

# *Frequently Asked Questions?*

***U.S. PROBATION OFFICE  
Districts of Guam  
and the  
Northern Mariana Islands***



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## **What should I do if questioned by GPD? How long do I have to contact my Probation Officer?**

Your condition requires that you notify your probation officer within 72 hours, so you should contact your probation officer as soon as possible. You can call any time between 8:00 AM and 5:00 PM from Monday through Friday. After work hours, on week-ends and on holidays, you can leave a voice message for your probation officer or your officer's supervisor.

## **What should I do if I miss a drug test, counseling appointment, or community service?**

A compliance meeting in person is required for all missed drug tests and counseling appointments. You must report the following day for missed appointments on Sunday through Thursday between 8:00 AM and 12:00 PM. You must report on the following Monday between 8:00 AM and 12:00 PM for missed appointments on Friday or Saturday.

You must contact your probation officer by telephone if you are unable to or have failed to perform community service as agreed. A written excuse from your probation officer is required to return to community service.

## **Can I vote?**

Guam's law permits voting as long as you are not in custody. So, as long as you are not serving an imprisonment term, or on pre-release home confinement under BOP, you can vote.

## **What should I do if I can't contact my Probation Officer?**

The Probation Office has voice mail. If you can't contact your officer, you can leave a message on either the main line at 473-9201, your officer's direct line, or their cellular phone, if you have their numbers. You can also ask for assistance from another officer and your officer's supervisor.

## **Can I get copies of monthly reports submitted to the U.S. Probation Office?**

No. The U.S. Probation Office provides receipts for each monthly report submitted. However, you are welcomed to make a copy of the report yourself, and we will gladly stamp your document received.

## **Does my conviction show on my police clearance?**

Yes. Our office forwards a copy of the judgment to the Guam Police Department. The information regarding the offense of conviction and the sentence are included in their RAP Sheet information.

## **Can I carry a firearm? Can there be a firearm in the house?**

If you are convicted of a felony, you will never be able to carry, possess, or have access to a firearm. Certain misdemeanor convictions also remove the right to bear arms. It is a condition of probation and supervised release that you not possess a firearm, destructive device or dangerous weapon. Your probation officer will require that any firearms in the home be removed. There are specific laws that prohibit possession of a firearm, ammunition, explosives, dangerous weapon, or destructive devices. Possession of such items will result in mandatory revocation of supervision, and may also be subject to prosecution for a new criminal felony offense.

## **Is my conviction public knowledge?**

Yes. Your judgment is a public document accessible by anyone in the community upon request to the U.S. District Court.

## **Does my employer have to be told?**

You may be required as a special condition to notify your employer of your federal conviction. Otherwise, employer notification will be required "as needed" by the probation officer depending on the current risk your offense, offense history, or violation status places on your employer. Similarly, other third parties may be notified based on risk that is determined by your probation officer.

## **Can I move off island?**

Yes. If it is within the U.S., your supervision can be transferred to the district in which you are moving to. However, this will require that the district investigate your relocation plans, and accept supervision of you. If you are considering moving, please put your request in at least two months in advance so that communication and coordination can be made with the other district. Jurisdiction of your case can also be transferred depending on the approval of both districts' court. For relocation to a foreign country, the approval can only be granted by the District Court.

In cases of military transfers, notice should be given as soon as possible. A copy of your orders will need to be provided.

## **Can my community service be converted to a fine, or my fine be converted to community service?**

Yes! However, it requires Court intervention. 18 U.S.C. § 3563(b)(12) (probation) and § 3583(d)(3) (supervised release) authorizes community service as a discretionary condition. 18 U.S.C. § 3571 authorizes the imposition of a fine. Though the statute does not specifically address the ability to convert a community service requirement to a fine, or a fine to a community service requirement, the following statutes authorize modifications in probation and supervised release cases. 18 U.S.C. § 3563(c) (probation) and 18 U.S.C. § 3583(e)(2) (supervised release) authorizes the Court to “*modify, reduce, or enlarge*” the conditions of a sentence of probation or supervised release at any time prior to the termination of the term of probation.

## **What local and federal benefits am I not qualified to receive?**

If the Court ordered that you be denied federal benefits for a conviction of distribution or possession of a controlled substance, this means any grant, contract, loan, professional license, or commercial license provided by an agency of the U.S. or by appropriated funds of the U.S. A drug trafficker can be denied benefits up to five years for a first conviction, up to ten years for a second conviction and permanently for a third. A drug possessor may be denied benefits for up to one year for a first conviction and up to five years for any subsequent convictions.

You will not be eligible for welfare assistance if you abscond to avoid prosecution or to serve a term of imprisonment; violate a condition of probation, supervised release or parole; or are convicted of a felony offense involving possession, use or distribution of illegal drugs.

You will not be eligible for GHURA or Section 8 housing assistance until after 3 years after your conviction date if your offense involves possession or distribution of drugs, domestic violence or firearms. For sex or drug manufacturing offenses, it is a lifetime ban from receiving any public housing assistance.

If you owe any restitution or a fine, and have a judgment lien placed against your property, you are not eligible for any grants or loans that is made, insured, guaranteed, or financed directly or indirectly by the U.S., and cannot receive any funds directly from the federal government for any programs. Fines and restitutions are also not dischargeable in bankruptcy.

## **Can I still complete my term of supervised release/probation with an outstanding fine or restitution balance? Do I still have to continue paying for my outstanding balance?**

Yes, however, you must have been making a good faith effort to pay the obligation while on supervision. Even after your term has completed, you are still held responsible for payments. The U.S. Attorney’s Office will require you to continue to pay, and will pursue the balance for up to 20 years.

## **Can interest be waived on my fine/restitution?**

Yes! However, it requires Court intervention. 18 U.S.C. § 3612(f)(3) authorizes the Court to (A) “*waive the requirement for interest,*” (B) “*limit the total of interest payable to a specific dollar amount,*” or (C) “*limit the length of the period during which interest accrues.*”

## **Can I visit someone currently incarcerated?**

Yes. Your probation officer must approve contact with anyone convicted of a felony. Please contact your probation officer for approval as you will likely have contact those with felony convictions at a detention or prison facility. Also, the facility can deny visitation, and will need verification from your probation officer that you are in compliance with your conditions, and are authorized to visit.

## **Can I join the military or merchant marines?**

During the term of your supervision, joining the military will depend on your supervision compliance as you will likely have to travel off island for training. Please contact the recruiter of the branch of service you wish to join for their specific requirements. Some military branches require that you not have a felony conviction or be under supervision, however, there are some services that grant waivers to this requirement, so please do not be discouraged.

## **How soon can I travel?**

In cases of documented emergencies, almost immediately. In other cases, it will be determined by your compliance with conditions, and usually after the first year. If you have a financial obligation, you must be current with your payment arrangement.

## **What should I do if I need to move?**

It is a condition that you notify your officer ten days prior to any change of residence or employment. Your probation officer will want to know in order to address any possible emergency situations or risk issues associated with your move. Also, specific conditions must be met in order to be considered for relocation outside of Guam (transfer of supervision). Those charged with violent crimes or sex offenses are required by law to report such changes.

## **What should I do if I get fired from my job?**

It is a condition that you maintain employment. Should you get fired, you must notify your probation officer immediately to determine whether you are in violation of this condition. It is also possible that your probation officer may help to clarify any misunderstanding between you and your employer towards resolving the problem and your return to the job. In addition, your probation officer may help you to identify any community resources for food, shelter or other assistance programs for needs caused by your unemployment.

## **When am I required to submit to DNA collection?**

Everyone with a felony conviction has to submit to DNA collection. There are also certain misdemeanor convictions that require collection. The Bureau of Prisons (BOP) will collect DNA during a term of imprisonment. For those whose DNA was not collected by BOP or who did not serve an imprisonment term, the U.S. Probation Office is required to collect DNA. For those who have been convicted of a sex offense and have to register as a sex offender, DNA will be collected twice: one by BOP or U.S. Probation, and the second by the Sex Offender Registry's collection agency (Guam Police Department). Failure to submit to DNA collection will not only be a violation of your supervision, but also is a violation of law, and you can face new criminal charges.

## **Can I be pardoned and have my criminal record expunged?**

Yes! The President of the United States can pardon you and erase your criminal conviction after you have successfully completed your term of probation or supervised release. You must wait between five to seven years, after your term expired, before you can petition for a presidential pardon. You can call the U.S. Probation Office for more information on this.

## **If I have drug convictions, should I still apply for student aid?**

Yes, even if you have drug convictions, you should complete and submit a Free Application for Federal Student Aid (FAFSA). You may be eligible, depending on the date and number of convictions.

For more information contact the Federal Student Aid Information Center at 1-800-4-FED-AID (1-800-433-3243). *Your personal information is confidential, and you will remain anonymous.*

## **Am I eligible for early termination?**

The Court is authorized under 18 U.S.C. §§ 3563(c) and 3583(e)(1) to terminate terms of probation in misdemeanor cases at any time, and terms of supervised release or probation in felony cases after one year.

For is a criteria that needs to be met for early termination so you will need to check with your probation officer whether you are eligible.