

Maricopa County Adult Probation
Early Termination Considerations for Probationers with Sex Offender Conditions

The following are criteria considered by the Adult Probation Department (APD) in deciding whether to propose or support a petition for Early Termination (ET) of probation with sex offender terms. Officers and supervisors will consider suitability of early termination on a case-by-case basis. Before applying for early termination, probationers are encouraged to talk with their probation officer/team to discuss whether they are suitable candidates and to discuss any outstanding case plan goals. ***Regardless of APD support, the Court makes the final determination as to whether grant a petition for early termination.*** See A.R.S. § 13-901(E).

1. The probationer has no pending criminal charges, petitions to revoke, and/or outstanding warrants.
2. At least two years has passed since the probationer has engaged in detected or reported behaviors that resulted in a petition to revoke being filed.
3. If on less than lifetime probation, the probationer has completed more than half of their probation term. If on lifetime probation, the probationer has served **at least** the period of probation set forth in A.R.S. § 13-902(A) (i.e.: F2, 7 yrs.; F3, 5 yrs.; F4, 4 yrs.; F5 & F6, 3 yrs.) See A.R.S. § 13-902(E).
4. The probationer has completed all standard and specialized conditions of probation and treatment as directed by APD (community restitution hours, treatment, drug testing, deferred jail, etc.).
5. The probationer owes no restitution balance. Any unpaid financial assessments may be reduced to a Criminal Restitution Order and may be subject to modification as determined by the Court.
6. Typically at least two years have passed since probationer successfully completed all aspects of Primary treatment, Relapse Prevention and/or Maintenance treatment, as deemed appropriate by their treatment team (see "Myth Busters" below for further information).
7. The probationer has demonstrated control over all known paraphilic behaviors/sexual deviancies for a significant period of time.
8. The probationer has successfully passed (no deception indicated) or resolved the Sex History Polygraph.
9. The probationer has successfully passed or resolved all maintenance, monitoring or specific issue polygraphs with no major admissions and/or multiple admissions for the past two years, as deemed appropriate by their treatment and supervision team/supervisor.
10. The probationer has completed an MSI II within the past 12 months and the results suggest the probationer has taken responsibility and internalized treatment and is capable of self-regulating his/her behavior. (**Note:** If the probationer is already in Maintenance Treatment, the MSI II will be at the discretion of the supervising team and therapist.) *This will not apply to those successfully terminated from treatment.*
11. The probationer has completed all additional testing and/or assessments required by the treatment and supervision team.
12. The probationer has a proper chaperone and/or support person, if applicable.
13. In every case, additional factors such as risk level, victims, offending history, medical issues, advanced age, and sexual paraphilia will be considered.

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14. The Adult Probation Department will **not** support an Early Termination for any probationer who has a clinical diagnosis by an approved evaluator or treatment provider of: A. **Pedophilia** – Exclusive type per the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM or ICD); OR B. **Psychopathy or Mental Abnormality** per the Psychopathy Check List Revised (PCL-R) or per the Millon Clinical Multi-Phasic Inventory (MCMI IV) scoring an 85 or more on each of the following scales: Narcissistic, Antisocial and Paranoid; OR C. **Sexual Sadism**, as defined in the most current version of the DSM or ICD and/or via any standardized sadism assessment instrument.
15. *Note:* Risk level will be taken into account in each case. Probationers deemed a low risk may be placed on a “minimum caseload.” Probationers should not interpret this as an indication that APD will support or file an early termination petition as it is only one of many factors the Court considers.

“Myth Busters of Early Termination of Sex Offender Probation”

Maintenance level treatment entitles a client to an Early Termination (ET) of probation. Not all probationers will earn an ET despite their treatment status. There are many factors considered when an Early Termination is supported and successfully completing treatment is only one of them. The Court has the final say in all early termination cases.

Special circumstances such as medical issues or advanced age entitles a client to an early termination. Each case will be staffed on a case-by-case basis with supervisors to determine proper course of action such as medical issues or advanced age. Neither circumstance necessarily means that APD will support or file for Early Termination.

Graduation from treatment is all one needs to do to petition the Court for an Early Termination. Many offenders may graduate from treatment due to their successful participation in or completion of the treatment program, or because their provider believes they have garnered all that they are capable of getting from the program. However, this does not automatically mean that they are no longer in need of supervision, polygraphs, etc. The Court wants to see that a probationer has demonstrated for a period of years that they have integrated the skills learned in treatment, utilized their support team, and effectively communicated with APD.

Treatment providers determine who should and who should not be petitioning the Court for an early termination of probation. Although some therapists believe this is their role, probation respectfully encourages the provider community to address treatment needs and leave supervision issues to the supervising team. However, while a probation officer may routinely seek a therapist’s opinion on the subject, treatment providers should not be a driving force in this process.

All probationers who complete treatment are likely to eventually receive an early termination from lifetime supervision. Due to a number of variables in sex offense cases, such as a person’s history of sexual deviancy, high victim count, routine relapse or other factors, some probationers may never be good candidates for an ET and will need to be supervised for the rest of their lives. Additionally, progress

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should never be measured in terms of “time served,” but rather on growth and a demonstrated ability to self-monitor and use the tools probationers hopefully acquired in treatment, before probation could have sufficient confidence in their abilities to offer any reasonable level of support for an ET.

Being placed on a minimum caseload, means many of the rules from primary treatment do not apply. The goal of a minimum caseload is to put valuable probation resources toward higher risk offenders and being assessed a low risk offender may include the relaxation of certain restrictions and more freedom in the community. However, conditions of probation do not change. Matters left to the discretion of the probation officer are on a case-by-case basis and should be staffed with your probation officer.

Being placed on a minimum caseload, means you are eligible for an early termination. Being placed on a minimum supervision caseload is not tied to early termination and does not mean a probationer will be a good candidate for an early termination. There are a number of factors that a probationer must accomplish before being considered for an ET.