

**ADA COUNTY  
MISDEMEANOR  
DOMESTIC  
VIOLENCE  
COURT**

**PARTICIPANT  
HANDBOOK**

**FOURTH JUDICIAL DISTRICT  
MAGISTRATE COURT**

**Ada County Courthouse  
200 W. Front Street  
Boise, ID 83702**

**July 2016 Edition**

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Welcome to the Ada County Misdemeanor Domestic Violence Court Program (“DV Court”). This Participant Handbook (“Handbook”) is designed to answer questions, address concerns, and provide overall information about the Ada County Misdemeanor DV Court Program. As a participant, you will be expected to follow the DV Court Judge’s instructions and comply with all of the terms and conditions of probation. This Handbook will detail what is expected of you as a DV Court participant and review general program information.

## **PROGRAM DESCRIPTION**

The Ada County DV Court Program is judicially monitored. The Ada County Prosecutor and the Boise City Prosecutor screen cases into DV court and the case will remain in the DV Court until both the resolution of the criminal case and conclusion of the probationary period. Participants may receive credit for any time served prior to sentencing and no additional jail time will be imposed at the time of sentencing. The judge may impose discretionary jail at sentencing that can be used at a *later time* should court sanctions become appropriate. You will not be required to pay a fine in most cases. However, you are required to pay for treatment costs, court costs, and supervision fees. If you have financial difficulties that make it impossible to fulfill these financial obligations, you should contact your probation officer immediately.

DV Court requires court appearances before a DV Court judge on a regular basis after sentencing. Your progress will be monitored by a probation officer and will be reported to the DV Court judge regularly. A vast majority of participants will be ordered to two years of supervised probation and will be engaged in the program for this length of time. However, if you complete all of the requirements of supervised probation before the period of two years has elapsed, you may motion the court to be placed on unsupervised probation.

In order to participate in this program, you must attend domestic violence treatment and any other treatment required by the DV Court judge or your probation officer.

Generally, a domestic violence evaluation is required prior to the DV Court ordering a participant to complete a certain amount of domestic violence treatment. The evaluation requirement may be waived by the DV Court when it orders a participant directly into a treatment program. DV Court approval must be sought when there is a deviation from the

generally accepted requirement of a 52-week program, which must be completed within 15 months.

Following arrest, you may be screened into the DV Court program. If you choose to have an attorney, an Ada County Deputy Public Defender or a private attorney will advise you and discuss the DV Court program. The arraignment judge will set the appropriate bond. You will be required to follow all of the terms of bond or release, which will include, in most cases, a no contact order with the victim. The no contact order may be addressed again at the next appearance in DV Court, if appropriate. Multiple factors will be evaluated by the court to determine the appropriateness of modifying or terminating the no contact order. Factors taken into consideration include, but are not limited to, the participant's history of violence and past criminal record, circumstances surrounding the events that led to the current charge, the victim's participation in a safety planning workshop and empowerment classes, and the current assessed level of risk for future violence.

At your initial appearance, you will receive a date to appear in DV Court within the following week. After arraignment the next appearance is a "pretrial conference". You must be present in person for every court proceeding, unless you have been excused from appearing at a particular hearing by specific order of the DV Court. Your attorney may not appear for you. Please make your attorney aware that filing a letter of appearance and/or a request for trial setting **DOES NOT EXCUSE** you or them from appearing at **ANY** scheduled hearing. Failure to personally appear at a scheduled hearing will result in the forfeiture of any posted bond and the issuance of a warrant for your arrest. Prior to entering a plea, you (if you choose to represent yourself) or your attorney (if you choose to have an attorney) will be provided with the discovery in the case. An Ada County magistrate judge assigned to DV Court will oversee your progress and will have full jurisdiction over the entire process.

The goal of the DV Court is to have cases resolved by way of plea or jury trial within six weeks of initial appearance in DV Court. At the pretrial conference, the DV Court judge will either allow a brief continuance for an additional "pretrial conference" or the matter will be set for trial, depending on the facts and circumstances of the case. You will receive an offer specific to your case before you appear in DV Court for an entry of plea. Please note, a case may be screened into DV Court, as mentioned earlier, or a case may enter into DV Court via a Rule 11 plea agreement. A Rule 11 plea agreement is possible in a felony domestic violence case when

the Prosecutor approves that a defendant pleads guilty to a misdemeanor domestic violence charge and it is accepted by a DV Court judge. A participant will be required to sign up for supervised misdemeanor probation within 24 hours after being sentenced. The Court may order you to complete a Domestic Battery Evaluation through a court approved evaluator. The Domestic Battery Evaluation assesses potential risk for future violence and recommends a treatment plan that is tailored to your needs. In some cases the Court may order you to participate in domestic violence treatment without obtaining an evaluation.

At your first meeting your probation officer will perform a Level of Service Inventory (LSI) assessment to create a case plan for you. There is no cost for this assessment. The LSI helps the probation officer plan the level of supervision and in making treatment decisions. The LSI assess a variety of areas needed for making decisions about risk and treatment such as criminal history, substance employment history and family background. The LSI will help the probation officer create a case plan that most directly and effectively meets your needs.

If you are having success in this program, the DV Court judge may reduce the number of review hearings that you are required to attend. In addition, if you are successful, you may request early termination from the DV Court program. Whether or not the DV Court judge will grant early termination depends directly upon your progress and successful completion of this program. If the DV Court judge imposed a judgment of conviction during sentencing, the judgment will stand following completion of the program.

Failure to follow either the probation terms or the DV Court's orders may result in dismissal from the program and trigger a probation violation. If a probation violation is filed and the DV Court judge determines you have violated probation, the withheld judgment can be revoked. Then a judgment of conviction can be imposed and you can be sentenced up to the maximum penalty based upon your guilty plea to the charge. Even if a probation violation is not filed, failure to follow either the terms of probation or the orders of the DV Court judge may result in discretionary jail as an intermediate sanction, if appropriate. There may be circumstances where discretionary jail will be imposed, instead of a probation violation being filed.

## **DOMESTIC VIOLENCE COURT SUPERVISION**

The goal of DV Court is to help a participant achieve an end to domestic violence. As a DV Court participant, you will be required to appear in DV Court on a regular basis. The DV

Court judge will be given a progress report prepared by your probation officer regarding your advancement in probation, your attendance and participation in DV treatment, and your progress in meeting the other probation terms and conditions. At the review hearings, the DV Court judge may ask you questions about your progress and discuss any specific problems you are experiencing.

If you are doing well, the DV Court judge provides encouragement and may decide that you do not have to appear as often in DV Court. If you are not doing well, the DV Court judge will discuss this with you and determine what further action needs to be taken, which could include imposition of discretionary jail; requiring your attendance in other types of treatment programs; or requiring your appearance in DV Court on a more frequent basis. Failure to appear in DV Court on the date and time scheduled for **ANY** of the required court appearances will result in the issuance of a bench warrant and subsequent arrest. If you cannot be present for a scheduled court appearance, you must notify your attorney AND the DV Court **PRIOR TO** the court date to explain why you cannot appear.

## **DOMESTIC VIOLENCE COURT RULES**

As a DV Court participant, you will be required to abide by the following rules:

### **1. Obey Orders of the DV Court, Probation Officers, and Treatment Providers.**

Failure to comply with any of the above could result in additional treatment requirements, and/or enhanced penalties which could include, but are not limited to: imposition of discretionary jail and the lost opportunity to have a withheld judgment.

### **2. Attend All Ordered Treatment Sessions.**

This includes individual and group counseling, educational sessions, and any other sessions or treatment as directed by order of the DV Court or probation. If you are unable to attend scheduled sessions, you must contact your treatment provider and your probation officer **PRIOR TO** the scheduled appointment.

### **2. Be On Time.**

You must be on time for court appearances, meetings with your probation officer, and for treatment sessions. If you are late to these appointments, you may not be allowed to participate and will be considered non-compliant. You must contact the judge's clerk or

your attorney if you are going to be late for court. You must contact your probation officer and your treatment provider if you are late for appointments other than court appearances.

**3. Do Not Threaten or Behave Violently Towards Other Participants or Staff.**

Violent or inappropriate behavior **WILL NOT** be tolerated and will be reported to the DV Court. This may result in discretionary jail or termination from the DV Court Program.

**4. Attend All Scheduled DV Court Sessions.**

You must attend all DV Court sessions as scheduled by the DV Court judge. As a participant, you will be expected to dress appropriately for DV Court and all DV Court activities. Do not wear sunglasses or hats in Court.

**5. Do Not Use Alcohol and/or Illicit Drugs.**

This is a fundamental requirement for successful DV Court program completion.

**6. Maintain Other DV Court Participants' Confidentiality.**

Treatment cannot succeed unless all participants maintain the confidentiality of other participants and information disclosed in treatment.

**7. Focus on the Treatment Program.**

DV Court participants are not allowed to live together, work for each other, or become involved on a romantic and/or sexual basis with each other. These activities distract from the treatment's focus for both the participants involved and other treatment participants.

## **MISDEMEANOR PROBATION DEPARTMENT FEES**

As a participant, you must pay Misdemeanor Probation Department fees currently set at \$75.00 per month – this may be on a sliding scale when appropriate. All fees must be paid prior to final disposition of your case unless the DV Court orders otherwise.

## **SUPERVISED PROBATION PROCEDURES**

You will be required to complete domestic violence treatment, which may include obtaining a domestic violence evaluation. The DV Court judge will order a specific amount of domestic violence treatment and will order other terms and conditions of probation that you must follow in order to successfully complete this Program.

## **SUCCESSFUL COMPLETION**

If you are successful, you may request early termination from the Program. Once you have successfully completed the DV Court program, you will be entitled to have the charge dismissed pursuant to the withheld judgment, unless a judgment of conviction was imposed. However, even if you are granted a withheld judgment, you will still be subject to enhanced penalties for subsequent violations of I.C. § 18-918 (domestic violence code).

## **CONCLUSION**

The DV Court program has been established to assist you in achieving an end to domestic violence. The DV Court judge, probation officer, and the treatment providers are present to guide and assist you. Ultimately, the final responsibility is your responsibility. You must be motivated to make this change and committed to ending domestic violence.

We hope this Handbook has been helpful to you and answered most of your questions. If you have any additional questions or concerns about DV Court, please feel free to contact your Ada County Deputy Public Defender or private attorney.

# ADDRESSES AND PHONE NUMBERS

## ADA COUNTY MISDEMEANOR PROBATION

P# (208) 577-3380

F# (208) 577-3389

8601 West Emerald Street, Suite 150

Boise, Idaho 83704

Email: [misdemeanorprobation@adaweb.net](mailto:misdemeanorprobation@adaweb.net)

Website: <https://adasheriff.org/Services/Misdemeanor-Probation>

## Ada County Public Defender's Office

P# (208) 287-7400

Courthouse, First Floor

200 West Front Street

Boise, Idaho 83702

Website: <https://adacounty.id.gov/Public-Defender>

**Notice:** You MUST contact Ada County Misdemeanor Probation within twenty-four (24) hours of your sentencing to sign up for probation, unless you already signed up in DV Court at your sentencing.

# SUPERVISED MISDEMEANOR PROBATION ORDER

Defendant:

Case No:

Address:

Date Ordered:

Phone:

Judge:

Prosecuting Attorney:

Defense Attorney:

You have been sentenced to the following term of supervised probation: \_\_\_\_\_,  
commencing on \_\_\_\_\_ and terminating on \_\_\_\_\_.

**IT IS HEREBY ORDERED THAT you comply with the following terms and conditions of supervision:**

**Initial Probation Contact:** You understand that you MUST contact Ada County Misdemeanor Probation at the address below within one business day to schedule an appointment. Failure to do so may result in the issuance of a warrant for your arrest. You will bring all court paperwork with you to this appointment.

**Ada County Misdemeanor Probation  
8601 W. Emerald Suite 150, Boise, Idaho 83704  
Phone: 208-577-3380 / FAX: 208-577-3389**

**Laws:** You shall respect and obey all laws and comply with all terms of probation as ordered by the court or directed by a probation officer. You shall comply with all lawful requests of a probation officer.

**Compliance:** You shall comply with all lawful direction given to you by a probation officer.

**Notification:** You will notify your probation officer within 24 hours (or within one business day) following any contact with law enforcement, including but not limited to citations, arrests, or investigations. You will fully cooperate in a respectful manner with any law enforcement requests and advise them that you are on supervised probation and provide them with the name of your assigned probation officer.

**Residence/Contact:** You shall notify your probation officer prior to making any changes to your residence, phone numbers or email addresses. You will submit any changes to your probation officer for approval. You must notify your probation officer within one business day of making any approved changes. You will maintain a contact phone with voice messaging. You are responsible for checking this phone number at least daily and complying with any instructions given by a probation officer.

**Reporting:** You shall check in at the Ada County Misdemeanor Probation Office on a monthly basis, unless directed otherwise by a probation officer. You shall truthfully submit any written or oral reports requested by a probation officer.

**Attendance:** You understand that failure to appear for any assigned/scheduled appointments with any service providers, drug testing service, or your probation officer may result in a probation violation being filed with the court or the imposition of discretionary jail time.

**Controlled Substances and Alcohol:** You will not use, possess, or distribute any alcoholic beverages, controlled substances or intoxicants while on probation unless lawfully prescribed by a licensed physician. You shall submit to any testing of breath and bodily fluids for these substances as directed by the court, law enforcement, treatment providers or the probation officer. You shall be truthful in said testing and shall not ingest substances or take any actions in an attempt to mask or alter the test results. Any attempts shall be considered the same as a presumptive positive result. You shall pay all fees and costs of such testing.

**Employment/Education:** You will obtain and maintain appropriate full-time employment and/or participate in an educational program as directed by a probation officer.

**Electronic Monitoring Device/Alcohol Monitoring Device/Interlock Device:** You understand that you may be placed on electronic monitoring device/alcohol monitoring device/Interlock device as deemed necessary by the probation officer. You shall pay the daily monitoring costs and any costs associated with any damages or lost equipment.

**Court Fines and Restitution:** You shall pay any and all court fines, restitution and other costs as ordered by the Court and defined in your fine agreement.

**Programs & Treatment:** You shall cooperate and successfully complete any and all assessments and/or treatment programs ordered by the Court. You shall pay all costs and fees for the programs in a timely manner.

**Classes or Treatment:** You shall comply, cooperate and successfully complete any assessments and/or treatment program required by the probation officer. You shall pay all costs and fees for the programs in a timely manner.

**Review Hearings:** You understand that you must appear before the Court as scheduled to review your compliance with the conditions of your probation.

**Costs of Supervision:** You shall pay the costs of supervision on a prepaid monthly basis to Ada County Misdemeanor Probation in the amount of \$75.00 per month, unless adjusted by the Court.

**Release of Information:** You authorize the release and exchange of confidential information to and from your probation officer, including but not limited to evaluations, medical history, reports, and treatment records related to your probation.

**Travel:** You will not leave the state of Idaho without first obtaining a travel permit from your probation officer.

**Additional Instructions:** You will comply with any and all additional instructions given by a probation officer.

**Other:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Defendant's Signature and Date

\_\_\_\_\_  
Judge's Signature and Date

