**What is Probation?**

Probation is the suspension of a convicted person’s jail or prison sentence, allowing the offender to live in the community under conditions set by the Court and monitored by a probation officer. The Cochise County Adult Probation Department was established in 1965. On June 5, 1970, the Cochise County Juvenile Court Center, a combined court and detention facility was dedicated. It is believed one probation officer provided supervision of both juveniles and adults for many years.

In the years that followed, additional officers joined the department to supervise expanding caseloads. Ultimately, juvenile and adult probation became independent departments. In January 2015, Chief Adult Probation Officer Edward Gilligan was appointed Juvenile Court Services Director, and the departments merged once again.

**History of Probation in U.S.**

In the United States, probation began in 1841 when John Augustus, a Boston boot maker, persuaded a judge to release a “drunkard” from jail into his custody. Augustus helped the man sober up and make other dramatic changes before returning to court for sentencing. Impressed with this transformation, the Court allowed Augustus to take more and more offenders into his custody. Augustus, however, didn’t take every convicted person. Instead, he selected prospective probationers based on age, character, and the people places and things apt to influence them to make positive changes. This selection process became the foundation for modern assessment and presentence investigations, a key component of the work probation officers do.

Augustus’ work was based on the belief that most offenders are not dangerous and will respond well to treatment. In 1843 he turned his attention toward helping children. He took three children into his care, all accused of stealing. The children included two girls ages 8 and 10, and an 11-year-old boy. Three years later this number had grown to 30 children ranging in age from 9 to 16 years old. The process was such that the children’s cases were continued for several months as a term of probation.

At the calling of the docket each month, Augustus would appear to make his report and the cases would pass on for five to six months. Then, at the end of the term, he would appear with some of the children, and as with his first success, their appearance had drastically improved from the time of their arraignment. With this and the paying of a 10 cent fine per person, the judge would declare the object of the law was accomplished, thanks to Augustus’ plan to save and reform.

Probation developed from the efforts of philanthropist Augustus, who looked for ways to rehabilitate the behavior of criminals. Augustus is called the "Father of Probation" in the United States because of his pioneering efforts to campaign for more lenient sentences for convicted criminals based on their backgrounds. His reported rate of success—just 10 failures in 1,946 cases—is a remarkable testament to his work and the possibility of effective supervision.
Mission Statement

The mission of the Adult Probation Department is to promote the safety of our communities by enforcing sanctions applied to defendants by the Superior Court, to partner with other community agencies to provide prevention services to probationers, to guide probationers to lawful self-sufficiency, and to support the rights of victims of crime. We achieve this mission through programs ranging from supervision and satellite monitoring to education and treatment.

In furtherance of our Mission Statement, we believe:

- People can change, and probation services are a viable means to effect positive change.
- In partnering with the community to habilitate the offender and to enrich the community.
- In supporting and advocating for victims' rights.
- In treating all people with dignity and respect.
- In conducting ourselves in a manner that promotes the integrity of the court and the credibility of probation.
- In creativity and the shared flow of ideas.
- In a positive, safe, and healthy work environment.
- That our employees are our greatest resource.

Arizona Probation Personnel

The people of Arizona expect of probation officers and staff unfailing honesty, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service.
Bisbee Adult Probation Office

As a new department with few employees in the late 1960’s and early 1970’s, Adult Probation was completely housed in the Cochise County courthouse. As it grew, adjacent facilities were utilized as well. In 1989, the department moved to a three-story house in close proximity to the courthouse. The home is now the Women’s Transition Project, a residential treatment center.

In 1992, John Viverto, a probation officer, married his wife, Pat, at the probation office. John retired from the department in 2010 after 22 years of service.

In 1999, the Bisbee office relocated to the remodeled old high school.

Ribbon cutting at “Taj Mahal.”
Left to right: Former Chief Bob Henley, Former Chief Milt Hargis, Judge Matthew Borowiec, Former Chief Stan Miguel, Supervisor Ann English, and Dushan Vlahovich (father of County Administrator Jim Vlahovich)
As the department expanded, satellite offices were opened in Benson, Douglas, Sierra Vista and Willcox. The four satellite offices are now located in the regional service centers in each city.

In the fall of 1993, the Douglas office moved to the historic YMCA building, which was originally built by the El Paso and Southwestern Railroad for use by its employees.
I was hired in February, 1985. At the time there were 5 officers and 2 secretaries at the APO office. (One other gal was hired at the same time as I was but she only lasted a few months.) My first office was in the “Little House” directly next to the Courthouse. The other APO offices were in the Courthouse which is currently used as part of the Clerk’s office. There were 3 judges – Judge Borowiec, Judge Winkler and Judge Jim Riley. The County Jail was still upstairs in the Courthouse and we did presentence interviews in a little utility room in the jail or in the jail recreation room. (The jail moved later that year I believe, to its current facility.)

Each officer did everything – supervision and presentence reports. There were no specialized caseloads or specific cities we worked in. We did it all. As a result, every Monday all officers went to Court and new cases were assigned and taken directly to APO for intake upon signing their plea agreement.

We had a lot of fun during those years. We made breakfast most Fridays in the Courthouse office with an electric frying pan. (We were very popular when the entire Courthouse smelled of chorizo and eggs every week.) We had BBQ’s on the back porch of the “Little House” and swim parties at Mary’s.

APO went thru 3 Chiefs while I was there – Bob Henley, Stan Miguel and Milt Hargis. We moved to the large house on Quality Hill (affectionately named the “Taj Mahal”). The staff and officer count rose dramatically over those years. By the time I left in January, 1993 there were approximately 50 staff and officers. We had offices in Douglas, Sierra Vista and Bisbee. We had specialized caseloads including the new Intensive Probation Supervision (IPS) caseloads and the Community Punishment Program (CPP). We also got computers during those years. (Prior to that, the secretaries typed our PSRs and hoped for few corrections.)

APO – you’ve come a long way!

Linda Desens was an Adult Probation Officer from 1985 to 1993. Since leaving the department, Linda has become a very successful sales consultant for Mary Kay Cosmetics. She is married to retired Judge Stephen Desens.
In August of 1989, when I first started with Adult Probation, the support staff had computers which were not networked together, except for access to the database.

The database, which resided on a server, contained information just pertaining to Cochise County’s probation population. It was originally developed to capture data for the Intensive Probation Supervision program, but later was used for all probationers.

When the State discontinued support of the database in the 1990’s, each probation department scrambled to develop their own databases. Cochise County and Coconino County pooled their resources and hired a programmer to develop the Probation Information Management System (PIMS).

Around 1996, thanks to Cochise County’s Information Technology department, we were able to network our computers, receive and send email and update our computers and software on a regular basis.

Several meetings were held at the State level to try to find a provider and come up with the requirements for a Statewide database which would link all probation departments data. It was not until the beginning of 2000 that the Administrative Office of the Courts (AOC) began developing the current database, Adult Probation Enterprise Tracking System (APETS) which allows all fifteen counties in the State to enter probation data into the same database and allows all counties access to each other’s data. The database provides statistical reports to the AOC and to each county.

In 2006, Cochise County’s data was converted to the new APETS database. The AOC continues to expand and improve the database each year.

Cheryl Tomlinson has been employed by the Adult Probation Department since 1989. She is the Management Information Systems Manager. Prior to that, she worked for the Cochise County Sheriff’s Department from 1975 to 1989.
Presentence Unit

Following a determination of guilt, our presentence unit investigates the defendant’s background, the details of the crime, and the nature of the harm done to victims. During this process, defendants are assessed for risk to re-offend, their amenability to rehabilitation, and the needs that must be addressed in order for them to lead law-abiding lives. The presentence officer will also make a sentencing recommendation to the judge.

Per statute, pre-sentence reports are required in virtually all felony cases and, by local practice, in most Superior Court misdemeanor cases. Probation officers promptly inquire into the circumstances of the offense, the convicted person’s history of delinquency or criminality, social history, employment history, family situation, economic status (including the ability to contribute to reimbursement for the costs of legal defense), education, personal habits, and victim information. This information is gathered during a presentence interview with the defendant. An integral component of this process is assessing a defendant’s risk to reoffend. The Offender Screening Tool (OST) is used in order to assess this risk.

A presentence officer is responsible for providing the Court with all pertinent information found during the course of an investigation. Presentence reports assist with sentencing decisions, assist correctional personnel in classifying offenders sentenced to prison, provide treatment personnel with insights into behavior, and aid probation officers in developing case supervision plans.

Currently, the presentence unit consists of one supervisor, four full-time presentence officers, and one temporary presentence writer.

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Victim Services

It is of utmost importance for probation personnel to preserve and protect victims’ rights to justice and due process.

During the presentence phase, the officer inquires into the physical, emotional and financial impact of the offense on the victim; the emotional and financial impact of the offense on the immediate family of the victim; and, notifies the victim or the immediate family of the victim of the right to appear personally or by counsel at any aggravation or mitigation proceeding. When making a sentencing recommendation to the court, the officer takes into consideration the impact of the criminal offense on the victim, the victim’s thoughts concerning sentencing alternatives, and the circumstances surrounding victim and community protection.

After a defendant is sentenced, a victim may opt-in, or request to be notified of post-sentencing proceedings. On request of a victim who has provided an address or other contact information, the court notifies the victim of any of the following:

- A probation revocation disposition proceeding or any proceeding in which the court is asked to terminate the probation or intensive probation of a person who is convicted of committing a criminal offense against the victim.
- Any hearing on a proposed modification of the terms of probation or intensive probation.
- The arrest of a person who is on supervised probation and who is arrested pursuant to a warrant issued for a probation violation.

On request of a victim who has provided a current address or other current contact information, the probation department shall notify the victim of the following:

- Any proposed modification to any term of probation if the modification affects restitution or incarceration status or the defendant's contact with or the safety of the victim.
- The victim's right to be heard at a hearing that is set to consider any modification to be made to any term of probation.
- Any violation of any term of probation that results in the filing with the court of a petition to revoke probation.
- That a petition to revoke probation alleging that the defendant absconded from probation has been filed with the court.
- Any conduct by the defendant that raises a substantial concern for the victim's safety.

Victims also have the right to be present and heard at other probation proceedings.

In addition to these notifications, probation departments monitor the payment of restitution to victims. In the past 10 years, $1.4 million in restitution has been paid to victims in Cochise County.
Cochise County probation officers take their supervision responsibilities very seriously, ever mindful that they must balance the probationer’s rehabilitation with community safety. Probationers must comply with certain conditions of probation, which include: obeying all laws; not possessing firearms; reporting any law enforcement contact; participating in counseling if deemed appropriate; performing Community Restitution; and paying restitution and other court-ordered monetary sanctions. Probation officers supervise probationers by conducting unannounced home and employment visits, meeting with them in the office, and gathering collateral information.

Officers utilize assessment results to establish a level of supervision and develop a case plan for every probationer. This assessment identifies what factors contribute most to a person’s criminal activity. The most significant factors are anti-social attitudes, values and beliefs; anti-social associates; anti-social personality pattern (impulsivity, risk taking, etc.); and history of anti-social behavior. Other factors include family problems, low levels of vocational and educational achievement, lack of positive leisure activities, and substance abuse. Probationers are frequently referred to services as cognitive-behavioral therapy, residential treatment, drug testing, employment and education programs.

Case plans outline the steps a probationer needs to take to make positive changes. Probation officers work with probationers to create this plan. The plan includes specific goals and objectives the probationer must accomplish and it identifies what specific assistance the probation officer will provide. Reassessments and case plan reviews are conducted every 180 days. Again, the results of the assessment aid in determining what new needs and services probationers require.

Per statute, standard probation officers supervise no more than an average of 65 adult offenders. In 1965, one probation officer was responsible for supervising every probationer in Cochise County. The highest number of people on standard probation occurred in 2004, when 785 people were supervised. Currently, 7 standard probation officers supervise 407 probationers throughout Cochise County.
Intensive Probation Supervision and Shock Incarceration

Intensive Probation Supervision (IPS) provides a highly structured, closely supervised, prison diversion program with an emphasis on the payment of restitution. IPS is a program aimed to provide medium and high risk probationers intensive interventions to promote positive behavioral changes and reduce the likelihood of recidivism. IPS was implemented in Cochise County in the mid 1980s.

IPS probationers are subject to the same conditions which apply to standard probationers. However, in addition to the standard provisions, they are subject to house arrest (except to work or attend treatment); more intensive contact and surveillance; mandatory community restitution work; and other lawful orders imposed by the Court. IPS probationers are also required to submit their paycheck to the probation office. The probationer’s restitution, fees, fines, and other financial assessments are deducted from the paycheck, and a return check is issued to the probationer.

A team consisting of a probation officer and a surveillance officer is responsible for keeping track of a limited number of IPS probationers so that they may supervise these individuals, who are generally deemed to be at higher risk to re-offend, more closely. Currently, the Adult Probation Department’s four IPS teams supervise 82 probationers county-wide. In the mid 80s to mid 90s, young offenders could be sentenced to the Shock Incarceration program, which was usually followed by a term of IPS. This program was located at the Department of Corrections in Florence and was a military basic training for young criminal offenders. Subsequent research revealed shock incarceration programs had poor rehabilitative outcomes, so they were discontinued.

Completion Rates of Probationers

The following represent the successful completion rates of probationers who were terminated from probation:

- FY04/05: 65%
- FY05/06: 67%
- FY06/07: 74%
- FY07/08: 49%
- FY08/09: 58%
- FY09/10: 65%
- FY10/11: 53%
- FY11/12: 50%
- FY12/13: 46%
- FY13/14: 64%
- FY14/15: 65%

Shock Incarceration graduation in Florence, Arizona—1991
In January 2008, the Adult Drug Court program was initiated. It is a specialized, IPS caseload, with requirements above and beyond those imposed by IPS. Nearly two-thirds of all adult arrestees test positive for illicit drugs at the time of their arrest. Methamphetamine, a highly addictive, easy-to-manufacture stimulant, has become one of the most destructive and widespread illegal drugs. In some parts of Cochise County, an estimated 80 percent of crime is linked to meth.

The Adult Drug Court uses the coercive power of the court to engage offenders in long-term treatment. Based on a highly successful national model, Drug Court represents the combined efforts of treatment personnel, prosecutors, defense counsel, law enforcement, probation officers and a Superior Court judge.

Offenders may be referred to the Drug Court at the presentence phase, or at any time post-conviction. The program consists of several phases and is designed to last approximately one year. Rewards and sanctions can be nearly instantaneous, as defendant’s appear in court on a weekly basis during the first phase. Other first phase requirements include attending treatment a minimum of three times weekly; a minimum of three drug/alcohol tests weekly; curfews; and frequent, weekly contact with the probation officer.

Finally, participants are expected to perform community restitution, pay monthly fees, have an approved income earning plan, and execute a court-approved pro-social project.

In the past seven years, 38 probationers have graduated from the program.
Domestic Violence Program

In October 1999, the court was awarded a federal grant through the Department of Justice, Office of Justice Programs, Violence Against Women's Office. The purpose of the grant was to supervise offenders who were convicted of misdemeanor domestic violence (DV) crimes in the justice courts. During the first grant cycle, the grant provided funding for one probation officer and non-violence education classes for offenders. As the program grew, approximately 250 offenders were supervised each year. Two probation officers and one surveillance officer supervised probationers throughout the county. Officers were required to attend the “Duluth Model Training” in Minnesota. The Duluth Model emphasizes offender accountability. The Duluth Model is successful because it is grounded in the experience of victims. It helps offenders and society change, and pulls the whole community together to respond. During the program’s 12 years, approximately 700 offenders completed the non-violence education classes.

On June 1, 2015, the Sierra Vista Justice Court began the DV program again. One probation officer is currently assigned to supervise offenders in the program.
In the late 80s, the department launched LEARN (Literacy, Education and Resource Network). The center offers computer-assisted instruction, classroom lessons, individual tutoring, study plans based on regular assessments and testing. These services were also available to members of the public. Hundreds of probationers have earned their GEDs through this program and have gone on to enroll in college.

In 2007, the LEARN Center celebrated its 20 year anniversary and was re-dedicated. Rebecca White Berch, former Chief Justice of the Arizona Supreme Court, was the guest speaker at the ceremony.

In 2010, juvenile probation began managing the LEARN Center.
Community Restitution

As a condition of probation, many probationers must perform Community Restitution (CRS). Previously known as Community Work Service, CRS is unpaid labor or services provided to a non-profit or government agency. In the late 80s and early 90s, Ed Skinner was a full-time Community Work Service Coordinator. Ed would supervise work crews of six to 10 probationers throughout Cochise County. Some of the most notable projects were cleaning highways and cemeteries in Douglas and Pirtleville.

In the past 10 years, probationers in Cochise County have performed over 220,000 hours of Community Restitution.

Evidence-Based Practice

In April 2010, our department became the second Arizona probation department to achieve Evidence-Based Practice (EBP) certification. EBP means strategies that have been shown through current, scientific research to lead to a reduction in recidivism. EBP is a body of research done through meta-analysis (a study of studies) that has provided tools and techniques that have been proven to be effective at reducing recidivism. These tools and techniques allow probation officers to determine risk and criminogenic characteristics of probationers and place them in appropriate supervision levels and programs.

Eight evidence-based principles aid probation officers in offering effective offender interventions. Basically, EBP indicates that certain programs and intervention strategies, when faithfully applied to a variety of offender populations, produce sustained reductions in recidivism.
The Future of Probation

Problem-Solving Court

In June 2015, a unique problem solving court, CARe (Court Assisted Recovery effort) was established in Cochise County. The effort is focused on providing prompt access to treatment for seriously mentally ill and drug-addicted offenders. The program features three tracks: veterans, mental health and substance use disorders. The program is launching in JP5 with the intent to provide services throughout the county in future years.

The program adheres to the principles of evidence-based practice. Placement is based upon assessment results and supervision tracks are tailored to the needs of participants. Sanctions and incentives are awarded based upon individual progress. The program will track long-term behavioral outcomes to measure its success.

Pretrial Services

The department is collaborating with its justice system partners in Cochise County to develop a Pretrial Services program. The objective is to develop a program which ensures all eligible defendants are afforded the opportunity for pretrial release and to enhance public safety by providing services that will increase the likelihood of appearance for trial and to reduce the risk for re-arrest.

Before an arrested person’s initial appearance, the pretrial unit will conduct a public safety assessment to determine the level of risk an individual presents. The pretrial unit will provide a report to the Court which will determine what conditions of release would be necessary to increase the likelihood of appearance and compliance with the law. By providing this information, high-risk offenders will remain incarcerated while lower-risk offenders will be allowed to return to the community while pending criminal proceedings. This will result in reduced incarceration costs while maintaining the safety of the community.