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M E M O R A N D U M

To: Intake / JC4 DDA's
From: Domestic Violence Unit, Rod Underhill
Date: March 03, 2000
Subject: Domestic Violence Deferred Sentencing Program

This packet is designed to familiarize you with the DV unit's deferred sentencing program. As JC4 DDA's, you will have a great deal of contact with DSP cases and you are responsible for taking the pleas that bring a defendant into our program.

The Deferred Sentencing Program is nine month program that provides person who have been charged with a domestic violence related misdemeanor to attend domestic violence education classes and substance abuse treatment if warranted. Upon satisfactory completion of the program. The court will dismiss the charges with prejudice. The program is a privilege that can only be exercised once.

DSP is not a diversion program, it is a state's pre-trial offer. Defendants do not have a right to enter this program over state's objection, and we determine the eligibility criteria.

To take part in the program that defendant must be eligible, and the defendant must enter a guilty plea to the primary domestic violence offense on the charging instrument. The guilty plea is taken in JC4 two days after the defendant's initial arraignment. The defendant is then ordered to report to the domestic violence unit of the department of probation to start the program. Two further proceeding dates are set, one at 60 days to review compliance, and one at 9 months to graduate.

If a defendant violates any of the release condition of the program (no contact, no intoxicants, general conditions of probation etc.) or the defendant fails to engage in and successfully complete the treatment, the probation officer can set a revocation hearing or arrest the defendant and place a detainer. The defendant will appear before the family law court to determine whether he should be revoked. If this occurs, the defendant is promptly convicted on the prior guilty plea and sentenced. DSP court is every Thursday at 2:30pm in room 211 (family law).

I have enclosed an outline of the DSP practices, the eligibility checklist, a copy of the application packet (which is very informative because it has all of the defendant notice materials) and two memos that were recently prepared to help implement a new second check eligibility program.

DSP ELIGIBILITY

You are not eligible if:

- You have previously participated in any domestic violence diversion or Deferred sentencing program.
- You have any person felony convictions or pending person felony cases.
- You have a person A misdemeanor conviction within the last 10 years or pending person misd.
- You have a VRO conviction.
- You have more than 4 non-person criminal convictions.

All criminal history requirements include juvenile adjudications.

- You are currently on active felony parole or probation.
- You have a hold from another jurisdiction.
- The named victim in the offense is under the age of 13.
- A firearm was present and used or threatened to be used in the commission of the offense.