

Probation Best Practices During the COVID-19 Pandemic

ECONOMIC HARM

Unemployment due to the COVID-19 pandemic is at an all-time high and continues to grow with the business closures. Failure to immediately implement remedial economic measures will help create financial distress and all but guarantee violations.

- **Waive probation fees** for 6 months from the start of the Judicial Emergency or for at least 2 months after the Judicial Emergency is lifted. Allow deferment of fees for a minimum of 3 additional months upon financial need.
- **Suspend restitution payments** during the Judicial Emergency. Allow a deferment of payments upon financial need once the Judicial Emergency is lifted. All non-payment violations to be addressed through a walk-in hearing after the Judicial Emergency is lifted.
- **Suspend all probation conditions that require payment of child support** during the Judicial Emergency. Allow requests for deferment of payments for a minimum of 3 additional months after the Judicial Emergency is lifted. This does not affect any child support obligation that exists separate and apart from the criminal case placing the individual under probation supervision.

HEALTH & SAFETY

The Georgia Department of Health reports that the total number of confirmed COVID-19 cases as of April 15, 2020 was 14,987. As the numbers grow, so does the need for individuals to prioritize their health and safety. This prioritization becomes especially challenging when individuals must also satisfy probation conditions that have become nearly impossible due to the statewide shelter in place order.

- **Suspend special conditions** during the Judicial Emergency **but for** mobility restrictions, stay away orders, and no contact provisions. Identify a new timeframe for completion once the Judicial Emergency is lifted.
- **Provide alternatives to reporting in person**, including those that do not require access to a computer or phone. Provide remote ways to update current addresses and phone numbers. Alternatives may include: online check-ins through Zoom or Google Hangouts; location GPS sharing applications (e.g. Glympse); remote reporting by phone call, text, or mail; visual check-ins from the exterior of the home. Where alternatives are not possible, temporarily suspend requirements for reporting and updating contact information.
- **Expedite processing and approval of all requests to transfer** probation outside of the county or outside of the state.

CYCLICAL ARRESTS & EXPOSURE

The churning nature of jail admissions is a testament, in part, to the difficult nature of probation and parole supervision. The focus of criminal justice efforts now should be to minimize exposure to the virus unless the violation reflects a threat to public safety.

- **Suspend issuance of probation warrants for failure to report.** All non-reporting violations to be addressed through a walk-in hearing after the Judicial Emergency is lifted.
 - ❖ Adheres to social distancing mandate and shelter in place orders
- **Suspend issuance of probation warrants for technical violations.** All technical violations to be addressed through walk-in hearings after Judicial Emergency is lifted.
- **Suspend issuance of probation warrants or issue signature probation bonds** based on new misdemeanors and/or non-violent felony charges where there is no imminent threat of harm to the victim. Probation bond hearings for all other new charges, including violent felony offenses.
 - ❖ Maximizes the limited resources, jail capacity, and court appearances for those cases that pose a threat to public safety.
- **Suspend issuance of probation warrants for violation of mobility restriction conditions** (e.g. house arrest and GPS/ankle monitors that limit destinations). Mobility restrictions should be reviewed in light of the current health crisis and exceptions granted where there is a medical necessity for the individual under supervision or for his/her child and family member. Any violations to be addressed through a walk-in hearing after the Judicial Emergency is lifted.

CURTAIL PROLONGED INCARCERATION

County jails are unable to institute measures that adhere to social distancing guidelines. Individuals who can be released must be identified so that they can be afforded the opportunity to manage their own health. Because COVID-19 poses such a safety threat to the jail population, a sentence of incarceration has a new meaning.

- **Collaborate with criminal justice partners to release individuals** from county custody who are incarcerated due to a probation or parole revocation based solely upon technical (crimeless) violations.
- **Dismiss all technical probation warrants** that have been served and where individuals are awaiting disposition in custody. Where dismissal is not possible, release on signature bond and schedule a walk-in hearing after the Judicial Emergency is lifted.
- **Recall all outstanding, unserved probation warrants alleging only technical violations** and schedule for a walk-in hearing once the Judicial Emergency is lifted. If not possible, probation is to work with law enforcement in suspending execution of probation warrants for technical violations until after the Judicial Emergency is lifted.

- **Release individuals on signature bonds pending a bed space** for Boot Camp, PDC, RSAT, ITF, or similar institutional programming. If not released, schedule hearing for possible modification of the sentence.

REVOCATIONS & COLLATERAL CONSEQUENCES

A criminal record, often an arrest alone, causes many individuals permanent barriers to reentry. All efforts during the pandemic to remove individuals from the criminal justice system should minimize, to the greatest extent possible, future harm. Being arrested due to a probation warrant creates another entry on one's criminal record.

- **Identify all eligible individuals whose Behavioral Incentive Date (BID) has or will expire** during the Judicial Emergency and submit an order preemptively terminating their probation.
- **Limit the use of consent probation revocation orders** during the Judicial Emergency where alternatives are available such as future walk-in probation hearings.
 - ❖ Prevents individuals from admitting guilt out of fear for the health and safety of themselves and their loved ones.

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