



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

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**SUPERVISION  
ORIENTATION  
HANDBOOK**

# MISSION STATEMENT

We are an arm of the federal judiciary within the Districts of Guam and the Northern Mariana Islands committed to professionalism and excellence in service to the Courts. Together we strive to anticipate and meet the needs of the Court and the community by fulfilling statutory requirements, to include providing reports, community supervision, guiding defendants and offenders, and assisting in the fair administration of justice. We accomplish this through the creation of a positive environment and the efficient use of resources.

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## I. INTRODUCTION

The purpose of this orientation manual is to explain what is required of you to be in compliance with the conditions of supervision.

## II. COMMITMENT OF A U.S. PROBATION OFFICER

- *To protect the public and assist in the fair administration of justice;*
- *To supervise clients who are conditionally released to the community by the courts;*
- *To recommend and implement conditions of release and monitor clients compliance with their conditions of release;*
- *To facilitate clients reintegration into the community as law-abiding and productive members of society;*
- *To provide clients with the tools and social services that may be required to improve his/her conduct and condition;*
- *To utilize the investigative skills of law enforcement and the treatment and service-delivery skills of social workers to plan for a client's success and not failure, and to make every attempt to improve circumstances that are linked to his/her criminal behavior;*

- *To implement restrictive and correctional strategies to encourage a clients pro-social behavior and facilitate positive change;*
- *To exercise authority judiciously, using supervision strategies that are sufficient, but not grater than necessary to accomplish sentencing purposes in every client's case;*
- *To treat every client with dignity and respect;*
- *To establish rapport and maintain a dialogue with clients, with their family, employer, community, service providers and all others whom he/she is in contact with; and*
- *To understand that inquiring, listening and assessing are the primary tools of an officer.*

### **III. RESPONSIBILITIES OF CLIENTS**

- Prior to your release from custody, you should have established a permanent residence and in some cases employment opportunities.
- While on supervision, you will be required to comply to the general and standard conditions of supervision. In addition, there may be special conditions ordered by the Court. For instance, you may be ordered to participate in a drug or mental health treatment program, complete community service, or pay a fine or restitution.

## **IV. MANDATORY CONDITIONS OF SUPERVISION**

### **1. THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME DURING THE PERIOD OF SUPERVISION.**

- If you are involved in any type of criminal activity, you pose a significant risk to the community. Therefore, any violation of the law is immediately reported to the Court. Based on the seriousness of the offense and the risk you may pose to the community, a recommendation may be made to the Court to proceed with a violation hearing prior to the final disposition of the new offense(s).
- The Probation Officer shall monitor this condition through contact with local law enforcement officials, National Crime Information Center (NCIC) records checks, and other means available. An arrest in itself may constitute a violation of this condition.

### **2. YOU SHALL NOT POSSESS ILLEGAL CONTROLLED SUBSTANCES.**

- Your possession of controlled substances poses as a significant risk to the community.

- Knowing and willful use of a controlled substance constitutes possession. A positive urinalysis will result in graduated sanctions being sought while attempting to address the problem through counseling and treatment. Consistent positive urinalysis may result in the revocation of supervision.

- If the Court has determined that you were in illegal possession of a controlled substance, the Court may revoke your supervision.

### **3. YOU SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.**

- Possession of a firearm is defined as your ability to have access to a firearm. If you live with someone who has a firearm and you have access to it, you are considered to be in possession and in violation of this condition.

- Federal law prohibits individuals with a felony condition or those discharged from the armed forces under dishonorable conditions to possess firearms, ammunition, or explosives. Violations of such laws is considered a violation of probation, parole, and supervised release. Therefore, an additional term of imprisonment may be imposed for a violation of this condition.

- Items such as hunting knives, bow and arrows, starter pistols, and weapons used in martial arts are also considered to be prohibited dangerous weapons.

- If the Court had determined that you were in possession of a firearm, the Court must revoke your supervision and impose any other sentence that was available at the time of your original sentencing.
4. THE DEFENDANT SHALL COOPERATE IN THE COLLECTION OF DNA AS DIRECTED BY THE PROBATION OFFICER.
- On October 30, 2004, Congress passed the Justice for All Act of 2004 which required the collection of a DNA sample from anyone with a current or prior federal or military conviction of the following offenses:
    - i. Any felony offense;
    - ii. Any sex offenses listed under 18 U.S.C. §§2241 through 2248;
    - iii. Any crime of violence as defined un 18 U.S.C. §16;
    - iv. Any attempt or conspiracy to commit any of the above offenses;
    - v. Any offense under the Uniform Code of Military Justice for which a sentence of confinement for more than one year may be imposed; and
    - vi. Any other offense under the Uniform Code of Military Justice that is comparable to a qualifying federal offense of the DNA Analysis Backlog Elimination Act of 2000.

- The law requires the collection of the DNA sample through a blood draw which will be sent to an FBI laboratory, where it will be placed in the Combined DNA Index System (CODIS). CODIS is a national data base of DNA profiles of convicted offenders, unsolved crime scenes, and missing persons.
- Under this law, the collection of DNA samples is a mandatory condition of probation, supervised release, and parole. Therefore, failure to abide with this condition will be considered a violation of your supervision. Anyone who fails to comply can or may be charged with a Class A misdemeanor under 42 U.S.C. §14135(a)(5), which is punishable by a sentence of one year in prison and a fine of up to \$100,000.
- Once placed on supervision, the Probation Officer will make an arrangement to collect the blood sample from you. In addition, you will be asked to provide your fingerprints, which will be sent together with your blood sample.
- This collection is only conducted once. If you were sentenced to an imprisonment term and a DNA sample was collected while in BOP, then you have completed this condition.

5. THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO PERIODIC DRUG TESTS THEREAFTER, NOT TO EXCEED EIGHT TESTS PER MONTHS, AS DIRECTED BY THE PROBATION OFFICER.

- On September 2, 2005, the Ninth Circuit, in *United States v. Stephens*, No. 04-50170, addressed 18 U.S.C. § 3583(d) supervised release and 18 U.S.C. §3563(a)(5) probation mandatory testing conditions which requires that the district court determine the maximum number of mandatory drug tests. The Ninth Circuit held that because the statute requires the district court to determine the maximum number of drug tests under the mandatory condition. As such, the Court has set the appropriate number of drug tests to be eight.
- This does not necessarily apply for cases with a special condition of substance abuse testing. These cases may mandate increased testing or other Court-imposed treatment. Your Probation Officer may instruct you to participate in random urinalysis drug testing.

6. IF CONVICTED OF A SEXUAL OFFENSE LISTED IN 18 U.S.C. §4042©, THE DEFENDANT SHALL REGISTER IN ANY STATE IN WHICH HE/SHE LIVES, IS EMPLOYED, CARRIES A VOCATION, OR IS A STUDENT.

- This applies for offenses committed on or after November 26, 1998, and those committed before such time if the federal conviction for that offense requires registration under state law.

7. THE DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED FOR DOMESTIC VIOLENCE (IF APPLICABLE).

- This applies for a domestic violence crime as defined in 18 U.S.C. §3561(b), where the victim or intended victim is the spouse, former spouse, intimate partner, former intimate partner, child, or former child of the offender, or any other relative of the offender.

- If you are convicted of such an offense, you shall attend a public, private, or private non-profit offender rehabilitation program that has been approved by the Court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within the area of legal residence.

## V. **STANDARD CONDITIONS OF SUPERVISION**

### 1. YOU SHALL NOT LEAVE THE DISTRICT OF GUAM/NMI WITHOUT THE PERMISSION OF THE COURT OR THE PROBATION OFFICER.

▪ It is your responsibility to keep the probation office informed of your whereabouts at all times. Any request to travel out of the district are carefully reviewed and verified before travel is granted. There are certain travel restrictions that must be observed at all times. Therefore, it is advised that any travel should be discussed well in advance with your Probation Officer.

a. If you intend to travel to the United States and remain there for less than 30 days, you may be authorized by your Probation Officer. A Travel Request Form must be submitted to the Probation Office ten days prior to the departure date.

b. If you intend to travel to the United States and remain there for more than 30 days as well as for all foreign travel, approval from the Court must be obtained. Foreign travel includes Saipan, Tinian, and Rota. A Travel Request Form must be submitted to the Probation Office 14 days prior to the departure date.

- c. The Probation Officer will review compliance with conditions of supervision. If conditions are not being met, travel will be denied.
- d. For Court or Parole approved travel - If conditions of supervision are being met, a letter outlining the progress of the individual will be sent to the Court/Parole Commission along with a Travel Request Form.
- e. The client will be notified by the Probation Officer if the travel request has been approved or denied.
- f. If travel is approved, the authorization form must be picked up at the Probation Office. A detailed itinerary and copy of the airline ticket must be provided to the Probation Office prior to departing Guam/NMI. The authorization may include specific instructions which must be followed.
- g. Airline reservations may be made prior to receiving authorization to travel. However, airline tickets should not be purchased prior to being notified that travel has been approved.
- h. Failure to follow instructions for requesting travel may result in the denial of travel.

- Travel may be denied for the following reasons:
  - a. Your conviction or past criminal behavior involved extensive travel.
  - b. You are not current on fine or restitution payments or community service hours.
  - c. You are not in compliance with all condition of supervision.
  - d. The Probation Officer is unable to verify your travel.
  - e. Your travel would interfere with court-ordered treatment.
  - f. The district to which you plan to travel has certain restrictions that prohibit you from traveling to that district.
  - g. You failed to submit the written request to travel within the required time frame.
- You may not leave the District of Guam/NMI without a written travel permit. Exceptions may be made for emergencies such as serious family illnesses or deaths. These situations will be evaluated on a case by case basis and extensive communication with your Probation Officer will be necessary.
- You generally will not be allowed to travel outside of the district during the first 60 days of supervision.

2. YOU SHALL REPORT TO THE PROBATION OFFICER AS DIRECTED BY THE COURT OR PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH.
  - In order to ensure that the Probation Officer is aware of your current status and situation, you shall meet with your Probation Officer periodically. The frequency that you are seen by your Probation Officer is dependent on your risk to the community, your compliance with all conditions of supervision, and the types of problems you may encounter.
  - You must report to the Probation Officer as directed and you must permit the Probation Officer to contact you at your residence or elsewhere with or without an appointment.
  - “Report as directed” means that you must keep appointments with your Probation Officer, and be able to give an account of your whereabouts and activities in the community.
  - On a yearly basis, you may be required to submit copies of income tax returns, both personal and corporate, if applicable, to your Probation Officer.

- You may be required to provide other documentation during meetings with your Probation Officer that include, but are not limited to, bank statements, copies of bills, legal documents, checks, court registries, and statement of earnings.
- The Probation Officer must verify your source of income and its legitimacy, and therefore, may require that you attach a copy of your earning statements for the month.
- You must provide monthly documentation of your status in the form of a written monthly supervision form (MSR). This report must be submitted between the first and the fifth of every month. Reports not received by the fifth day are considered delinquent. Failure to promptly submit written monthly supervision reports may result in requiring you to hand deliver the report to the office each month. These reports are to dated for the month that has just ended. You must wait until the end of the month in order to be able to give a complete account of what occurred during that month. As to your monthly income, remember that the gross amount is what you earn before social security and federal taxes are withheld. The net amount is what you take home after these deductions. If you have other items deducted from your check such as savings, pension contributions, child

support, and/or garnishments, those amounts must be added back to your take home amount for supervision reporting purposes. You are to attach a copy of your earnings statements for the respective reporting month to your written report.

- All spaces must be completed, even if the information does not apply to you. All information must be accurate and truthful. The Probation Officer closely reviews these reports. If you do not complete the report correctly, it will be returned to you for correction.
  - You must sign the report acknowledging that the information is complete, correct, and truthful. ***WARNING: Providing false information on the report could result in revocation of your supervision and possibly an indictment for False Statements, which could lead to a new conviction.***
3. YOU SHALL ANSWER TRUTHFULLY ALL INQUIRIES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER.
- The Probation Officer is responsible for maintaining a thorough knowledge of your current status and situation. For this reason, you will be asked about many aspects of your life, situation, and circumstances on an ongoing basis. You are required to answer these inquiries truthfully.

- The Probation Officer is responsible for verifying information you provide through outside sources such as family, friends, employers, and acquaintances.
  - It is important to understand that this is a broad and comprehensive condition. Your Probation Officer may instruct you on a variety of issues. These instructions are for the benefit of your welfare and related to the compliance with your conditions.
4. YOU SHALL SUPPORT YOUR DEPENDENTS AND MEET OTHER FAMILY RESPONSIBILITIES.
- The Probation Officer will periodically meet with family members or significant others to verify that you are meeting your family responsibilities.
  - During the first sixty days of supervision, your Probation Officer may meet with family members or significant others to explain how the supervision process will impact them. This will include the impact on family lifestyles, restrictions on travel, firearms in the home, and an explanation of enhanced penalties so that they are aware of the consequences of your noncompliance.
  - If you have been ordered to pay child support, your Probation Officer will require that you provide verification each month that you made the payment. Attach a copy of your child support payment to the Monthly Supervision Report.
- The Probation Officer will periodically inquire about your finances in order to verify that you are meeting your family responsibilities and to verify that you are living within your means.
5. YOU SHALL WORK REGULARLY AT A LAWFUL OCCUPATION UNLESS EXCUSED BY YOUR PROBATION OFFICER FOR SCHOOLING, TRAINING, OR OTHER ACCEPTABLE REASONS.
- A lawful occupation should include payment by check, deductions for Federal and State taxes, and deductions for Social Security taxes, if applicable. In many cases, it will not be acceptable to receive cash payments for employment. Be advised that if you are self-employed, you are required to file a quarterly Statement of Earnings and submit payments to the Internal Revenue Service.
  - The Probation Officer may periodically contact you at your place of employment to verify ongoing employment. These contacts are not meant to interfere with your employment.
  - Self-employment is allowed only on a pre-approved basis. At a minimum, the following criteria must be met:
    - a. It has been verified that the business is legitimate.

- b. The business has been properly licensed, registered, incorporated, etc., if applicable.
  - c. The business has required insurance such as workman's compensation.
  - d. The Probation Officer is allowed to periodically review the business records including all financial records.
  - e. All taxes are being paid and verification is being provided.
  - f. If incorporated, the Probation Officer must be furnished with the following information:
    - 1) Articles of corporation.
    - 2) Name, address, and telephone numbers of all corporate officers and registered agent.
    - 3) Federal Employer Identification Number.
    - 4) Name and address of all business bank accounts and account numbers.
    - 5) Additional material upon request.
6. YOU SHALL NOTIFY YOUR PROBATION OFFICER WITHIN 10 DAYS PRIOR TO ANY CHANGE IN RESIDENCE OR EMPLOYMENT.

- Any job changes should be discussed with your Probation Officer prior to making the change. You should not quit your job unless you have been offered another job.
- The Probation Officer may verify the reason for termination of employment.
- If you become unemployed, you will be required to seek new employment immediately and keep track of your progress. Your Probation Officer will assist you with job leads and referrals. Officers will supply you with a form in order to maintain contacts.
- If you are terminated from employment without notice, you shall notify your Probation Officer immediately.
- If you change residences, you must provide the Probation Officer with a copy of the new lease agreement or mortgage if purchasing a house. If you are moving into a relative or friend's home, your probation should be advised of the individual's name, your relationship with this person, home address, and telephone number.
- You must provide the names and birth dates of all individuals residing with you.

7. YOU SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, USE, DISTRIBUTE, OR ADMINISTER ANY NARCOTIC OR CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO SUCH SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN.

- If you have a special condition for drug or alcohol treatment, you will be required to abstain from alcohol completely while in treatment and under supervision.
- Excessive use of alcohol refers to any use of alcohol that adversely affects your employment, your relationships with others, your ability to comply with the conditions of supervision, or results in a violation of any local, state, or federal law including disorderly conduct, public intoxication, and driving under the influence. If your Probation Officer determines that the use of alcohol has affected your ability to function satisfactorily, it constitutes a violation of this condition.
- If you are on parole, the Probation Officer may instruct you to submit to urinalysis at anytime.

- If you are on supervision and do not have a condition to be drug and/or alcohol tested, your Probation Officer may instruct you to participate in testing. Refusal to participate may dictate a modification of your supervision. This can be accomplished either by voluntary or Court-ordered action.
- If the Probation Officer has evidence that you are relapsing, experiencing problems with drugs or alcohol, or have had a history of problems, the Probation Officer may petition the Court or the Parole Commission for a modification of your conditions to add a special condition for drug and/or alcohol treatment.
- No narcotic substances or paraphernalia, unless prescribed by a physician, should be taken or possessed by any person under supervision, including the medications of friends and family members. The use of non-prescribed medication or illegal drugs which result in a positive urinalysis test will require notification to the Court or the United State Parole Commission for further action. Be advised that the prescriber of the medication may be contacted for verification and/or clarification of need.

8. YOU SHALL NOT FREQUENT PLACES WHERE CONTROLLED SUBSTANCES ARE ILLEGALLY SOLD, DISTRIBUTED, OR ADMINISTERED, OR OTHER PLACES SPECIFIED BY THE COURT OR PAROLE COMMISSION.
  - In order to maintain a law-abiding lifestyle, you will have to stay away from places and situations where illegal activity is taking place. This means that you should use good judgment and common sense about the places you frequent.
9. YOU SHALL NOT ASSOCIATE WITH ANY PERSONS ENGAGED IN CRIMINAL ACTIVITY AND SHALL NOT ASSOCIATE WITH ANY PERSON CONVICTED OF A FELONY UNLESS GRANTED PERMISSION TO DO SO BY THE PROBATION OFFICER.
  - Association is defined as any planned, prolonged, or repeated contact with a person having a felony record or engaged in criminal activity, if you knew or should have known of their felony conviction or the criminal activity in which they were engaged during the time of your association. In the event that you have any contact with a person having a felony record, you will have to include this on your monthly report.
10. YOU SHALL PERMIT A PROBATION OFFICER TO CONTACT YOU AT ANY TIME AT HOME OR ELSEWHERE AND SHALL PERMIT CONFISCATION OF ANY CONTRABAND OBSERVED IN PLAIN VIEW BY THE PROBATION OFFICER.
  - The Probation Officer will make unannounced contacts at your home, place of employment, or elsewhere on a periodic basis. These contacts can be at any time. Failure to cooperate is a violation of your supervision.
  - Examples of contraband include controlled substances, drug paraphernalia, weapons, and stolen property.
11. YOU SHALL NOTIFY THE PROBATION OFFICER WITHIN 72 HOURS OF BEING ARRESTED OR CONTACTED BY A LAW ENFORCEMENT OFFICER.

- All contact with law enforcement must be reported. This includes traffic citations, criminal or civil arrests, or questioning by any law enforcement officers.
  - You will be required to submit documentation such as copies of summonses, bond papers, any complaint, information, or indictment.
12. YOU SHALL NOT ENTER INTO ANY AGREEMENT TO ACT AS AN INFORMER OR A SPECIAL AGENT OF A LAW ENFORCEMENT AGENCY WITHOUT PERMISSION OF THE COURT OR PAROLE COMMISSION.
- Permission is rarely granted because of the risk factors involved. This condition is intended to protect your best interests and safeguard you from activity that could result in new charges being filed against you.
13. AS DIRECTED BY THE PROBATION OFFICER, YOU SHALL NOTIFY THIRD PARTIES OF RISK THAT MAY BE OCCASIONED BY YOUR CRIMINAL RECORD, PERSONAL HISTORY, OR CHARACTERISTICS AND SHALL PERMIT THE PROBATION OFFICER TO MAKE SUCH NOTIFICATION AND TO CONFIRM YOUR COMPLIANCE WITH SUCH NOTIFICATION REQUIREMENT.

- The Probation Officer is responsible for constantly assessing the level of risk that you may present to the community and establishing a supervision plan to address the risk.
- Third-party risk refers to any reasonable connection that may exist between the nature of the offense or any previous criminal conduct and any employment or other activity where there would be reasonable risk of personal or financial harm to an identifiable third party or particular group of people.
- You will be required to promptly disclose your conviction(s) to the third party identified at risk and also disclose that you are on supervision.
- The Probation Officer will then verify that the disclosure has been made.

## **VI. SPECIAL CONDITIONS SUPERVISION**

Special conditions may be imposed by the Court at the time of sentencing in addition to the mandatory and standard conditions of supervision. These conditions may include any of the following:

1. AS A CONDITION OF SUPERVISION, THE COURT MAY ORDER A FINE, RESTITUTION, OR COST OF IMPRISONMENT, SUPERVISION, AND OTHER RELATED COSTS.

- The Court imposes a fine as part of your punishment. This means that you will have to make an honest effort and certain financial sacrifices to pay the fine.
- The fine is considered delinquent if a payment is more than 30 days late and is considered in default when there have been no payments for four months or the amount of arrearage exceeds four monthly payments.
- The Court will be notified if your payments are in default, and appropriate action will be taken.

- The Court may order monthly installment payments. If the Court does not order specific installment payments, the Probation Officer will devise a payment schedule based on your ability to pay. The Probation Officer will require that you provide documentation of all expenses and income, and any income that your spouse or significant other contribute to your necessary expenses. The Probation Officer will then determine a payment schedule based on your income and necessary expenses. Necessary expenses are defined as reasonable for your income and size of family. Vacation, travel, luxury items and items of comfort or recreation may be restricted or prohibited to permit you to pay your fine or restitution.
- Periodically, you will be required to submit a financial statement with documentation of all expenses. The Probation Officer will review your income and necessary expenses and then determine your ability to pay for the next six months. You shall notify your Probation Officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or other financial sanctions imposed by the Court.
- The payment schedule is closely monitored and failure to make payments may result in a graduated sanction or a hearing before the Court or Parole Commission.

- Restitution for actual damages caused by the offense of conviction may also be imposed as a condition of supervision.
- Fines and restitution payments are to be made payable to the Clerk, U.S. District Court, for all cases sentenced after September 24, 1994. Submit your payments in the form of cashier's check or money order. If you are to make your payment in person at the Clerk's Office, cash will be accepted. Personal checks are not accepted in any instance. Send your payments to:

**CLERK, U.S. District Court  
4<sup>th</sup> Floor, U.S. Courthouse  
520 West Soledad Avenue  
Hagatna, Guam 96910**

**Important Note:** *Include your court name and case number on all payments. Maintain a record of all payments made along with supporting documentation to ensure proper crediting. This will assist tracking any payments not posted to your account. Make sure that your Probation Officer receives a copy of your receipt of payment.*

2. YOU SHALL BE PLACED ON HOME DETENTION FOR A SPECIFIED PERIOD AND SHALL OBSERVE THE RULES OF THE PROGRAM.

- As a substitution for imprisonment, you may be placed on home detention which will include electronic monitoring unless the Court/Parole Commission directs otherwise. You may be required to pay the costs of the program. The cost is set by a national contract awarded to a monitoring agency. Payments are to be submitted in the form of cashier's check or money order. All payments must be sent directly to the monitoring company.

***Important Notice:*** *To ensure proper credit, include your court name and case number on all payments. The company will not accept personal checks.*

- Home confinement does not start until the Electronic Monitoring equipment has been installed in your residence.
- Participants must follow all rules and regulations of home confinement as directed.
- Participants of home confinement may be subject to curfew, where you are to remain at home everyday during set time periods of the day.

- While on home confinement, the participant is confined to their residence except for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, court appearances, court-ordered obligations, pre-approved schedules, and emergency situations.
- An emergency is defined as:

- 1) A fire or other life-threatening situation in the residence.
- 2) Medical emergencies that require immediate treatment.
- 3) The threat of bodily harm to the participant or other occupant of the residence.

**Note:** When emergencies occur, the participant is required to contact the assigned Probation Officer as soon as reasonable possible. The participant will be required to provide the Probation Officer, at a later time, documentation verifying the emergency situation such as police reports, medical reports, or fire reports.

- Participants must have and maintain telephone and electrical services at their residence at the participant's expense. As to

telephone service requirements, no special features are permitted on the line used for monitoring. Examples of special features include call forwarding, caller ID, call waiting, an answering machine/service, cordless phone, and/or a computer modem.

- Appointments at treatment and counseling programs may be attended provided advanced approval has been obtained from your assigned Probation Officer.
- Unless otherwise ordered, participants will not be allowed to travel outside the District of Guam/NMI except for a death in your immediate family which has been verified by the Probation Officer. Leave for this purpose will be tolled and added to the term ordered. Your period of home confinement will not recommence until your electronic monitoring has been reactivated.
- Employed participants must provide proof of ongoing employment by submitting pay stubs, time sheets, itineraries, and/or other documents upon request. Requests to work overtime at your place of employment must be approved by your Probation Officer.
- Participants are allowed social time for recreational and leisure activities while on home confinement. After 60 days of

- supervision, four hours a week of social time is earned. After 90 days, you are allowed six hours a week. After 120 days of supervision, you may earn eight hours a week of social time. Social time may be revoked if you do not comply with the rules of home confinement.
- Any home detention previously imposed in connection with the sentence for which revocation is ordered and remains unserved, you shall be ordered to serve the unserved times in addition to a sanction determined by the Court. In addition, any such unserved home detention may be converted to an equivalent period of imprisonment.
  - 3. YOU SHALL COMPLETE COMMUNITY SERVICE HOURS AS DIRECTED BY THE PROBATION OFFICER DURING THE PERIOD OF SUPERVISION.
    - Community service is defined as nonsalaried service to a civic or nonprofit organization for a set period of time ordered by the Court as a condition of probation or supervised release.
    - Your Probation Officer will execute an agreement with you that states where you will be performing your community service and the rules, regulations, and terms of your participation in community service.

- 4. YOU SHALL PARTICIPATE IN A PROGRAM OF DRUG TESTING AND SUBSTANCE ABUSE TREATMENT AT THE DIRECTION OF THE PROBATION OFFICER.
  - If you have a history of drug or alcohol abuse, you will be referred to an approved treatment program.
  - The purpose of the drug/alcohol condition is to protect the community and assist you in achieving a drug-free lifestyle.
- 5. YOU SHALL PARTICIPATE IN MENTAL HEALTH TREATMENT AS DIRECTED BY THE PROBATION OFFICER.
  - The Court or the U.S. Parole Commission may impose this condition when you are unable to cope with stress and/or display symptoms of mental illness or emotional maladjustment. The Probation Officer will be available to assist you should you feel the need for counseling.
  - You may be ordered to pay a co-payment for treatment costs while in mental health treatment.
- 6. YOU SHALL PROVIDE THE PROBATION OFFICER WITH ACCESS TO ANY REQUESTED FINANCIAL INFORMATION.

- You are required to disclose to the Probation Officer all of your financial dealings. You will be required to provide all of the financial records that the Probation Officer requests. You may be required to sign a confidential release form that will allow the Probation Officer access to credit reports, bank records, and other financial records.

## 7. OTHER SPECIAL CONDITIONS THAT MAY BE IMPOSED:

- **Community Confinement:** This condition requires that you reside and participate in a community corrections center programs for a period not to exceed 120 days and that you abide by all of the rules of the community corrections center. With the exception of employment, you will be able to leave the center only on a limited basis. This may be imposed to assist you in establishing a more stable lifestyle or to give you additional structure and support.
- **Third Party Risk:** The Court may impose a condition that you disclose your conviction, prior record, or any particular characteristics to a specific person or organization. The Probation Officer will verify that the disclosure was made.

- **No Alcohol Condition:** A Zero Tolerance Policy is in effect for those who have been ordered to abstain from alcohol. This means that any instance of alcohol use as reported to the jurisdictional authority (either the Court or the U.S. Parole Commission). All persons with a condition for alcohol aftercare MUST ABSTAIN from the use of alcohol during their term of supervision.

## VII. MODIFICATION OF CONDITIONS OF SUPERVISION

- The Probation Officer has a statutory duty to address problems that may surface during the term of supervision. This may include requesting additional conditions of supervision, intensified restrictions, or enhanced treatment services. Conversely, when you have fulfilled treatment conditions or other special conditions that are no longer relevant, the Probation Officer should inform the Court of Parole Commission.
- The Probation Officer shall discuss the consequences of a modification of your conditions. Your cooperation is solicited to seek a timely resolution to the issue and expedite legal and administrative procedures necessary to achieve modification. (An Informed Waiver of Required Hearings - PROB 12b).

### MANDATORY REVOCATION

- Revocation of probation is statutorily mandated under 18 U.S.C. §3565(b) for possession of controlled substances, firearm, or refusal to comply with drug testing.

- Revocation of supervised release is statutorily mandated under 18 U.S.C. § 3583(g) for possession of controlled substances, firearm, refusal to comply with drug testing, or testing positive for illegal controlled substances more than three times over the course of one year.

### EARLY TERMINATION

- The Court may terminate a term of probation previously ordered and discharge you at any time in the case of a misdemeanor or an infraction, or at any time after the completion of one year of probation in the case of a felony. 18 U.S.C. §3563(c).
- The Court may terminate a term of supervised release and discharge you at any time after one year of supervised release is completed. 18 U.S.C. §3583(e)(1).

## **VIII. DIRECTIONS FOR COMPLETING MONTHLY SUPERVISION REPORT**

Monthly reporting forms are due within the first five days of each month. The information you put on this form MUST be truthful. The month to be filled in on the top of the form should be the month which just ended. *Example: If you are submitting a form in the first five days of June it is for the month of May. Fill in May on the top of the form followed by the year.*

1. ***All sections must be filled out completely.***
2. If a section does not apply fill in with "N/A" (not applicable), ***do not leave any sections blank.***
3. In the section for "Persons living with you", include the names of ALL persons living with you and their relationship to you. Attach a separate sheet of paper if necessary to list everyone living at your residence.
4. Gross income means income you earned for the month before deductions.
5. Normal work hours are the hours that you work, ie. 8am to 5pm or 7pm to 7am etc. Please be specific.

6. Net income means income you earned for the month after deductions for things like health insurance, FICA and income tax withholdings which are taken out of your check by your employer.

7. Other income means money earned from sources like child support, spouse's income, income from a second job or money earned on investments. ***For all income you must attach proof of earnings.***

8. Calculate your monthly expenses on the ***Monthly Expense Form*** and fill in the ***Grand Total. Ensure that this form is signed and dated when submitted with your Monthly Supervision Report.*** Attach the sheet plus copies of your monthly bills and expenditures. Fill in the "***Remarks***" section to indicate any information you deem necessary.

***\*If you need any documents returned to you immediately, i.e. utility receipts, pay stubs, credit card statements....please inform the person receiving your monthly report at the time of submission, if not, receipts will be returned to you the following month.***

9. For the balances of all accounts, ***attach an ATM balance stub or a copy of your most recent bank statements.***

10. Past due debts refers to any debts for which you are behind in payments or debts which have gone to collections. Attach copies of delinquency notices, collections notices or court documents.

11. If you have a special assessment, fine or restitution fill in the amount you **PAID** that month, not your balance still owing. **Include any receipt(s) as proof of payment.**
12. If you have community service attach a copy of the hours which you completed this month.
13. If you have a substance abuse treatment condition attach a copy of the signed form for your attendance at NA or AA groups.
14. Sign your name and write the date you filled out the form.
15. If you need more room to explain information contained in any section of the form attach a separate sheet of paper.

**REMEMBER:**

This document is your personal record showing that you are in compliance with your conditions of release. It is your way to communicate to the Court or the Parole Commission that you are serious about your obligations while on supervision. Supplying more information rather than less will be in your best interest should an issue arise.

**IX. GLOSSARY**

**Community Service:** A special condition the court imposes that requires an individual to work without pay for a civic or nonprofit organization.

**Convicted Felon:** A person who has been convicted of a felony.

**Conviction:** A judgment of guilt against a criminal defendant.

**Criminal Association:** Association is defined as any planned, prolonged, or repeated contact with a person having a felony record or engaged in criminal activity.

**DNA Collection:** On October 30, 2004, Congress passed the Justice for All Act of 2004, which required the collection of a DNA sample (blood draw) from anyone with a current or prior federal or military conviction.

**Early Termination:** Courts are authorized under Title 18 U.S.C. §§3560(c) and 3583(e)(1) to terminate terms of probation in misdemeanor cases, and terms of supervised release or probation in felony cases after one year, if such action is warranted by the conduct of the person and is in the interest of justice.

**Presidential Pardon:** (also see *Presidential Pardon booklet*) An act of grace by the President of the United States relieving a person of the legal consequences of a crime which he/she has been convicted. A pardon erases the conviction.

**Employment/Home Visit:** The Probation Officer will make unannounced contacts at your home, place of employment, or elsewhere on a periodic basis. These contacts can be at any time. Failure to cooperate is a violation of your supervision.

**Felony:** A general term for more serious crimes (examples: murder, robbery, larceny, etc...) usually punishable by at least one year in prison.

**Fine:** The court may have imposed a **fine** upon your conviction of a criminal offense. The United States may enforce a **fine** under (1) the Federal Debt Collection Procedures Act, (2) state law, or (3) any other federal law which provides for the collection of **fines**.

**Judgment:** The official decision of a court finally resolving the dispute between the parties to the lawsuit.

**Lien:** A charge on specific property that is designed to secure payment of a debt or performance of an obligation. A debtor may still be responsible for a lien after a discharge.

**Mental Health Treatment:** A special condition the court imposes to require an individual to undergo evaluation and treatment for a mental disorder. Treatment may include psychiatric, psychological, and sex offense-specific evaluations, inpatient or outpatient counseling, and medication.

**Misdemeanor:** Offenses for which the punishment is incarceration for less than a year or the payment of a fine.

**Parole:** The release of a prison inmate, granted by the U.S. Parole Commission, after the inmate has completed part of his or her sentence in a federal prison. When the parolee is released to the community, he or she is placed under the supervision of a U.S. Probation Office.

**Petty Offense:** A minor criminal offense, usually tried before a justice of the peace or a Magistrate Judge, punishable by six months or less in prison.

**Probation:** A sentence that allows a person convicted of a crime to continue to live and work in the community while being supervised by the U.S. Probation Office instead of being sent to prison.

**Restitution:** The Victim and Witness Protection Act provides for restitution when a defendant is convicted of an offense under Title 18 or certain air piracy statutes. The victim may be the federal government or a third party. By statute, the court must order that **restitution** be paid to the crime

victims before the **fine** is paid.

## **NOTES**

**Sentence:** The punishment ordered by a court for a defendant convicted of a crime.

**Special Assessment:** Anyone convicted of an offense against the United States is assessed. This assessment could range from \$5 for an individual to \$200 for an organization. The court must order the assessment for each count of conviction. All **special assessments** are deposited to the Crime Victims Fund.

**Term of Supervised Release:** A sentence to a term of community supervision to follow a period of imprisonment. The court imposes supervised release during sentencing in addition to the sentence of imprisonment. Unlike **parole**, supervised release does not replace a portion of the sentence of imprisonment but is in addition to the time spent in prison.

**Wage Garnishment:** A nonbankruptcy legal proceeding whereby a plaintiff or creditor seeks to subject to his or her claim the future wages of a debtor (client owing a Special Assessment Fee, Fine, or Restitution). In other words, the creditor seeks to have part of the debtor's future wages paid to the creditor for a debt owed to the creditor.