

*Disclaimer: This guide is intended to be a general resource about probation practices in Georgia. Instructions and recommendations are provided for guidance purposes only and do not create an attorney-client relationship with the Georgia Justice Project.*



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# KNOW YOUR RIGHTS

## GUIDANCE FOR INDIVIDUALS UNDER PROBATION SUPERVISION DURING THE COVID-19 PANDEMIC

*Some of these recommendations are a result of conversations with the Georgia Department of Community Supervision (DCS). These recommendations are intended to reflect DCS's current practices as of May 2020. Although DCS can only control procedures for felony probation in Georgia, the information included can still serve as a guide for interactions with county ordinance and misdemeanor probation officers.*

### FAQS/RECOMMENDATIONS

#### ❖ PAYMENT OF FINES/FEES

- According to DCS, if you are experiencing difficulty in paying your fines/fees, you should contact your Community Supervision Officer (CSO) to **request a hardship waiver**. Your CSO will then provide you with a one-page hardship exemption application for addressing requests to waive fee payments. The application is reviewed by the Chief CSO to determine whether your fees/fines can be waived or deferred until a later time.
- If your probation officer does not grant your request, you may appeal a chief's decision to the district director. If you are not granted relief, you can file a **written request** to the original sentencing court asking that your fines/fees be reduced, suspended, or converted to future community service completion.
- If you are NOT granted a hardship waiver, your fees/fines will continue to accrue during the COVID-19 pandemic.
- Failure to pay probation fines/fees during the COVID-19 pandemic **WILL NOT** result in a violation of probation warrant.
- If you are unable to pay your fines/fees, you **MUST** continue to report to probation.
- Your probation cannot be violated at any time based solely upon failure to pay probation fines/fees **UNLESS** the court finds that you are able to afford payments and that your failure to pay is **WILLFUL**.

#### ❖ SPECIAL CONDITIONS

*(Examples: community service, treatment programs, GED, and AA/NA meetings)*

- If you are unable to complete any of your general or special conditions of probation or feel unsafe doing so because of the COVID-19 pandemic, **contact your CSO** to request that the conditions be suspended and given a new future deadline for completion.

- If your probation officer does not grant your request, you can file a **written request** to the original sentencing court asking that the conditions be modified or suspended.
- According to DCS, CSOs will have discretion in determining whether or not an individual can reasonably be expected to comply with all special conditions. As of May 2020, DCS is **not pursuing warrants for technical violations**.

#### ❖ REPORTING

- According to DCS, reporting is only required for specific reasons as appropriate to ensure public safety and the well-being of the individual on probation. Specifically, in-person reporting is limited to appointment only to ensure that DCS is compliant with social distancing regulations.
- If you are released from custody during the pandemic, you **must report** to your CSO. Contact your CSO immediately upon release from custody and review your release papers for any additional information on how and when to report.
- Most probation offices have started remote reporting by phone, computer, or mail.
- If your CSO is requiring that you report in person, **submit a written request to report remotely** to your CSO explaining any health or financial issues that make in person reporting a problem or impossible.
- Failure to report **CAN** result in a violation of probation warrant.

#### ❖ COMMUNICATIONS

- **Document** all communications and contacts with your CSO. **Keep** text messages, emails, and all other forms of communication.
- **Document** all of your requests to your CSO, including hardship exemption applications.
- **Notify your CSO** of any health or financial issues that may affect or prevent you from being able to leave your home.

#### ❖ ADDITIONAL HELP

- If you feel like you are being required to comply with probation in a way that compromises your health and safety, **NOTIFY**:
  - Felony probation - contact the Coordinating Chief serving the [regional office](#) where you are reporting for probation.
  - Misdemeanor probation – Any complaints should be directed to the local misdemeanor probation office. If your local misdemeanor probation office is not responsive, you can email a [citizen complaint form](#) directly to [barbara.neville@dcs.ga.gov](mailto:barbara.neville@dcs.ga.gov).
  - If contacting the individuals above does not resolve your issue or if you feel that your CSO is not following any of these recommendations, please share your experience with GJP by sending an email to [probation@GJP.org](mailto:probation@GJP.org).