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EXPLANATION OF COMMUNITY SUPERVISION AND RULES AND REGULATIONS FOR PROBATIONERS

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Explanation of Community Supervision and Rules and Regulations for Probationers

You have just recently been placed on probation. Under the laws of 1993, probation is now called community supervision. So be aware that the terms “*probation*” and “*community supervision*” are interchangeable. They both mean the same thing. Community supervision or probation means that the Court has suspended the imposition and execution of your sentence. In other words, you don’t have to be locked up at this time.

Being on community supervision is probably a new experience for you and you may be very unsure about what is going on. But we in the Community Supervision and Corrections Department (CSCD) are here to help answer your questions so that you understand what is expected of you while you are on community supervision.

You may or may not be pleased with the way your case turned out in court, but that part is over now. You will do well to make up your mind to work hard at successfully completing your community supervision. If you find that difficult to do, just remind yourself that the alternative to community supervision is incarceration – being locked up in either the county jail or prison. Community Supervision looks pretty good when you look at it that way.

Community Supervision is like a contract between you and the Judge. We agreed to not lock you up at this time and will not lock you up as long as you honor our part of the contract by following certain rules and regulations. These are called *terms and conditions* of your community supervision and a copy of them is in the *Judgment*. They are the paragraphs that are marked (1), (2), (3), etc. Learn them well. The better you know them, the less likely you are to violate them. Later in this paper you will find an explanation of violations.

Purposes

Community supervision has two purposes. The first is to try to help you make positive changes in your life that will help make you a happier and more useful citizen of the community. This is the part of our job that we as supervision officers most enjoy. In order for us to help you; be honest and open with us. If we catch you in a lie, it is difficult for us to believe you in the future. If you have specific problems (alcohol, drugs, marriage, relationships, emotional, etc) let us know. We have some resources available

for help in these areas. Keep us informed of what is going on in your life. No one can live your probation for you, but we are ready to help as much as we possibly can.

The second purpose of community supervision involves the safety of the community. The Court intends to exert a certain amount of control over you. Since you are actually serving a sentence, it is necessary that the Court be aware of your whereabouts and activities. Obviously, the judges do not have the time to personally see that each and every person they place on community supervision follows their part of the bargain. That is why he/she has probation officers or community supervision officers. We are an arm of the Court and one of our responsibilities is to see that you are living by the terms and conditions of your community supervision. We also check that you are receiving whatever help you need and is available.

If you are not living by the terms and conditions of your community supervision, then we must do the least favorite part of our job. We must report this fact to the court. A **Motion to Revoke (MTR)** may be filed in your case. If this happens, a warrant for your arrest is issued and it is quite possible that once you are arrested you may not be allowed to make bond. A Revocation Hearing is held before the Judge. You are not entitled to a jury and it is up to the Judge to decide whether your community supervision will be revoked or not. As was said before, filing a violation is the least favorite part of our job, but be quite sure that we will not hesitate to do it if you are not living up to the terms and conditions of your community supervision.

Don't expect your community supervision to "go away" if you ignore it. Your situation changed the minute you were found guilty. The record of your conviction will never disappear. Your fingerprints are on record with the local law enforcement agencies, the Texas Department of Public Safety, and the Federal Bureau of Investigation. Even if you are on deferred adjudication community supervision, that record is maintained and available to all criminal justice agencies.

Diminished Rights

As a general rule, if you are on community supervision for a felony offense, you have given up some of your rights. You have given up your right as a citizen to vote, hold public office, or serve on a jury for the period of time that you are on community supervision. There are some exceptions to these regulations. If you are on for Felony DWI, your right to vote is restored two years after you successfully complete your community supervision, but your right to serve on a jury or hold public office is lost

forever. If your felony community supervision is revoked, you lose all these rights forever. This paragraph does not apply to misdemeanors.

Also as a general rule, if you are on either felony or misdemeanor supervision, you lose some of your rights to keep and bear firearms. Depending on the type of supervision, this could be as simple as not being able to purchase new ammunition or firearms to not being able to possess any ammunition or firearms. You are responsible for knowing the diminished rights that fit your situation.

You have been granted community supervision with complete confidence that it is your desire to become a peaceful and law-abiding citizen. Each condition of community supervision imposed upon you by the Court is for a definite purpose. If there are any questions regarding these rules, you should contact your supervision officer and we will be glad to explain them to you. The following is an explanation of the most common terms and conditions of community supervision. Your Judgment may not include all of these and may have others that are not in this document. Included are some rules and regulations in the form of DO's and DON'Ts. You will be given a copy of these. Make sure that you understand them and ask all the questions that you need to ask to insure that you don't violate any terms and conditions of your community supervision.

Conditions of Supervision

1. Commit no offense against the laws of this state or of any other state or of the United States.

DON'T BREAK any laws. Do not steal anything, no matter how small. Avoid traffic tickets, public intoxications, disorderly conducts, or family violence charges against you. No law is so minor that you can disregard it. Getting a traffic ticket or arrested for a small crime may not automatically get your probation revoked. But it is possible and it is a pretty sure thing that it will cause you to have some additional terms and conditions added to your probation.

These additional terms and conditions may have you to report more frequently or attend some type of group or counseling. They could require you to go to a residential facility of some kind for as long as two years.

DO NOTIFY the CSCD within 24 hours if you get arrested for anything or get any tickets. This includes traffic tickets. It is much better that you tell your officer about them than we find out about them through another source.

2. Avoid injurious and vicious habits and do not use or possess any intoxicating liquor or alcoholic beverage or illicit drugs.

DON'T DRINK anything that contains alcohol or USE or be associated with any form of illicit drugs or narcotics unless under a doctor's orders. Your orders may specify that you are ORDERED NOT TO USE NOR POSSESS ANY INTOXICATING LIQUOR OR ALCOHOLIC BEVERAGE. Your orders may say AVOID INJURIOUS AND VICIOUS HABITS. The Supervision Officers are giving you notice that we consider drinking and/or using other drugs injurious and vicious habits, especially when it is coupled with you getting into trouble with the law. Over 90% of all revocations involve drugs and/or alcohol.

3. Avoid persons or places of disreputable or harmful character.

DON'T GO to places that have a bad reputation. Obviously, a place where something illegal is going on is a place with a bad reputation. A place where a fight or some sort of trouble has happened before and might break out again is also a place with a bad reputation. If you have to wonder if a place has a bad reputation, don't go there.

DON'T GO around people who have a bad reputation. A known drug dealer is obviously a person with a bad reputation. One who drinks or parties regularly is one to avoid. However, someone who has had an alcohol problem in the past but is no longer drinking can give you a great deal of moral support if you are battling an alcohol problem yourself. You must use good judgment when choosing your companions.

4. Report to the supervision officer of this court on the date you are placed on probation and on or before the 15th day of each month during the period of probation.

DO REPORT as directed. Your officer expects you to make an appointment for reporting and then to show up at that time. If circumstances prevent you from keeping that appointment, call the office to reschedule. Call as soon as you realize you won't be able to keep your appointment. Once you have missed reporting for a month, it can never be made up and will always show as a possible violation.

Your officer may require you to report more than once a month. Failure to report as directed will result in further action against you which could result in revocation of your community supervision and time in jail or prison.

If you are on probation in another county and this office is offering courtesy supervision, failure to report will be made known to your office in that county. If you continue to fail to report then we will refuse to supervise your case.

If you not reside in this county, supervision of your case will be transferred to the CSCD in the county where you live. You will be contacted by that Department and given a time and place for reporting. You will report in person in your home county as the officer there directs you to do. You will abide by their rules and regulations, but you will ALSO report by mail to this department. You will be given report envelopes for this purpose. When you send in the last one, check the square that indicates you need more envelopes and more will be sent. You also should include your payment in this envelope in the form of a cashier's check or money order. You DO NOT pay the department in the county where you live. You pay our department. Be sure to mail in your envelope and form even if you are not making a payment and include an explanation of why you are not paying and when you can pay, etc.

If you are being transferred out of state, the rules are slightly different and will be explained to you before you leave.

REMEMBER, for those of you not living in this county, you report BOTH in person (to your home officer) AND by mail. Failure to do either is a violation of your community supervision.

5. Obey all rules and regulations of the Community Supervision and Corrections Department.

This entire presentation is our way of explaining to you what our Department's rules and regulations are. At times it will be necessary to add additional rules to cover a particular situation. These will be explained to you at that time. The Judge has also given us the discretion to require you to participate in programs that may or may not be listed on your Orders. We will not ask you to do anything illegal or unconstitutional. The extra things you are asked to do will be to assist you in some area of need.

6. Permit the supervision officer to visit you at your home, on the job, or wherever they deem necessary.

DO ALLOW your officer to visit you. You have given us permission to do so by asking to be granted community supervision. Under most circumstances, these visits will not be scheduled. If an officer needs to visit you at work, every effort will be made to not jeopardize your job in any way. Home and other field visits will be made to verify your address and to be sure you are where you say you are and living with whom you say you are. The same applies to your work. These visits are not done to try to get you in trouble.

7. Work faithfully at suitable employment as far as possible.

DO GET OR KEEP A JOB. Notify your officer before changing jobs. Jobs are scarce. If you currently have a job, work hard to keep it. Do not quit one job unless you have another one lined up. You may also have to work at a job that you don't particularly like or for less money than you think you are worth. Any pay is better than no pay at all.

Being a full-time student can qualify as being employed. Full-time students must provide proof each quarter or semester that you are enrolled and attending by submitting attendance records, report cards, or other verification requested by your supervising officer.

8. Remain within your home county, unless given advance consent to leave by the Community Supervision and Corrections Department of this Court and report any change of address to the Department within five days after moving.

DO NOTIFY the CSCD within five (5) days of any change of address. The office prefers that you do it within 24 hours if at all possible. We need to know where you are living at all times.

DO NOTIFY the CSCD before any travel that will be outside your county of residence for more than 24 hours. Travel permits are issued for no more than 14 days at a time. Emergency travel permits will be considered by the supervising officer on a case by case basis. Travel permits for pleasure trips will not be issued if court costs, attorney fees, fines and probation fees are not current. Travel permits to seek work outside your home county will be considered by the supervising officer on a case by case basis. These are issued for a 30 day period and must be renewed in person.

When requesting a permit you must have the following information: a) dates of travel, including the date you plan to return; b) where you are going, including a complete address and a telephone number where you can be reached; c) the names and addresses of people you plan to visit; d) how you plan to travel, make, model and description of the vehicle or plane, train or bus schedule.

If your work takes you out of the county, talk to your officer about a Work Permit. These are good for 90 days and it is your responsibility to have them renewed. This must be done in person.

DO MAINTAIN your residence in your home county unless you get permission to move to a different county from your officer. Permission from your officer must be granted BEFORE the move is made. You must be able to provide proof that you have a place to move. We must be able to verify this. Permission to move within the state should be requested at least one (1) week in advance. Permission to move outside the state should be requested at least two (2) weeks in advance.

9. Pay the following: supervision fees, court costs, attorney fees, fines and restitution.

DO MAKE all Court-ordered PAYMENTS. Remember your community supervision orders are a contract between you and the Judge. You told him/her in court that you could and would make these payments. It is very important that you do so. Unforeseen financial problems must be discussed with your officer if payments cannot be made as scheduled. You will not be issued Travel Permits or allowed to move if you are not current on your payments. You may be required to bring us verification of your exact income and the source.

DO DISCUSS your financial situation with your officer BEFORE incurring additional debt. You should not make a major purchase without first discussing it with your officer. You may also be expected to set up a financial budget with your officer's approval. If you fail to make your payments and/or to report, you could be called in for an Administrative Hearing with your officer and the director. You could also be brought back for a Revocation Hearing before the Judge to determine if you violated your probation. This could result in stricter conditions being placed on your supervision or your supervision being revoked.

DO MAKE payments by cashier's check or money order. Cash payments are discouraged

10. Support your dependents.

DO SUPPORT any dependents you may have. This includes children by former marriages if you have been ordered to do so. Make payments with check or money order and keep all receipts or stubs to show they were for child support.

DO NOTIFY your officer of any change in your marital or dependent status – if you get married, divorced, have a baby, a relative moves in with you, etc.

11. Submit to testing for controlled substances at or under the direction of the Community Supervision and Corrections Department not to exceed twice per week.

DO BE PREPARED to give a urine sample when requested. Your officer can require you to do this up to two (2) times per week if they feel it is necessary. If you refuse to do so or claim that you are not able, this is considered the same as if you give a dirty sample (one that shows you have been using drugs.) Penalties for this can vary. They may include additional hours of community service to perform, required treatment of some kind, or a Revocation Hearing.

12. Attend counseling sessions for substance abusers or participate in substance abuse treatment services at the direction of the Community Supervision and Corrections Department.

DO DISCUSS any problems, major or minor ones, with your officer. Also tell us about the good things in your life. We are interested in you and what is going on in your life. Sometimes we can offer suggestions, praise, or sometimes criticism. We may be a good place for you to “get it off your chest.” The bottom line is that the better you let us know you, the better we can develop a plan that will help you be successful.

At times, various evaluations and tests may be performed to help determine how we can best help you. We have various programs, classes, and a counselor on staff that can help with drug and alcohol problems, marital and family problems, or emotional problems.

13. Perform the required number of hours of community service at a community service project or projects for an organization or organizations designated by the Community Supervision and Correction Department of this Court.

DO PERFORM your community service hours in a timely fashion. Let your supervisor know of any limitations you may have so that proper workplace or project opportunities can be decided on. Full-time employees are still required to do eight (8) hours of community service work per month. Part-time employees are required to do sixteen (16) hours per month. If you are unemployed, you must do twenty-four (24) hours per month.

14. Pay \$50.00 to Crime Stoppers, on or before 30 days from the date of this judgment.

DO PAY your Crime Stoppers fee within the first month you are on community supervision. This is a one-time payment. It should be made to the office of Court Collections in Sweetwater, Nolan County, Texas by cashier's check or money order.

DON'T HESITATE to ask for help and DO TAKE advantage of all programs available to you. We desire that you complete your supervision successfully and timely

Community Supervision will not be easy. But the alternative is much worse. We sincerely hope that you view us as an advocate and helper.