

# JUVENILE PROBATION VIOLATIONS

(by youth placed on probation by Alameda County Juvenile Court)

## PROBATION VIOLATION BASICS

- Probation officers or district attorneys can file a probation violation with the court if a youth on probation violates a term or condition of their probation. (Example: breaking the rules around wearing an ankle monitor, not following curfew or not going to school, etc.)
- Probation officers may not issue a probation violation every time a youth violates a probation term or condition, but they could do so each time.
- When a probation violation is filed, the court will schedule a hearing.
- Probation must explain in writing their reasons for filing the violation and must prove that a violation occurred.
- A youth may decide with their lawyer to argue that no violation occurred or may admit to the violation in court.
- If they choose to argue that no violation occurred, there will be a hearing at which both sides may present evidence about whether the violation occurred.
- If a probation violation is proven or admitted, the court will decide whether to change or add to the terms or type of probation currently ordered. This may happen at the same court date as the dismissal of the warrant or the admission or at a separate disposition hearing.

## WARRANTS



- Probation may ask a judge to sign a warrant for the arrest of the person who they believe violated the probation term.
- Police or probation officers can arrest a person with an active warrant at any time, though they may not always actively search for that person.

# TIPS: WHAT TO DO ABOUT A PROBATION VIOLATION

- Reach out to your attorney right away if you:
  - Think probation or the district attorney may file a probation violation. Your attorney may be able to talk to probation or the district attorney about it before they file.
  - Hear that a warrant has been issued or probation violation has been filed. Your attorney may be able to schedule a court date quickly to deal with the probation violation and warrant. In many cases, your lawyer may be able to get rid of the warrant by going to court to ask for the warrant to be recalled.
  - If you do not have your lawyer's number and you did not hire a private lawyer, you can call the juvenile public defender's office and ask for your lawyer's contact information: (510) 667-4496
- In the meantime, continue to follow the original probation terms as best as you can, including curfew and going to school as this may help you in court.

## QUESTIONS FOR YOUR ATTORNEY



- Has a probation violation or a warrant for my arrest been filed?
- If you are going to court to resolve the issue: what will we be doing at the first court date? Will there be anything we have to wait to do at a later court date?
- Do you think I will be put on GPS/ankle monitor?
- Is there a chance I will be put in detention?
- Is there a chance that this will change the type of probation I am on? How will this impact what I am currently expected to do on probation?
- Ask them to clarify anything you are confused about or want more information about.