



Lea County Probation
DWI Program
Misdemeanor Compliance
Client Supervision Handbook

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INTRODUCTION

This *Client Supervision Handbook* is designed to provide you with a clear and concise explanation of the definitions, procedures, and requirements of supervision.

Read this handbook carefully and if you have any questions, discuss them with your supervising Court Compliance Officer. This book tells you what is expected of you and what you can expect in general. It does not address your specific conditions of supervision, which vary from case to case. Remember that you are responsible for being aware of those conditions and abiding by them.

Successful completion of your term of supervision is the goal of the Lea County Probation's DWI and Misdemeanor Compliance Programs. Make it your goal too and you can look forward to a successful discharge from supervision.

The following explanations and examples outline the requirements for you to maintain compliance with the terms/conditions of your supervision, as well as the methods a Lea County Court Compliance Officer (CCO) uses to enforce the conditions and monitor compliance. Your conditions of supervision may vary depending on your type of supervision, the nature of the offense of conviction, and your personal history.

Court Compliance Officers (CCO) serve as officers of the Court and agents of the Lea County Probation's DWI and Misdemeanor Compliance Programs. They are responsible for the supervision of persons referred

by the Courts who receive a conditional release to the community. Their mission is to execute the sentence ordered by the Court, control risk to the community, and provide services to assist you in maintaining a law-abiding lifestyle.

You have been provided a copy of the Judgment and Sentence which includes your conditions of supervision. You must comply with all conditions throughout the term of your supervision. Failure to do so will result in noncompliance action, which could result in the Court revoking your supervision and imposing a jail sentence. If you do not understand your supervision conditions or what is expected of you at any time during the period of supervision, contact your CCO immediately and ask for an explanation.

The primary responsibility of a CCO is to monitor your conditions of supervision and report any noncompliance to the Court. However, it is also their desire that you fulfill Court-ordered obligations and successfully reintegrate into the community and complete your period of supervision. Where possible, your CCO will help you accomplish this objective.

WHAT IS SUPERVISION?

The mission of supervision is to carry out and fulfill the sentence of the Court. It involves a collaborative effort between the person under supervision, members of his/her family, the CCO, and multiple community resources. The goal is the successful completion of any imposed term of supervision.

Success may be measured many ways, including an absence of further criminal behavior, accountability towards victim compensation, family and community responsibility, and the degree of preparedness for life after supervision.

A probation officer, CCO, has three general and often interrelated areas of responsibility in fulfilling the supervision mission. The first area includes the monitoring and enforcement of compliance with the Court-ordered conditions of supervision.

The second area involves providing the person with needed community resource assistance, which may include but is not limited to substance abuse testing and treatment, mental health counseling, employment assistance and educational information.

The third area involves controlling any risk the person under supervision may pose to the community. Supervision involves the blending of these three areas, which most often leads to the successful completion of supervision and the improvement of the life of the person and others involved in the change process.

Because successful completion of supervision does not occur in every case, probation officers are responsible for making difficult decisions which may alter the current life circumstance of the person under supervision. Probation officers attempt to work with the person in the community setting prior to seeking revocation of the term of supervision. Nonetheless,

our goals always remain the same: compliance, assistance and the control of risk.

THE PROBATION OFFICER'S ROLE

As part of your sentence, you will be supervised in the community by a Court Compliance Officer (CCO). The primary function of the CCO is to monitor your compliance with conditions of supervision. If you violate your conditions of supervision, it is the CCO's job to notify the Court. In some instances, the CCO may be able to assist you in resuming compliance with the conditions of your supervision without asking for a hearing. However, if you commit a serious or a series of violations, the CCO will have no alternative but to notify the Court and request a hearing. Should this occur, your supervision may be revoked and a new sentence imposed.

The purpose of supervision is to enforce compliance with the conditions of release, to protect the public by minimizing risk, and assist you in maintaining a law-abiding lifestyle. CCOs serve as Officers of the Court and as agents of the Lea County Probation's DWI and Misdemeanor Compliance Programs. They are responsible for the supervision of all persons who are conditionally released to the community by the Courts. Their supervision mission is to execute the sentence, control risk, and to promote law-abiding behavior.

To accomplish these objectives, the CCO has the following responsibilities:

- To instruct you as to the conditions specified by the Court.
- To keep informed as to your compliance with the conditions of your supervision.
- To keep informed as to your conduct and to report your conduct and status to the sentencing Court.
- To use suitable methods consistent with the conditions specified by the Court to bring about improvements in your conduct and your situation.
- To assess the level of risk you may pose to the community and establish a supervision plan in order to minimize your risk to the community.
- To utilize risk control supervision activities such as, but not limited to, verification of employment, sources of income, investigation of your financial situation, monitoring of your associations, conducting record checks, placing restrictions on your travel, and testing you for the use of drugs and alcohol.
- To request modification of the conditions of supervision in order to reduce risk, if necessary. Examples of such modifications include electronic monitoring, halfway house placement, or participation in treatment.

- To systematically review your conduct and devise a supervision plan in accordance with your level of risk to the community.
- To assess the problems you may be experiencing that are likely to be associated with future criminal conduct such as unemployment, alcohol and substance abuse, mental health issues, financial hardship, lack of residence, family difficulties, and to develop a plan to address these issues.
- To refer you to community resources which will assist you in dealing with issues that may hinder your success on supervision.

EARLY TERMINATIONS

Offenders who perform well on supervision may be considered for early termination; however, **any** violation conduct will jeopardize consideration. Early termination is a privilege to be earned; it is not a “right.” The supervision term imposed by the Court is a part of the sentence the Court expects to be served. Early terminations are a rare occurrence and should not be expected.

TRANSFER OF SUPERVISION

If you wish to transfer your supervision to another jurisdiction, you will be required to submit a relocation request to your CCO. If appropriate, your CCO will submit a transfer letter to the receiving jurisdiction. A CCO in the receiving district will

verify your proposed residence and employment and respond with either an acceptance or denial of your relocation request. Acceptance of supervision is contingent upon a suitable release plan that is conducive to your success on supervision. **If you are in violation of your conditions of supervision, a transfer of supervision is unlikely.** A CCO will thoroughly investigate your relocation request to assure you are not placing yourself in a situation that may jeopardize your supervision. A relocation request does not guarantee your supervision will be accepted in the receiving jurisdiction. Relocation requests are time consuming and you should not expect an immediate response. At a minimum, you should provide your relocation request to your CCO at least sixty (60) days prior to your anticipated relocation.

If your relocation request is denied, you will be required to continue to report to the County of Lea.

NONCOMPLIANCE/VIOLATIONS OF SUPERVISION

The Court allows the Probation Office some discretion in dealing with acts of noncompliance/violations. For instance, if you lose your job, the probation officer would not immediately notify the Court, but would give you a reasonable period of time to find employment.

Additionally, with Court approval, the CCO may impose intermediate sanctions (involving a punishment and corrective action) for some violations. Serious violations or a series of violations, however, will result in the Court being notified

immediately. The CCO will request a hearing before the Court on the violations.

If you violate the conditions of your supervision, you may be required to appear before the Court to determine if your period of supervision should be revoked. If this occurs, you will be given the opportunity for a hearing before the sentencing judge. The Federal Rules of Criminal Evidence do not apply to revocation hearings. Consequently, certain types of evidence may be admissible that are not admissible in other hearings. The standard of proof at a revocation hearing is **“preponderance of the evidence”** and **not “beyond a reasonable doubt”** as in other criminal actions.

If the Court finds you have violated the conditions of supervision, the Court has several options available, including:

1. Taking NO ACTION;
2. Discharging you from supervision (a rare occurrence);
3. Extending your period of supervision if allowed by statute;
4. Modifying your conditions of supervision by removing or imposing additional conditions that you must abide by; and/or,
5. Revoking your term of supervision and imposing a term of incarceration, which could be followed by another term of supervised release.

CODE OF ETHICS

The chief purpose of the Lea County Probation's DWI and Misdemeanor Compliance Programs is to enforce the commitment orders of the courts and to supervise clients under its charge, while aiding them in their rehabilitation process.

Staff cannot discriminate against any probationer on the basis of race, color, sex, religion, national origin, age or disability.

Staff cannot have undue familiarity or any sort of financial or business transactions with probationers or their immediate families, agents or close friends. Staff cannot give or accept any gifts or gratuities to or from, or engage in any personal business with probationers or their immediate families, agents or close friends.

GRIEVANCE PROCEDURES

All persons supervised by the Lea County Probation's DWI and Misdemeanor Compliance Programs have a right to communicate their concerns regarding any administrative actions that they feel might violate their rights. Any client who has a grievance will first seek informal resolution and will exhaust all other available administrative remedies prior to using the grievance process. After all informal remedies are exhausted with no resolution, the client may then request a Client Grievance Report from the Compliance Supervisor. The complaint must be filed within 15 calendar days of the incident in which the aggrieved action occurred. The Compliance

Supervisor will respond to the grievance within ten working days of receipt.

If the probationer feels the Compliance Supervisor's response was not satisfactory, an appeal may be made to the Director within ten calendar days of the receipt of the Compliance Supervisor's response.

Abuse or misuse of the grievance process will result in the client having to show cause before being permitted to grieve. Each grievance will include a single written complaint.

NON-GRIEVABLE ACTIONS↓

The client grievance process may not be used to appeal the disposition of violation allegations, any actions outside the control of Program staff (such as actions of the Courts), the scoring of Risk/Needs Assessments or the terms of any supervision contracts. Additional information concerning the grievance process can be obtained from the Lea County Probation Office.

FEDERAL AND STATE LAWS

Firearms Prohibition↓

If you have been convicted of a felony, it is a federal crime for you to possess or have access to any firearm or ammunition. This applies to all guns (including handguns, rifles, & shotguns), bombs, grenades, silencers and machine guns/parts. A felony is any crime which carries a possible sentence of more than one year. A person convicted of this federal crime may be sentenced to ten years imprisonment and fined up to \$250,000. This right

may be restored to you by obtaining a presidential pardon.

Possession of a firearm, ammunition, destructive device, or dangerous weapon means that you have access to them. Therefore, if you live with someone who possesses any of these items and you have access to them, you are considered to be in constructive possession. Federal law forbids persons with a felony conviction or a Dishonorable Discharge from the Armed Forces to possess firearms, ammunition, or explosives. This may also be a violation of state law.

Federal statute requires the Court to revoke your supervision and impose a prison sentence if you are found in possession of a firearm. This may not apply to offenders on supervision for a misdemeanor conviction. However, if you are on supervision for a misdemeanor and have no prior felony convictions, your conditions of supervision may still preclude you from possessing a firearm. Should you violate this condition, the mandatory revocation of supervision and incarceration applies. Further, if you have been convicted of a misdemeanor domestic violence offense, you may not possess a firearm.

Additionally, it is unlawful to possess a firearm if you

- 1) are a fugitive,
- 2) are an unlawful user of or addicted to any controlled substance,
- 3) have been adjudicated as a mental defective or have been committed to a mental institution,

- 4) are an alien who is illegally or unlawfully in the United States,
- 5) if you have renounced your U.S. citizenship, or
- 6) have been court ordered to not possess a firearm.

A convicted felon who possesses a firearm is in violation of the law. This is not applicable if you have received a presidential pardon. Information regarding a presidential pardon may be located at http://www.usdoj.gov/pardon/pardon_petition.htm.

It is a crime to bring any weapon into a Federal, State or County Government building. All such weapons will be confiscated, and you will be subject to revocation and/or prosecution.

Sex Client Registration

The New Mexico Sex Clients Act requires all persons convicted of a sex offense on or after July 1, 1995, or any person who changes his or her residence to New Mexico, when that person has been convicted of a sex offense in another state on or after July 1, 1995, to register with the county sheriff of the county in which the sex client resides. All registered sex clients must notify the local sheriff's office within 10 days of any change in address, employment or phone number. A sex client who willfully fails to comply with the registration requirements is guilty of a misdemeanor and shall be punished by imprisonment for a definite term less than one year or a fine of not more than one thousand dollars (\$1000), or both. After July 1, 2000, failure to register or to report a change in address, employment or phone number will be considered to be a fourth degree felony and shall be punishable by

imprisonment of 18 months or a fine of \$5000, or both.

Valid Driver's License↓

State law requires motorists to have a valid driver's license and proof of insurance in order to operate a motor vehicle. Documentation of vehicle registration, insurance, and driver's license should be made available to your CCO.

Loss of Civil Rights↓

Both state and federal laws may deprive convicted felons of certain civil rights, including the right to vote, serve on a jury, and hold public office. Additionally, laws may restrict the issuance and renewal of some professional licenses, such as law, medical, barber, cosmetology, and liquor licenses, etc. To determine if your rights will be or can be restored after the termination of your term of supervision, you should contact the appropriate authority (i.e. Election Commissioner for voting rights, the licensure division of various regulatory agencies for professional licenses, etc.).

CONDITIONS OF SUPERVISION

There are three types of conditions of supervision:

- 1) **Mandatory conditions** - required for everyone on supervision;
- 2) **Standard conditions** - required by the Court for everyone on supervision; and,
- 3) **Special or Additional conditions** - imposed by the Court based on your special circumstances.

MANDATORY CONDITIONS OF SUPERVISION

- 1. The defendant shall report to the Lea County Probation’s DWI and Misdemeanor Compliance Programs within 10 business days of their sentencing date unless a specific reporting date is imposed by the sentencing judge.**

If you have not already made prior arrangements, you have no more than two business days to contact your probation officer after being released from custody. If you fail to contact our office, you will be reported to the Court for failing to appear and a warrant may be issued.

- 2. The defendant shall not commit any federal, state, or local crime.**

If you are involved in criminal activity, you pose a significant risk to the community. Any serious violation of the law is immediately reported to the Court. Based on the seriousness of the offense and the risk you pose to the community, a recommendation may be made to the Court to proceed with a violation hearing.

Your supervision can be revoked regardless of whether or not you are convicted of the new law violation. The standard of proof at a violation hearing is that of “*preponderance of the evidence*,” (that it is “*more likely than not*” or the Court is “*51% sure*” that the alleged violation has been committed). This standard is much less than in a criminal trial where

the standard of proof is “beyond a reasonable doubt” (a very high standard, often described as more than 99% sure).

Consequently, you may be found in violation of this general condition of supervision if the Court finds that a federal, state, or local criminal law has been violated, whether or not you are ever arrested, indicted, or formally charged in any other court. Your CCO monitors this condition by maintaining contact with local police/sheriffs; regularly running computerized local, state, and national record checks; and through collateral sources.

3. The defendant shall not illegally possess a controlled substance. Revocation of supervised release/probation is probable for possession of a controlled substance. The defendant shall submit to scheduled or random drug testing while under supervision, as directed by the CCO.

-You cannot possess ANY drugs or drug paraphernalia unless prescribed by a physician. This includes the medication prescribed to friends or family members. If you test positive for non-prescribed medication the Court will be notified. You will be required to provide your CCO information on all prescription medications that you take.

Random drug testing and/or alcohol testing is required for all probationers. Testing may be specifically ordered by the Court. You may also be subjected to additional testing and required to pay for testing.

Your CCO will provide additional instructions regarding testing procedures.

4. The defendant shall not possess a firearm, ammunition, dangerous weapon, or destructive device. Supervised release/probation may be revoked for possession of a firearm. If you are a convicted felon you can never own, use, or possess a firearm or ammunition, unless granted a presidential pardon! See firearms prohibition on page 11.

-Hunting knives, bows, arrows, crossbows, black powder, black powder firearms and replicas, starter pistols, replica firearms, mace, stun guns/tasers, and weapons used in martial arts are considered dangerous weapons and are generally not permissible. You need to advise your CCO if you have access to any of these weapons. Depending on your criminal history and circumstances, there are possible exceptions. If your employment requires such items or you have any questions, immediately inform your CCO of the item and request his/her permission to possess it. If you have any questions regarding firearms, you may contact the Bureau of Alcohol, Tobacco, and Firearms at <http://www.atf.gov/>.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the Court or probation officer.

-Generally, you will not be allowed to travel outside the judicial district (County of Lea) during the first 30 days of supervision. It is your responsibility to keep your CCO apprised of your whereabouts at all times. While you are on supervision, you may not travel outside the County of Lea for a period of more than 24 hours without written permission of your CCO. You may travel freely within the state for day trips. However, if you are required to submit urinalysis and would like to travel within the State of New Mexico, you must obtain permission from your CCO if you will be unavailable for testing.

Your CCO may require notification of any overnight travel or absence from your residence, even within the district of supervision. Permission to travel in-state may be granted orally or in writing. Keep in mind that travel is a privilege to be earned; it is not a “right.” Travel requests outside of New Mexico, but within the United States, must be submitted to your CCO at least one week before you want to travel.

International travel must be approved by the Court. Approval from the country to which you wish to travel may also be required. Your request must be submitted at least six weeks in advance. Exceptions may be made for emergencies such as serious family illness or death. These situations will be evaluated on

a case-by-case basis and extensive communication with your CCO will be necessary.

You are required to contact your probation officer within 24 hours of your return.

If your application for travel is approved, you will be issued a written travel permit. You must keep the travel permit with you at all times during your trip. If you are stopped for any reason by a law enforcement officer, a records check may be conducted. The officer running the computerized check can determine if you are on supervision.

Travel may be denied if you are not in compliance with all conditions of supervision. It may also be denied if your Court-ordered financial obligations (e.g. fines, restitution, or special assessments) are not completely satisfied, or you are not current with your payment schedule. Additionally, your CCO may deny your travel request for the following reasons, although not inclusive of all reasons for denial:

- You have pending criminal charges or are a registered sex offender;
- Your conviction/past criminal behavior presents a travel risk or there is a third party risk;
- Your travel plans are not verifiable;
- Travel would interfere with Court-ordered treatment, drug testing or other conditions;
- The district to which you wish to travel has certain restrictions which prohibit travel to their district;
- You are residing in a community corrections center or on home confinement;
- You have recently tested positive for drugs and/or alcohol;

- You have failed to comply with any condition imposed; i.e. submission of Monthly Supervision Reports; complete community service hours; missed treatment, etc.

2. The defendant shall report to the probation officer and shall submit a truthful and complete written report monthly, as directed by the CCO.

There are two parts to this condition:

- 1) report to the probation officer, in person, as directed; and,
- 2) submit a written report each month.

A detailed explanation of the requirements of completing a Monthly Supervision Report is found on page 21.

Reporting in Person↓

In order to monitor your compliance with the conditions of supervision, your CCO will meet with you on a regular basis. The frequency with which you are seen is based on your risk to the community, your compliance with the conditions of supervision, and the types of problems you may be experiencing. It is your obligation to meet/report to your CCO at any time and/or place as directed. Consideration will be given to not interfere with employment, family and other legitimate obligations you may have. You may be visited by your CCO.

Office Visits: Whenever you report to the Probation/Compliance Office, let reception know that

you are there and who you need to see. Be advised that staff can and will conduct searches of persons and belongings entering the building. When you report to the Probation/Compliance Office, you will report by yourself; friends and family must wait in lobby or outside the building unless you have received prior permission from your CCO. Profanity, drug, and/or alcohol images on your clothing are not allowed at any probation reporting, activity, or counseling session.

Supervision Plan: Shortly after you begin supervision, your CCO will determine the level of supervision you will be assigned, which then establishes how often you will be required to report and will outline specifically what will be expected of you.

Until that process is completed, you should follow any specific reporting requirements given by your CCO. Your CCO will work with you to develop a treatment and supervision plan and will provide you with a copy of that plan.

Written Reports↓

You must submit a Monthly Supervision Report every month. (See page 36.)

These reports must be:

a) “Truthful” - Falsifying an answer on a Monthly Supervision Report is a violation of your conditions of supervision and may be sufficient grounds to submit a violation petition to the Court. Additionally, if you fail to submit a truthful report you will be

subject to stricter monitoring, travel restrictions, increased reporting, etc.

b) **“Complete”** - Fill in each blank space. Answer every question. If the answer to a question is zero, none or not applicable, you must write that in the blank. Do not leave blanks or draw lines through spaces as such responses create uncertainty.

c) **“Submitted in the manner and frequency directed by the Court or probation officer.”**- These reports are historical for the month that just ended. At the top right-hand corner on the front of the report you will see that there is a blank space indicating that this is a **“Report for the Month of _____.”** 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, and then submit the completed report as directed by your CCO or the Court. You must submit proof of earnings (such as pay stubs) with your Monthly Supervision Reports.

3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Your CCO is responsible for knowing your current situation. For this reason, you will be asked about many aspects of your life. You are required to answer these inquiries truthfully. Again, this condition has two parts. As with Monthly Supervision Reports, a false answer to a question from your probation officer may be grounds for revocation. It also undermines your credibility with your probation officer, which

may lead to tighter restrictions. The second part of this condition relates to your obligation to follow instructions. For example, your CCO may instruct you to provide evidence of job search efforts or employment. You are obligated to do so. The CCO will also verify the information through outside sources such as family, employers, treatment providers, etc.

It is important to understand that this is a broad and comprehensive condition. Your CCO may instruct you on a variety of issues. These instructions are for your welfare and related to your compliance with conditions of supervision.

4. The defendant shall support his or her dependents and meet other family responsibilities.

You have an obligation to contribute to the support of your minor children. If this obligation is pursuant to a divorce decree or a non-support order issued by any court, you must comply with those requirements or submit an explanation of why you are unable to do so. If there is no Court order, you must follow the instructions of your CCO with regard to supporting your dependents in a reasonable manner. You may be required to verify that you are current with these obligations.

With respect to meeting other family responsibilities, you have an obligation to follow your CCO's instruction so that family circumstances do not place you at risk of violating other conditions of your

supervision. This will include the impact on family lifestyle and restrictions on travel. Additionally, there will be an explanation of enhanced penalties you may receive if drugs, alcohol, or firearms are found in your home. Your CCO will periodically inquire about your finances to verify that you are meeting your family obligations and living within your means.

5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.

You have an obligation to work a minimum of 40 hours per week, or engage in a combination of work and schooling which totals at least that number unless you have a documented disability, verified by a physician. Your occupation must be both verifiable and legal and include payment by check, deduction for federal taxes, and deductions for Social Security taxes, if appropriate. In most cases, it will not be acceptable to receive cash payments for employment (discuss with your CCO if cash payments are acceptable). You may be required to submit copies of your pay stubs and income tax returns to verify employment.

The CCO may periodically contact you at your place of employment in order to verify employment. These contacts should not interfere with your employment. Self-employment may be allowed on a case-by-case basis and must be approved by your CCO. At a minimum, the business must be verified as

legitimate and properly licensed, registered, incorporated, etc.

6. The defendant shall notify the probation officer within 24 hours of any change in residence or employment.

You also have an obligation to keep your probation officer informed of a telephone number, home, cell or work, where you can be reached at all times.

If you become unemployed, you will be required to seek employment immediately and keep a log of your job hunting contacts. Your CCO may supply you with a form in order to document your job search, to be returned as directed. Your CCO can assist you with job leads and referrals.

If you are terminated from a job, your CCO will verify the reason. 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 other employment.

One of the most important factors in the successful completion of supervision is your employment. Individuals who work consistent, full-time jobs tend to adjust to and successfully complete their term of supervision.

7. The defendant shall refrain from use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any

paraphernalia related to controlled substances, except as prescribed by a physician.

Alcohol use is 100% restricted while on supervision. You cannot frequent establishments in which alcohol is sold and/or served. Additionally, you cannot use, sell, or consume any drugs unless prescribed **to you** by a physician.

You may not take medication prescribed to others. The use of non-prescribed medication which results in a positive drug test will require notification to the Court. You will be required to submit a list of all prescription medications that you take to your CCO. Also, you may not possess any drug-related paraphernalia.

If you have reverted to drug use or are in danger of losing your sobriety, your CCO can refer you to our on-staff counselor for assistance. It is important that you communicate any developing or relapse issues to your CCO before the abuse progresses.

8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.

If you are present at a location where drugs are available, you are in violation of your supervision conditions by virtue of being in “constructive possession” of controlled substances. Such an environment is not conducive to law-abiding behavior and is therefore prohibited. You have a responsibility not to frequent locations in which you have reason to

believe drugs may be present and to leave any such location if you discover drugs may be present.

9. The defendant shall not associate with any persons engaged in criminal activity or gang members.

You may not associate with any person engaged in criminal activity or known/proclaimed gang member(s). The prohibition against associating with a person engaged in criminal activity is absolute, regardless of whether that person is a family member or a co-worker. You cannot have ANY contact with a person involved in criminal activity, regardless of their relationship to you.

10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere.

Some contacts you will have with the CCO will be in the community (home or work) and will be unannounced/unscheduled. They may occur during the day, evening, weekends, or holidays. Failure to cooperate is a violation of the conditions of your supervision. You should inform members of your household that a CCO will periodically visit your home. You should provide them with the name and phone number of your CCO and encourage them to contact him/her if they have any questions or concerns. Additionally, this condition allows the CCO to conduct a plain view inspection of the premises for contraband. Contraband, although not inclusive, may include alcohol, controlled substances, paraphernalia

relating to such substances, firearms, weapons, child pornography, and any other items prohibited by law or the conditions of your supervision.

11. The defendant shall notify the probation officer within forty-eight hours of being arrested or questioned by a law enforcement officer.

If a law enforcement officer questions you or interacts with you in their official capacity, you have an obligation to contact your CCO and report this contact within forty-eight hours. This is true even if the contact is for a routine matter such as a traffic violation, parking ticket, or if you are not the subject of the investigation (witness, questioned and released, etc.). You are required to report **any contact** you have with law enforcement within forty-eight hours.

12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court Compliance Supervisor.

You cannot act as an informant or special agent unless you are given permission to do so by a Supervisor. The CCO cannot grant you permission, nor can you elect to do so on your own. If any law enforcement agency seeks your assistance beyond normal questioning, provide the agency with your CCO's name and telephone number, and inform your CCO immediately.

13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

The CCO is responsible for continually assessing the level of risk that you may present to the community and establishing a supervision plan to address the risk, including third party risks. Your prior history, including criminal record, substance abuse, acts of violence, use of weapons, mental health problems, sexual deviance, and predatory acts, will be considered in accessing third party risk.

Third party risk refers to personal, physical or financial harm you could cause the members of the community or your employer, based on your offense of conviction, prior criminal record, or any related background information.

In certain situations, you may be prohibited from engaging in a specific activity or working at a particular job; i.e.

- A) a child molester would not be allowed to do community service at a school;
- B) someone convicted of investor fraud would not be allowed to solicit, invest, or manage funds on behalf of others;

- C) someone convicted of transportation of stolen goods across state lines, or drug distribution, may not be allowed to work in the interstate trucking business;
- D) a drug offender could not work at a pharmacy or a job where he/she has access to drugs; or,
- E) an embezzler could not work as a bookkeeper without the employer knowing of the embezzlement conviction, and approval by the CCO.

If your CCO identifies a third party or particular group of people to whom you may cause personal, physical or financial harm, you may be required to tell them of your conviction or prior record and the fact that you are on supervision. Your probation officer may contact them to make certain you have done so. Additionally, the CCO may restrict employment and/or association even if the affected party has received notification.

SPECIAL/ADDITIONAL CONDITIONS OF SUPERVISION

Special or Additional conditions are specific to the nature of your offense, personal circumstance, and criminal history. These conditions will assist your CCO in monitoring the sentence imposed by the Court, controlling risk to the community, and providing services to assist you in maintaining a law-abiding lifestyle and becoming a productive member of society. Not all special or additional conditions are

addressed in this document, as the Court tailors these conditions to each individual. It is very important that you discuss these with your CCO to understand how these conditions of supervision may apply to you.

Home Confinement↓

The defendant shall serve _____ days/months in the home confinement program, with or without electronic monitoring, as directed by the Court. The defendant shall comply with the provisions of the Scramx Program Participant Agreement and shall pay for the costs of electronic monitoring.

Following release from imprisonment, the defendant may be placed on the home confinement program for a period of _____ days/months and must abide by all the requirements of the program.

As a condition of home confinement, the CCO may require the probationer to wear an electronic monitoring device or use some other location verification system to assist in supervision. While participating in the home confinement program, the probationer shall remain at their residence except for employment or other activities approved in advance by their CCO.

Your schedule shall be determined by the CCO and/or Court. You are required to maintain telephone service at their residence and shall not have any party lines, answering machines, voice mail, cordless telephones, call forwarding, call waiting, call block or other special features or services which would interfere with the functioning of the electronic monitoring

equipment. You are also required to maintain electric utilities at the confinement resident address.

Chemical Dependency↓

The defendant shall not purchase, possess, use, distribute, or administer any alcohol, just the same as any other narcotic or controlled substance.

You may not use or possess alcohol. In addition, you are not to have alcohol in your residence or vehicle.

The defendant shall abstain from alcohol and is prohibited from entering establishments whose chief source of income is derived from the sale of alcohol.

You are not allowed to enter establishments which derive their primary income from the sale of alcohol. This includes lounges, taverns, bars, pool halls, etc. Your CCO may permit you to frequent restaurants which serve alcohol provided you are not consuming alcohol or with someone who is, and you are not in the bar portion of the restaurant.

The defendant shall attend and successfully complete any diagnostic evaluations, treatment or counseling programs, or approved support groups (e.g., AA/NA) for alcohol and/or controlled substance abuse, as directed by the probation officer.

If you have a history of drug or alcohol abuse, you may be referred for a substance abuse evaluation and may be directed to attend a treatment program. The

purpose of this condition is to protect the community and assist you in achieving a drug and alcohol free existence. You will be required to abstain from all use of illegal substances, alcohol, or other intoxicants while in treatment. You may be ordered to pay all or part of the treatment costs. The length and type of drug treatment will depend on your circumstances, and how these are evaluated by your CCO and treatment provider. Additionally, you may be required to submit to testing to monitor drug/alcohol use.

Search and Seizure↓

The defendant shall submit his person, residence, office, or vehicle to a search, conducted by a Lea County Probation Court Compliance Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

-If there is reasonable suspicion to believe that you have contraband or evidence of a violation of a condition at your residence, (including unattached buildings and storage facilities), in your car, office, or on your person, your CCO may make note of items and/or document and photograph such items.

Community Service↓

The defendant shall complete ____ hours of community service as approved and directed by the probation officer.

-Community Service is defined as non-salaried, hourly work, performed by you at a non-profit organization. Community service is completed through Lea County Misdemeanor Compliance unless authorized by your CCO to complete hours at an approved agency. The location where you work requires approval by your CCO. Some work sites may present conflicts of interest or third party risks, in which case they would not be allowed. Community service is to be completed on a schedule approved by your CCO. All hours must be verified in writing.

Domestic Violence↓

The defendant shall attend anger management, at the direction of the probation officer.

-If you have any history of domestic violence, the Court may impose a condition that you participate in anger management counseling. The CCO may restrict you from having contact/association with individuals placed at risk due to your anger issues or issues related to that individual.

FINANCIAL OBLIGATION CONDITIONS

(Fees, fines, restitution, special assessment)

Court Compliance Officers have a statutory obligation to collect financial obligations ordered by the Court, including fees, restitution, special assessment, and child support. Failing to make payments as directed by your CCO is a violation of your conditions and subjects you to further Court sanctions. **Consistent and prompt payment of financial obligations is a supervision priority.** Failure to adhere to a payment plan will result in

sanctions, to include denial of travel privileges. If you owe financial obligations pleasure travel ordinarily will be restricted. Your CCO may require that you execute a wage assignment to assure Court-imposed obligations are paid.

Upon a finding that the defendant is in default on a payment of a fine or restitution, the Court may revoke probation or supervised release, modify the terms or conditions of probation or supervised release, resentence a defendant, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, enter or adjust a payment schedule, or take any other action necessary to obtain compliance with the order of a fine or restitution. If a defendant knowingly fails to pay a delinquent fine or restitution, the Court may resentence the defendant to any sentence which might originally have been imposed.

Financial obligations not paid in a timely manner may be subject to collection through the County of Lea.

Fee and Restitution Collection↓

Since you are under Probation supervision, the sentencing Court may have ordered you to pay supervision fees, which are collected on a monthly basis. You may also have been ordered to pay restitution. Your supervising CCO will work with you to develop a payment schedule for which you will be held responsible. Other required costs/fees may include, but are not limited to, court fines, drug/alcohol testing fees, etc.

Your CCO will also develop a payment plan for you concerning these financial obligations.

All payments must be made in the form of a money order, cashier's check or by credit card (which will include a convenience fee). Probation fees are payable to Lea County Probation, while restitution payments will be made out to the victim, whose name(s) your Court Compliance Officer will provide you.

CASH, PERSONAL CHECKS, BUSINESS CHECKS, AND THIRD PARTY CHECKS WILL NOT BE ACCEPTED FOR PAYMENT.

When you make any payment, you will receive a receipt; however, you may request a printout of your transaction history at any time. It is your responsibility to make all required payments. All payments can be paid in person or mailed to:

Lea County Probation
1019 E. Bender
Hobbs NM 88240

Payment of fees and/or restitution is not to be taken lightly. Failure to maintain your payments is cause for your CCO to file a Violation Report with the Court and could result in the revocation of your probation or suspended jail time imposed.

DIRECTIONS FOR COMPLETING THE MONTHLY REPORT FORM

The Monthly Supervision Report Form must be completed thoroughly and accurately. Do not hesitate

to discuss this form with your CCO if you have any questions about how to complete it.

If something does not apply specifically to you put N/A in the blank.

DO NOT LEAVE ANY LINES BLANK AND PRINT LEGIBLY.

1. **Print** the month and year.
2. **Print** your first, last, and middle name.
3. **Print** any other name that may have been used in court.

PART A

4. **Print** your full physical street address, including apartment number if applicable.

DO NOT PUT P.O. BOX OR MAIL DROP NUMBERS IN THIS SPACE.

5. **Print** your city, state, and zip code.
6. **Print** the name of your apartment/townhouse complex and/or community subdivision.
Advise as to whether you rent or own the property.
7. This is where you may list your P.O. Box number or any other mailing address.
8. **Print ALL** phone numbers, cellular phones, and message numbers.
9. List **ALL NAMES** of persons living at your residence.
10. Check yes or no if you moved during the month.
11. Print the exact date of the move and reason for moving. **THE PROBATION OFFICER**

MUST BE PERSONALLY NOTIFIED OF A MOVE WITHIN 48 HOURS OF MOVE - DO NOT CONSIDER THIS FORM AS NOTIFICATION.

PART B.

12. **Print** NAME, ADDRESS, AND PHONE NUMBER of employer. **IF** self-employed, list business address, phone number, and name of company.

13. **Print** name of immediate supervisor and phone extension.

14. Check yes or no as to employer's knowledge of your criminal status.

15. **Print** the number of days missed from work and the specific reason for the absence.

16. **Print** your exact job title.

17. List your gross income; this is your total monthly income BEFORE deductions.

18. **Print** the exact days and hours you report to and leave from work, do not just write 40 hours.

19. Check yes or no if you had a job change or were terminated during the month.

THE PROBATION OFFICER MUST BE PERSONALLY ADVISED OF THIS CHANGE WITHIN 48 HOURS.

20. **Print** the exact date of termination and the reason why your employment was terminated.

PART C.

21. List all vehicles **OWNED OR DRIVEN** by you.

Print the year, make, model, color of vehicle, mileage, license plate number, vehicle identification number and name of the owner. This must be completed in detail each month. This also includes company vehicles you may drive.

PART D.

22. List your net income; this is your total monthly income **AFTER** deductions.

23. Any additional monies or benefits you receive during the month such as part time employment, child support, food stamps, welfare, inheritance, loans, trust funds, and spouse's income.

24. Total your net income plus the "other income" and put the amount here.

25. List your total monthly expenses.

26. Check whether you have a checking account and list the name of the bank. List your exact balance at the end of the month.

27. Do the same as #26 in regards to your savings account.

28. Provide status of court fines, probation fees, and restitution fees.

29. Provide status of any additional court ordered payment alimony, child support, etc.

PART E.

30. If you were questioned by law enforcement officers check yes, otherwise, check no. If yes, provide the exact date of questioning, who questioned you, name of agency and officer, and the reason for the questioning. **YOU MUST PERSONALLY NOTIFY YOUR PROBATION OFFICER WITHIN 48 HOURS OF THIS CONTACT - DO NOT CONSIDER THIS FORM AS NOTIFICATION.** Attach copies of citations, bond papers, complaints, or other documents for verification.

31. If you were arrested or named as a defendant in any other case check yes. Otherwise, check no. If yes, give the details including the date of charges and disposition or status of case.

32. If you resolved any pending charges this month check yes. Otherwise, check no. If yes, indicate the exact date of the hearing, the court you attended, and final disposition of the case. Attach a copy of the citation, receipt, charges, and disposition.

33. Was anyone in your household arrested or questioned by law enforcement during this month? If yes, state who (full name) was arrested or questioned, and the reason for the contact. Advise as to the disposition or status of the case. Otherwise, check no.

34. If you had contact with anyone who has a criminal record check yes. Provide their full name and reason for the contact. Otherwise, check no.
35. If you possessed or had ANY access to a firearm check yes and explain why. Otherwise, check no.
36. If you possessed or used any illegal drugs, check yes and explain when, why, and type of drug. Otherwise, check no.
37. If you traveled outside the State of New Mexico, check yes and explain where you traveled and why. Otherwise, check no.
38. If you have a special assessment fee, restitution, or a fine to pay, check yes and list the amount paid during the month. Attach a copy of the cashier's check or money order, if one was used for payment.
39. If you have community service to complete, check yes. List the number of hours you completed this month, the number of hours you missed, and the balance of hours remaining.
40. Indicate whether you have a drug, alcohol, or mental health aftercare condition. If so, indicate whether you missed any sessions during the month and whether you failed to respond to any phone recorder instructions and why.
41. Read the warning regarding truthful statements on this report.
42. Sign your full name and the date you completed the report.