



CRIME AND JUSTICE INSTITUTE

Crime and Justice Institute at Community Resources for Justice



Sanctions and Incentives



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Administrative Sanctions

Sanctions
Graduated

VIOLATIONS
GRID

**Graduated
Responses**

Structured
Sanctions

Violations
Matrix

INCENTIVES GRID

Sanctions and Incentives

Sanctions & Incentives



- A matrix of responses to behavior based on the severity of the behavior and the risk level of the client
- Provides a menu of options for officers that incorporates both structure and discretion
- Reinforces case plan and court conditions
- Empowers officers to hold offenders accountable and provide positive reinforcement

Grounded in Research

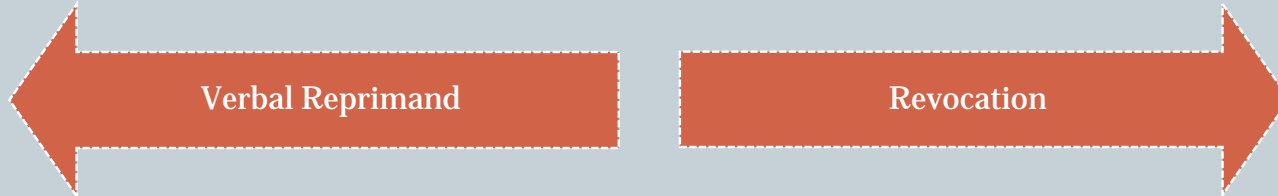


- Swift and certain responses to behavior
- Addresses empirical risk as well as severity of violation
- Provides positive reinforcement
- Impact is measurable

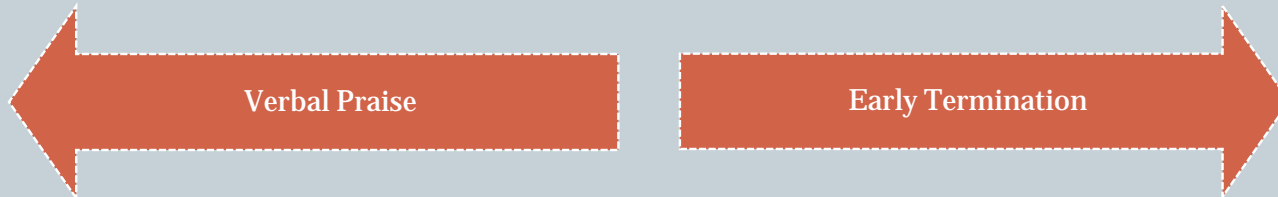
Range of Responses



- **Sanctions**



- **Incentives**



- **Development**

- Allows for systematic review of options available to PO's, and an opportunity to address gaps

- **Implications**

- Caseloads, jail population, prison population, use of resources, client engagement and motivation

Decision-Making Authority



- Probation Officers are empowered to respond swiftly to violations and reward compliance and behavior change within the context of the grid
- Supervisory or executive approval is required for certain responses
- Revocations (and potentially other violations) go before the court
- A quality assurance system ensures the integrity of the grid

Policy Options at the Local Level



- Partnership with the local judiciary to reach consensus on administrative versus judicial response to violations
- Partnership with jail administration to measure the impact of violations on the jail population, and determine if reductions are necessary/desirable
- Partnership with the community to complete the matrix

Policy Options at the State Level



- **Explicit statutory authority for administrative sanctions**
- **Statutory limitations on length of revocations**
- **Court rule through the administrative office of the courts**
- **Consistent grids for probation and parole (though parole populations tend to be higher-risk overall)**

Cal RAPP



California Risk Assessment Pilot Project

- Partnership between Administrative Office of the Courts (AOC) and Chief Probation Officers of California (CPOC)
- Pilot program to examine the effect of using risk/needs assessments to help inform judicial decision making
- First three counties: San Francisco, Napa, and Santa Cruz began in 2009. Yolo was added in 2010.

Goals of CalRAPP



- **Two primary goals:**
 - Get the risk/need assessment information before the judges
 - Utilize risk/need assessment information to help inform decisions about responses to violation behaviors
- Technical assistance has been provided by Judge Warren and Judge Couzens as well as Mark Carey and Mimi Carter
- Initial evaluation goals were to standardize the measurement criteria between the four counties, but each of the four counties had such differences in make-up, areas of strength, level of cooperation/commitment from partner agencies, that the evaluation has switched to a more qualitative approach.

YOLO COUNTY
Chief Marjorie Rist

DRAFT:
Violation
Response
Decision
Tree

Assesses Offender Risk-Static



Assesses Offender Risk-Dynamic



Identify Non-Compliant Behavior



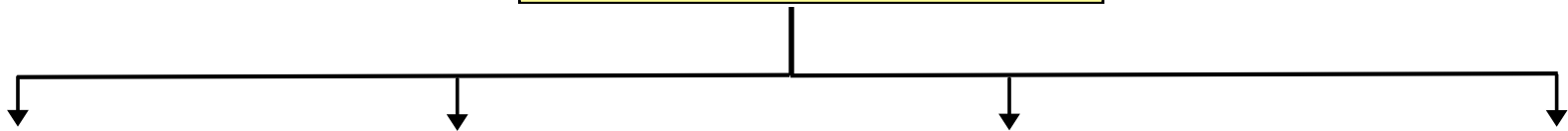
Assesses Offender Behavior



Determine the Response Level



Select Appropriate Response



Level 1 Response

Level 2 Response

Level 3 Response
Supervisor Approval

Level 4 Response
Supervisor Approval



Stabilizing Factors

Residence Pro-Social Support
Treatment Progress
Progress/compliance on Probation
Family Support
Currently Employed
Currently Participating in Educational Program
Currently Engaged in Protective Pro-Social Activities
Currently Clean and Sober and Participating in Treatment
Current Transportation Available

Destabilizing Factors

Recently Homeless and with no plan for residential stability
Active Substance Use
Recently Unemployed
Recent Significant Life Stressors and Poor Coping Reaction
Recent Escalation Health/Mental Health Issues with no plan to address them
Lack of Transportation to Support Interventions
Recent loss of income and no plan to stabilize
Recent increase in activity with Antisocial Associates
Lack of participation in Educational or Employment Program

Response Grid

Risk Level	Level of Behavior	Response Level
LOW	HIGH	HIGH

**A LOW risk level coupled with a NEW law violation will result in a NEW violation of behavior

MODERATE (Supervised via OFFENDER LINK)	HIGH	HIGH
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** A MODERATE risk level coupled with a new law violation will result in a NEW violation of probation.

HIGH	LOW	LOW
HIGH	LOW	MODERATE
HIGH	MODERATE	LOW
HIGH	MODERATE	MODERATE
HIGH	HIGH	HIGH

** A HIGH risk level coupled with the severity level will result in a response choice identified in Table 5


Non-Compliant Behaviors

<i>Conditions related to PO or Law Enforcement contacts/ conditions</i>	<i>Conditions related to Treatment or Programs</i>	<i>Conditions Related to Substance or Medications</i>
<ul style="list-style-type: none"> ▪ Failure to comply with Probation Officers directives ▪ Providing false information ▪ Failure to report to the probation department within allotted time ▪ Failure to report to office visit ▪ Failure to daily call in ▪ Failure to notify PO about police contact ▪ Deny access to residence and searches ▪ Absconding ▪ Failure to surrender to jail ▪ Failure to Register Arson 457.1 PC ▪ Failure to Register: 11590 H&S ▪ Failure to Register: 290 PC ▪ Failure to Register: Gang member ▪ Failure to report change of address ▪ Failure to report to court ▪ Failure to sign additional terms and conditions (PRCS) ▪ Failure to comply with 290 requirements ▪ Willful failure to pay fines ▪ Willful failure to pay victim restitution 	<ul style="list-style-type: none"> ▪ Failure to comply or compete inpatient treatment ▪ Failure to comply or complete outpatient treatment ▪ Failure to comply with mental health services ▪ Failure to comply/compete Anger Management Program ▪ Failure to comply/complete community Service program ▪ Failure to comply or complete parenting classes ▪ Failure to comply/complete with Domestic Violence Program ▪ Failure to comply/compete with theft awareness program AWOL from treatment ▪ AWOL from work Release program ▪ Failure to comply or compete with alternative custody; ie: SWIP, EM, Work Program, DRC ▪ Failure to participate in education program (CBT, GED, Cognitive classes) 	<ul style="list-style-type: none"> ▪ Circumvention of urinalysis ▪ Failure to comply with alcohol education program ▪ Failure to comply with drug program ▪ Positive urinalysis for alcohol ▪ Positive urinalysis for THC ▪ Positive urinalysis for: all drugs ▪ Failure to attend or enroll in substance abuse education class ▪ Failure to take required medications as court ordered ▪ Use of alcohol ▪ Use of marijuana ▪ Use of other illegal drugs ▪ Failure to submit breath analysis ▪ Failure to submit urinalysis ▪ Failure to submit drug test ▪ Violation of other specific condition related to drugs and alcohol <div style="text-align: center; border: 1px solid black; padding: 5px; margin: 5px 0;"><i>Conditions Related to Gang Association</i></div> <ul style="list-style-type: none"> ▪ Gang association ▪ Failure to refrain from gang activity ▪ Gang related attire (Gang Clause)
<i>Conditions Related to Education or Employment</i>	<i>Conditions Related to Location Restrictions</i>	<i>Conditions Related to Equipment/Monitoring Devices</i>
<ul style="list-style-type: none"> ▪ Failure to provide employment verification ▪ Failure to maintain employment ▪ Failure to seek employment ▪ Curfew Violation 	<ul style="list-style-type: none"> ▪ Stay away order violation ▪ Violation of location restrictions ▪ Violation of Travel Restrictions ▪ Violation of no contact order, no harassing order, or restraining order 	<ul style="list-style-type: none"> ▪ Failure to comply with Electronic monitoring ▪ Failure to comply with GPS ▪ Failure to comply with SCRAM ▪ Use of alcohol while on device (SCRAM) ▪ Tampering with EM, GPS or, SCRAM device
<i>Conditions Related to PO/Law Enforcement contact</i>	<i>Conditions Related to Association</i>	
<ul style="list-style-type: none"> ▪ New Crime: Felony, Misdemeanor., or infraction ▪ Possession of non-firearm weapon ▪ Possession of firearm 	<ul style="list-style-type: none"> ▪ Association with co-defendants ▪ Failure to comply with non-association order 	<ul style="list-style-type: none"> ▪ Violation of exclusion zone ▪ Driving without the court ordered Alcohol monitoring device before or after 1st 30days

Violation Matrix

Guidelines for Progressive Sanctions	Sex Offender	Domestic Violence	High Violent	High Drug	High Property	Others
Absconding	4	4	4	4	4	4
Circumvention of urinalysis	4	4	4	4	4	4
Dirty UA failure to abstain alcohol	4	4	3	3	3	3
Dirty UA failure to abstain drugs	4	4	4	3	3	3
Failure to attend or enroll in alcohol or substance abuse education class	2	2	2	2	2	2
Failure to complete outpatient treatment	3	3	3	3	3	3
Failure to complete residential treatment	3	3	3	4	3	2
Failure to complete sex offender treatment	4	n/a	n/a	n/a	n/a	n/a
Failure to complete/comply with Anger Management Program	4	4	4	4	3	3
Failure to complete/comply with DV counseling	4	4	4	n/a	n/a	n/a
Failure to comply with 290 requirements	4	4	4	4	4	4
Failure to comply with case plan	4	3	3	2	2	n/a
Failure to comply with electronic monitoring	4	4	4	3	3	3
Failure to comply with mental health services	3	3	3	3	3	2
Failure to comply w/ non association order	3	3	3	3	3	2
Failure to comply/compete/AWOL from alternative custody: SWIP, Work Program, DRC	2	2	2	2	2	2

Response Levels

LEVEL 1	LEVEL 2	*LEVEL 3	*LEVEL 4
<i>PO to Select as Appropriate</i>	<i>PO to Select as Appropriate</i>	<i>PO to Select as Appropriate</i>	<i>PO to Select as Appropriate</i>
Alternative education referral; GED HS diploma	Deny Travel Permit	Formal court intervention	Bench Warrant
Anger Management Classes	Geographic Restriction		Flash Incarceration
CBT focus to behaviors criminogenic needs	Impose Daily Call in	Modification of Terms and Conditions	Probation Extension
Conference with PO Senior or Supervisor	Impose/Increase Weekly check in	Impose/Increase Alternative Sentencing Program	Probation Violation Report
Education Classes	Impose/Increase UA Drug Testing		Revocation
Impose/Increase community Service			Placed on EM, GPS, SCRAM
Job log requirement			
Job Services referral	Impose/Modify Curfew		
Notation in case notes	Increase Home Visits		
Notation in case notes	Increase office visit		
Parenting Classes	Increased searches		
Re-Assessment or Modification of Case Plan	Referral -Treatment In patient for identified criminogenic needs		
School attendance Monitoring	Referral -Treatment Outpatient for identified criminogenic needs		
Victim Awareness Program	Referral -Treatment Outpatient for identified criminogenic needs		
Vocational Assessment/Training	Restrict contact with peers		
Warning letter sent out			
Written Assignment			
Verbal Reprimand			
		*CONSULT YOUR SUPERVISOR	*CONSULT YOUR SUPERVISOR
 PO has authority to chose from Level 1 or 2 Sanctions without Supervisory approval so long as PO follows Guidelines for Graduated Violations and documents rationale in case file.		Supervisor's Approval (Must follow Court Procedures – e.g., Amended Conditions)	Violation Report/Manager Approval

NAPA COUNTY
Chief Mary Butler

Napa County Probation Department Positive Response Grid

Napa County Probation Department Positive Response Grid		Criminal History	Education/ Employ	Family/ Marital	Leisure/ Recreation	Companions	Alcohol/ Drug	Attitude/ Orientat	Antisocial Pattern
Behavior		Suggested Responses							
Medium	Low Responses PLUS:								
	Sobriety								
	High School diploma/GED								
	Drivers License								
	Program Attendance/Participation								
	New Pro-Social Activity								
	Making Restitution /Fine payment								
	Paying Child Support								
	Associating with pro-social peers								
	Violation free for period of time								
	Self-referral to program								
	Positive attitude								
	Coping skills								
	Stable relationships								
	Dealing with difficult situations well								
	Phasing up in program								

NAPA COUNTY BEHAVIOR RESPONSE TRACKING FORM

Probationer Name:		Date of response:
PID Number/Event(s):		PO:
Synopsis of Violation:		Date PO notified of VOP:
Date of LS/CMI:	Date of Static-99:	Date of SARA:
<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Very High	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High

*Pick the highest level of any of the assessments as the overall risk level. Pick the highest level violation for severity

Overall Risk Level: Low Medium High Very High

Severity of Violation: Low Medium High

Presumptive Response Grid					
Overall Risk Level					
		Low	Medium	High	Very High
Severity of Violation	Low	Low Response <input type="checkbox"/>	Low Response <input type="checkbox"/>	Medium Response <input type="checkbox"/>	High Response <input type="checkbox"/>
	Medium	Low Response <input type="checkbox"/>	Medium Response <input type="checkbox"/>	Medium Response <input type="checkbox"/>	High Response <input type="checkbox"/>
	High	Medium Response <input type="checkbox"/>	Medium Response <input type="checkbox"/>	High Response <input type="checkbox"/>	High Response <input type="checkbox"/>

NAPA COUNTY BEHAVIOR RESPONSE TRACKING FORM CONT'D

Recommended Responses (Pick up to 3):

- Check top 3 criminogenic need areas.

Override/Under-ride Necessary: *If box is checked please consider the following factors:

Stabilizing/Destabilizing factors:

Recency & Frequency of VOP	History of Violence	Victim Consideration
Level of Compliance	Cognitive Ability	Engagement of Prosocial activity
Identified Barrier	Medications	Lack of appropriate program

Override Level: Low Medium High

Recommended Response:

Supervisor approval and authorization: _____

Signature

Date