

# **Adult Probation Frequently Asked Questions**

## **How do I make an appointment with my probation officer?**

To make an appointment with your probation officer, you should give him/her a call. If you do not have your probation officer's number, call the Adult Probation Department Reception desk of an office nearest to your residence. See the locations portion of this website for phone numbers.

## **How do I schedule an appointment for an interview regarding the pre-sentence report?**

Call the main Receptionist number listed above to find out which office location to appear in person. Usually, you will be ordered by the Judge to report to the Probation Dept, on the same day as you have entered a plea. You will need to fill out a questionnaire with accurate information so that the assigned Probation Officer can contact you to come back in for an interview. If you are in custody, a probation officer will come to the jail and interview you before our sentencing hearing.

## **How will I be notified of future court dates?**

Usually, a new Court date will be set each time you appear until the matter is settled. Notification will be by mail or in person by a court or probation official.

## **What if I fail to attend a Court hearing?**

A "Bench Warrant" will be issued for your arrest. Contact your Attorney immediately to get the matter back on calendar as soon as possible.

## **What is the difference between Formal and "Court" Probation?**

### **Formal Probation**

Formal probation means the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer, per penal code 1203(a) . Probation under the supervision of a probation officer is often referred to as "formal" probation.

Probation is an act of grace and clemency, not a right. *People v. Rodriguez* (1990) 51 Cal.3d 437, 445; *In re Bine* (1957) 47 Cal.2d 814, 817; *In Re Peeler* (1968) 266 Cal.App.2d 483, 489.

## **What is the difference between Formal and “Court” Probation?**

### **Court or Summary Probation / Conditional Sentence**

Court probation is also commonly referred to as "informal" or "summary" or "conditional sentence" probation. A grant of summary or informal probation is a "conditional sentence". Summary probation means the suspension of the imposition or execution of a sentence and the order of revocable release in the community subject to the conditions established by the court without the supervision of a probation officer. In misdemeanor and infraction cases, both probation and conditional sentences are authorized whenever probation is authorized in the code as a sentencing option. However, summary probation (a conditional sentence) is not authorized in felony cases ( *Glee, supra*, at 103). Both formal probation and summary probation (court probation) can be revoked when violated. (P.C. 1203(a); *People v. Glee* (2000) 82 Cal.App.4th 99.)

## **What are the rules for reporting to my Probation Officer?**

You must report on the day and time your Probation Officer schedules you.

If you have an emergency or illness that prevents you from keeping your appointment, call and speak directly to your Probation Officer or Office Supervisor and get a new appointment.

## **What should I bring to my appointment with my Probation Officer?**

- Photo ID (Driver License or State ID card).
- Proof of where you live (utility bill, business mail, etc.).
- Proof of employment (pay stub, note from employer).
- Proof of changes, if any, to your name, address, phone, etc.
- Proof of any completed treatment, community service, restitution and charity contributions.

## **What do I do if I am arrested?**

If you are arrested, charged with any offense, or have any police contact, contact your Probation Officer, no later than 48 hours of it happening. You may do this in person or by telephone.

## **Why is it important that I participate in treatment?**

The Court may order or the Probation Officer may refer you to a treatment program. There are many different types of treatment. These programs will help you improve your situation — they are not a punishment. However, failure to cooperate with treatment may result in a violation of probation.

You may not want to go to treatment. This is normal. Programs require your time and effort. The most important first step for you is to attend. Once there, if you approach treatment as an opportunity, you will get the most out of it — give yourself the best chance for success.

## **What is Violation of Probation?**

- When you fail to follow the conditions of your probation it is a violation of probation.
- If you fail to follow any of your conditions or you get arrested, your Probation Officer may return your case to court.
- There will be a court hearing and if a violation is proved, you may be incarcerated.

## **What if I have a “No Contact” order?**

You must not have or attempt to have any contact with the person or place, as doing so is a violation of probation. If that person tries to contact you, do not agree to make contact. Tell your Probation Officer immediately.

## **How often will I be drug tested?**

The Probation Department conducts random chemical testing at the discretion of the Probation Officer.

## **My adult son/daughter is on probation. How do I find out information about his/her case?**

Information is confidential unless a Release of Information form has been signed by the probationer.

## **How do I get off probation before the expiration date?**

You must have complied with all terms and conditions of probation, completed at least half of your probation term, and have had no probation violations that resulted in additional jail time. Additionally, any court ordered restitution must

have been paid in full. You can seek early termination via your attorney or probation officer who will process you through the court process.

### **How can an adult probationer have his or her record cleared?**

Once all probation grants are closed, the person can petition the Court directly or complete paperwork at the Probation Department to have Misdemeanor or Felony conviction dismissed except for conviction described in PC 1203.4(b).

### **How do I reduce my felony conviction to a misdemeanor?**

You must make this request through your attorney, or petition the Court directly or complete paperwork at the Probation Department to have a Felony reduced to a Misdemeanor, if the offense can be reduced pursuant to PC 17 (b).

### **What happens if I can not pay my court ordered restitution, fines and fees?**

Talk to your Probation Officer. Making a temporary reduced payment is better than making none at all.

### **Can I convert the money I owe to jail time or community work service (CWS)?**

Statutory fines may be converted to CWS or jail time at the discretion of the court. Restitution and all other fines and fees are not convertible.

### **How do I clear a warrant?**

Contact your attorney or turn yourself in to a law enforcement agency or to Probation.

### **Can I travel or move out of the state?**

To travel out of state, you must notify your probation officer of the need for the travel and obtain approval prior to leaving. Approval will depend on the circumstances of your case. To travel out of state, you will also need to obtain a Travel Permit from your Probation Officer. To move out of state, you must obtain approval from your probation officer, the State of California and the receiving state via the Interstate Compact process. You must plan ahead, as this process takes time.

### **How do I find out who someone's probation officer is?**

This is confidential information that can not be shared with the public. If you think someone is on probation and they may be violating their probation, a probation officer will obtain the information from you and will respond accordingly.

### **What is Drug Court?**

The Drug Court model utilizes the judge as the primary motivator. Drug Court participants appear before the judge on a regular basis and, therefore, have an opportunity to receive encouragement and praise for positive progress as well as timely sanctions for probation violations. Intensive treatment and close probation supervision are also important components of the Drug Court model.

### **Who is eligible for Drug Court?**

Drug Court participants who have been convicted of a non-violent felony and have primary or underlying substance abuse issues. Candidates are screened for acceptance by the treatment team and probation.

### **What is Proposition 36?**

In November of 2000, California passed Proposition 36, the Substance Abuse and Crime Prevention Act. The purpose is to divert non-violent probationers and parolees charged with simple drug possession or drug use offenses from jail to treatment.

### **Who is eligible for the Proposition 36 program?**

1. Those with new convictions for drug possession or being under the influence.
2. Persons on probation for drug possession or under the influence offenses.
3. Persons on Parole with no prior convictions for a serious or violent felony.

### **Tips for Success**

- Be open to the guidance from your Probation Officer.
- Review and understand all of your conditions of probation.
- Think before you act. Slow yourself down and think a few steps ahead.
- Surround yourself with law abiding people who really want to see you do well, such as friends, family, co-workers, and formal support groups.
- The responsibility for making changes in your life is yours.