

MOUNT VERNON MUNICIPAL COURT PROBATION PROCESS AND INFORMATION

The following is an outline of the goals and processes of the Mount Vernon Municipal Court Probation Department. This is by no means a comprehensive list of steps and processes, but is designed to serve as a guide. Each probationer is treated on a case by case basis.

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Sentencing

Probationers are referred by the Court for presentence investigations when more information is needed by the Court to determine appropriate criminal punishment. The probationer may be required to begin some of these services before actual sentence is imposed by the Court. The probation officer may determine after the presentence investigation that the crime deserves incarceration and will recommend jail time to the judge. Only the judge has the authority to sentence an individual to incarceration. The probationer is welcome to have an attorney to represent him during the sentencing hearing. During the hearing, the judge will likely ask the probation officer to recount pertinent facts from the officer's investigation. The judge will ask the probationer a few questions and ask the probationer if he or she has anything to say before sentence is pronounced. After that, the judge will impose the sentence which may include jail time or a set of conditions that must be met in lieu of incarceration or both. Ohio law provides that probation can last up to five years for criminal misdemeanor violations.

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Rehabilitation

Rehabilitation of the probationer will not be possible unless the offender assumes responsibility for his or her criminal conduct and determines to successfully complete the probation program as outlined by the officer.

It is the policy of this Court to match the probationer with his or her officer, according to their area of

expertise. At the initial meeting between officer and probationer, a probation intake interview will be performed. This meeting is an opportunity for the officer to review the facts of the case and compare or contrast them to the probationer's recollection of the events. Honesty is essential during this initial interview, and the officer will note things that may have been contributing factors to the commission of the crime. Some of these factors become key components to planning and implementing an effective program of supervision. Some of these factors may include:

1. circumstances of the offense
2. victim statements
3. statements of the law enforcement officer
4. written statements from the offender
5. any evidence of alcohol or drug abuse
6. any indication of mental health issues
7. the offender's criminal background
8. offender's education
9. offender's employment status

After the initial interview, the officer will determine what programs, counseling or classes are appropriate for the probationer's rehabilitation.

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Supervision

If the offender is placed on probation by the Court, he or she will likely continue to work with the same officer during the probationer's period of supervision. The Court may refer the probationer to work with a different officer if the probationer thinks there is a conflict between the two that would inhibit a working relationship. The probation conditions are really a contract between the officer and the probationer; all requirements of supervision will be outlined and explained by the probation officer. To eliminate any confusion, the probationer will sign and date a copy of the probation contract and retain a copy for himself. Depending upon the type of supervision program for the offender, he or she may be required to report in-person or via telephone on a regular basis. This is entirely the discretion of the probation officer.

As an officer of the court, any tips regarding the probationer's illegal activity will be investigated if the officer thinks the tip is credible. This may include a house check of the probationer's residence. Ohio law provides that a probation officer may check on and enter the home of a probationer with or without

the probationer's permission. The probation officer does not need a warrant to conduct a house check of a probationer. This will be made clear in the probation contract. Probationers are not permitted to possess firearms or deadly weapons nor consume alcohol or drugs of abuse while on probation unless specifically authorized by the Court. An officer may request a probationer to submit to a random drug screen and probationers are not permitted to refuse this request by the officer or any other law enforcement officer. In addition, some probationers will be placed on curfew or restricted from certain residences, places of business or restricted from socializing with certain individuals.

Those probationers who have longer criminal histories, convictions of violent crime or histories of drug-related crimes may be transferred to intensive supervised probation. Intensive Supervised Probation (or ISP) is a specialized type of probation that requires frequent reporting requirements, drug screens and house checks. Those individuals placed on ISP are considered a higher risk for recidivism and present a greater risk of harm to the community.

Sometimes the criminal offense involved damage to real or personal property so that restitution will likely be ordered for the victim. Restitution is a process whereby the offender is required to pay monetary damages to the victim. If restitution is not ordered or the victim believes that the restitution ordered was inadequate, the victim is welcome to use civil avenues of recovery such as small claims court. If counseling sessions are ordered by the probation department, the officer will check to ensure compliance by the probationer. The social service agencies in Knox County closely collaborate with the probation department and information is shared, when appropriate, and when the agency is authorized to release the information to the probation officer. Since the primary goal of probation is the rehabilitation of the offender and protection of the community, honesty and transparency in all aspects of the supervision program are essential.

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Supervision Fees

Effective January 15, 2015, all defendants ordered to serve a term of probation or community control supervision shall be assessed a supervision fee pursuant to the following schedule:

1. \$175.00 – Tier I Supervision
2. \$200.00 – Tier II Supervision
3. \$225.00 – Tier III Supervision

Supervision fees shall be paid in addition to fines, court costs and restitution to crime victims, if any, and community service may not be performed in lieu of paying supervision fees. Supervision fees shall be paid in full as a condition of successfully completing a term of probation/community control supervision.

At the commencement of a probation/community control supervision term, the Probation Department will determine a defendant's appropriate level of supervision using assessment tools including but not limited to the Ohio Risk Assessment System as implemented by the Ohio Department of Rehabilitation and Correction. During the probation/community control supervision term, a defendant's supervision level may be adjusted based on compliance or noncompliance with supervision conditions, or for any other reason as determined by the supervising Probation Officer. In the event a defendant's supervision level is decreased, the defendant will not be required to pay an additional supervision fee.

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Violation of the Probation Contract

Ohio law provides that a probation officer may make a warrantless arrest of a probationer who is discovered breaking probation conditions or breaking the law. A probationer who is arrested will be held in jail on a probation violation holder for up to five business days, but that time may be extended by the judge. It is the discretion of the probation officer whether to file a probation violation against a probationer or when to release the probationer from jail. If a probation violation is filed with the Court, the Court will promptly hold a probable cause hearing to explain the violation. The probationer will then be asked to enter a plea of either guilty (admitting) or not guilty (denying) to each violation. A not guilty plea by a probationer will result in a full hearing at a later date to determine whether or not the probationer committed a violation. Bond will be set by the Court so that the probationer may be released pending the full hearing. A probationer is welcome to hire counsel for this full hearing, and counsel may be appointed at public expense if the probationer is indigent. If the probationer pleads guilty, the Court will ensure the probationer understands his constitutional rights and intelligently waives them.

Regardless of the plea, the probationer may be permitted to continue his program of probation, but the probationer may also be scheduled for a revocation hearing. A probation revocation hearing is held so that the probationer has an opportunity to answer the charges against him, cross-examine witnesses for the probation officer and testify himself. The judge will determine whether to revoke or continue probation. If probation is revoked, the Court will sentence the offender to pay a fine and to serve any suspended jail time from the original criminal charge.

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