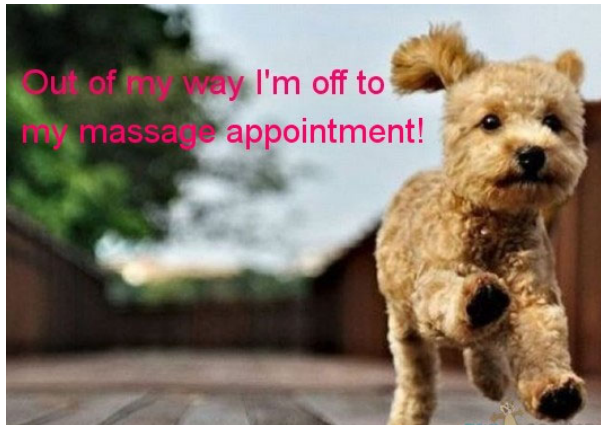


# VIOLATIONS OF PROBATION

San Diego County Probation

# INTRODUCTIONS

- ◉ Current assignment and duties
- ◉ Desired assignment (if applicable)
- ◉ Favorite food
- ◉ Favorite de-stress activity
- ◉ [https://www.youtube.com/watch?v=z\\_9Rv9vr70g](https://www.youtube.com/watch?v=z_9Rv9vr70g)



San Diego County Probation

# PC1203 DEFINITION OF PROBATION

- ◉ 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.
- ◉ “Conditional sentence” is Probation subject to conditions established by the Court without the supervision of a Probation Officer. (i.e. Summary or Probation to the Court)
- ◉ Probation is authorized as a sentencing option for infractions, misdemeanors and/or felonies.

## PC1203 DEFINITION OF PROBATION

- ◉ The penalty for committing a felony offense in the State of California is a term served in State Prison (or local jail) usually exceeding one year.
- ◉ When the Court “grants” someone Probation, they suspend or stay the Prison sentence and place them on community supervision (Probation).

# CAN PROBATION BE REVOKED?

- ◉ The answer is YES!
- ◉ If the probationer violates his conditions of Probation, he or she can be returned to Court.
- ◉ There are no limits to the number of times Probation can be revoked; however there is a limit to the local custody time a probationer can complete.

# JUVENILE OFFENDERS AND VIOLATIONS

Class Discussion: What type of violations do you think juvenile's are typically returned to court for?

# ADULT OFFENDERS AND VIOLATIONS

Class Discussion: What type of violations do you think adults are typically returned to court for?



# ASSESSING PROGRESS AND DETERMINING VIOLATIONS

- ◉ When a person is released to the community, the Court will place certain conditions on a probationer (CR-21 and Juvenile Court Order).
- ◉ New law violation may lead to a new case in adult or a True Finding in juvenile.
- ◉ Review court orders with probationer
- ◉ Assess compliance at each meeting
- ◉ Drug test (if applicable)
- ◉ Check in with placement/guardian/school/treatment program
- ◉ Request proof of employment, school, community service, required programs



# ASSESSING CONTINUED

- ◉ Office Meetings - 4<sup>th</sup> Amendment waiver of person
- ◉ Field Visits
- ◉ Drug Tests
- ◉ Treatment Progress
- ◉ Law Enforcement Contacts
- ◉ School or Employment Progress
- ◉ Residential Status
- ◉ Family Dynamics
- ◉ Anonymous Tips



# TECHNICAL VS LAW

- ◉ What is the difference?
- ◉ Technical violations are failing to report to your Probation Officer, submitting a positive drug test, etc.
- ◉ Alternatives to detention/court
- ◉ Work Project, Essays, Public Service Program, CBO's, Substance Abuse Services or Treatment Programs, Wrap Around Services and Curfew limitations.
- ◉ Be creative!

# GRADUATED SANCTIONS

- ◉ What are they?
- ◉ Advantages of graduated sanctions
- ◉ Disadvantages of graduated sanctions
- ◉ Examples



San Diego County Probation

# WHY DO WE USE GRADUATED SANCTIONS

- ◉ Balanced approach
- ◉ Shape probationer's behavior
- ◉ Promotes positive change
- ◉ Encourages probationer's input and interaction
- ◉ Allows them have a voice in their probation term
- ◉ Immediate sanctions is the key to a balanced approach
- ◉ Keeps custodial populations low

# ARRESTING ON A TECHNICAL VIOLATION

- ◉ Juvenile procedures
- ◉ Adult procedures



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# VIDEOS

[https://youtu.be/ANE8j5ay\\_UU](https://youtu.be/ANE8j5ay_UU)

<https://youtu.be/J-SXs67NPM4>



# GATHERING THE EVIDENCE FOR THE REPORT

- ◉ Police reports
- ◉ Progress reports
- ◉ Attendance
- ◉ Court ordered classes (proof of attendance)
- ◉ Paycheck stubs
- ◉ Contact with parent/guardian
- ◉ Law enforcement records check



# WHAT TO INCLUDE IN PETITION AND REPORT

- ◉ Evidence of violations (school, work, parent/guardian reports, law enforcement records checks, required programs reports)
- ◉ Dates of violations
- ◉ Include all current violations
- ◉ If you have a police report, be accurate and concise.
- ◉ If the DA does not file, can you use the information to violate a person's probation?

# WHAT TO INCLUDE IN PETITION AND REPORT

- ◉ Report all information accurately
- ◉ Keep it in chronological order
- ◉ The officer needs to present the specific violation and evidence.
- ◉ Length does not always mean better

# STEPS WHEN FILING A PROBATION VIOLATION

- ◉ Juvenile procedures
- ◉ Adult procedures
- ◉ PRCs: Clerical schedules Court appearance.
- ◉ MS: Clerical schedules Court appearance.

## 9.4.13 ADULT CASE EXAMPLE

# JUVENILE CASE EXAMPLE

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# LEGAL AUTHORITY/RESPONSIBILITY TO FILE A VIOLATION

- ◉ Probation Officers are legally bound by PC1203.12 to report probation violations
- ◉ Some violations are mandatory and others you may use discretion
- ◉ Possible consequences for failing to address violations



# PERIODIC REVIEWS OF CASE PLAN

- ◉ Why is it necessary?
- ◉ Making adjustments
- ◉ Probationer buy-in
- ◉ Family buy-in
- ◉ Assessing progress
- ◉ No “cookie-cutter case plans”

<https://www.youtube.com/watch?v=PHhktiAXZYs>



ANY QUESTIONS??

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