solicitation to commit burglary in the second degree, a class five felony, which he committed on either July 23, 2017 or July 24, 2017. The county prosecutor informed the court that he did not object to deferring acceptance of Daniel's plea in order to allow additional time for the defense counsel to determine restitution. The judge accepted the plea and set the matter for entry of judgement of guilt and sentencing on December 13, 2017. The judge also ordered the APD to prepare a presentence report.

On December 13, 2017, the judge struck the term of the plea, which stated the restitution amount as \$11,685.22 and amended the plea to substitute the restitution cap as \$30,000. The court also entered the following sentence: the defendant is guilty of amended count one: solicitation to commit burglary in the second degree, a class five felony, non-dangerous, non-repetitive offense, in violation of A.R.S. Section 13-1002 committed on either July 23, 2017 or July 24, 2017. The court also found that Daniel was eligible for probation.

³⁰ We use a pseudonym for confidentiality purposes.

The court suspended the imposition of sentence and placed Daniel on probation for a period of three (3) years, commencing on December 13, 2017, under the supervision of the APD. The court also placed Daniel on IPS and ordered him to abide by all conditions. The court also imposed a 30-day deferred term of incarceration in the jail, without hearing, should Daniel test positive for use of drugs and/or alcohol while on probation, and in violation of a condition of probation. The court also dismissed, pursuant to the plea, all remaining counts and allegations.

The APD filed a PTM probation on December 29, 2017 in response to victim contact.

The APD filed a PTR probation on March 12, 2018.

Daniel attended initial appearance on the PTR probation on March 13, 2018. He entered admission to allegation three contained in the PTR. The court found that there was factual basis for the admission. The court dismissed allegations one, two, four, and five contained in the PTR probation. The court revoked his conditions of release, and ordered the PCSD to hold him in custody without bond. The court ordered setting the matter for disposition hearing on April 02, 2018.

At the disposition hearing on April 02, 2018, the court ordered that Daniel continue on probation with a new termination date of January 09, 2021. The court ordered his release from the custody of the PCSD. The court ordered that he remain under all previously imposed terms and conditions of probation.

The APD filed a PTR Probation on May 1, 2019.

Daniel entered admission to allegation two contained in the PTR dated May 1, 2019. The court found that there was a factual basis for the admission. The court dismissed all other allegations contained in the PTR dated May 1, 2019. The court revoked Daniel's conditions of release, and ordered the PCSD to hold him in custody without bond. The court ordered setting the matter for disposition hearing on May 29, 2019.

At the disposition hearing on May 29, 2019, the court determined that Daniel violated the terms and conditions of probation, and gave all parties the opportunity to make recommendations. The court determined that Daniel was in violation of the terms and conditions of probation granted on December 13, 2017 for the offense of amended count one: solicitation to commit burglary in the second degree, a class five felony. The court ordered the continuation of Daniel's probation sentence during the period of his incarceration, and that upon his release from the Pima County Jail, for his probation sentence to be terminated.

The court ordered the incarceration of Daniel at the jail for a period of six months, commencing on May 29, 2019. The court gave Daniel credit for zero days of time served. The court vacated any outstanding probation fees.

The APD subsequently discharged Daniel from probation on August 12, 2019, and again on December 16, 2019, when the SD released him from the jail, thus ending his probation sentence.

Appendix C

Arizona Uniform Conditions of Supervised Probation

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA UNIFORM CONDITIONS OF SUPERVISED PROBATION

STATE OF ARIZONA

COUNTY/DIVISION: _____ / _____

VS.

CR: _____

§13-901.01 Offense: 1st 2nd Ineligible

PID#: _____

OFFENSE(S): _____

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD),

- PLACING** the defendant on probation for a period of _____ year(s) month(s) days lifetime
 - to begin ____/____/____ or
 - upon absolute discharge from prison for a separate offense or
 - upon release from prison for felony DUI (____ months; ____ days credit for time served)
 - upon release from prison pursuant to A.R.S. § 13-603(K)
- REINSTATING** the defendant on probation for a period of _____ year(s) month(s) days lifetime
 - to begin ____/____/____ with a revised expiration date of ____/____/____.

I AGREE TO THE FOLLOWING AS CONDITIONS OF THE SUSPENSION OF IMPOSITION OR EXECUTION OF SENTENCE: (Conditions Checked Also Apply)

LAW ABIDING BEHAVIOR

1. I will maintain a crime-free lifestyle by obeying all laws, and not engaging or participating in any criminal activity.
2. I will not possess or control any stun guns, tasers, firearms, ammunition, deadly or prohibited weapons as defined in A.R.S. § 13-3101.
3. I will report any contact I have with law enforcement to the APD within 72 (or ____) hours.
4. I will submit to search and seizure of person and property by the APD without a search warrant.
5. If deported or processed through voluntary departure, I will not return to the United States without legal authorization during the term of my probation. If I am deported or processed through voluntary departure, all conditions remain in effect except for _____.

REPORTING TO APD

6. I will report to the APD within 72 (or ____) hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. I will also keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. I will provide a sample for DNA testing if required by law.

RESIDENCE

7. I will provide the APD safe, unrestricted access to my residence and receive prior approval of the APD before changing my residence. I will reside in a residence approved by the APD.
8. I will request and obtain written permission of the APD prior to leaving the state (county).
9. I may apply for Interstate Compact supervision in the state of _____ and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.
10. I may apply for an Inter-County transfer and will not proceed to that County until APD issues written authorization.

TREATMENT/BEHAVIOR CHANGE/PRO-SOCIAL ACTIVITIES

11. I will actively participate and cooperate in any program of counseling or assistance as determined by APD, or as required by law, given assessment results and/or my behavior. I will sign any release or consent required by the APD so the APD can exchange information in relation to my treatment, behavior and activities.
12. I will not possess or use illegal drugs or controlled substances and will submit to drug and alcohol testing as directed by the APD.
13. I will obtain written approval of the APD prior to associating with anyone I know who has a criminal record. I will not knowingly associate with any person engaged in criminal behaviors.

UNIFORM CONDITIONS OF SUPERVISED PROBATION – PAGE 2 OF 2

STATE OF ARIZONA COUNTY/DIVISION: _____/_____
 VS. _____ CR: _____

- 14. I will seek, obtain, and maintain employment, if legally permitted to do so, and/or attend school. I will inform APD of any changes within 72 hours.
- 15. I will be financially responsible by paying all restitution, fines, and fees in my case as imposed by the Court. I understand, if I do not pay restitution in full, the Court may extend my probation.
- 16. I will not consume or possess any substances containing alcohol.

SPECIAL REQUIREMENTS

- 17. I will complete a total of _____ hours of community restitution. I will complete a set number of hours per month as directed in writing by my probation officer. I will complete these hours at a site approved by the APD.
- 18. I will serve _____ days month(s), in the county jail beginning ____/____/____ with credit for _____ days served, not to be released until ____/____/____. I will report to the APD within 72 (or _____) hours of my release from jail. I will comply with all program rules. Be screened for or shall participate in Work Furlough, if eligible or Work Release, if eligible
- 19. I will not have any contact with the victim(s) in any form, unless approved in writing by the APD.
- 20. I will comply with the following sanctions based on my behavior:
 - Up to _____ community restitution hours (in addition to any ordered under condition #17), as directed by the APD.
 - Up to _____ days in the county jail (in addition to any ordered under condition #18), at the discretion of the Court, upon recommendation from the APD.
- 21. I will abide by the attached special conditions of probation:

<input type="checkbox"/> Intensive Probation	<input type="checkbox"/> Sex Offender	<input type="checkbox"/> Gang
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Drug Court	<input type="checkbox"/> _____
<input type="checkbox"/> Mental Health	<input type="checkbox"/> DUI Court/Program	
- 22. _____

Based upon the defendant's agreement to abide by the Conditions of Supervision set forth, above, as well as my review and approval of such conditions, I hereby impose and order that these conditions are in effect, and the defendant shall comply with said conditions.

 Judge of the Superior Court Date

RECEIPT AND ACKNOWLEDGMENT: I acknowledge receipt of the conditions of probation and any attachments added. I understand that by not abiding by the conditions of probation my probation could be revoked and the Court may sentence me in accordance with the law. In addition, I waive extradition for any probation revocation proceedings in this matter.

 Defendant Date

 Defendant's Address Apt. City State Zip Phone

DISTRIBUTION: Original -Court, Blue-APD, Pink -Defendant Revision Nov. 2010





PIMA COUNTY

CRIMINAL JUSTICE REFORM UNIT