

# Yolo County Probation Department

## Graduated Sanctions Policy and Procedure



Chief Probation Officer

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October 7, 2011

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# YOLO COUNTY PROBATION DEPARTMENT

## Graduated Sanctions

### Policy and Procedure

## Introduction

The purpose of this document is to inform and instruct Yolo County Probation Officers on the use of the graduated sanctions matrix. The matrix serves as a decision-making tool to guide officer response(s) to violation behaviors. Priority is placed on increasing public safety while maximizing positive offender outcomes. The Chapters of this document include:

- Policy Justification
- Overview of Procedures
- Summary of Tables

## Chapter 1: Policy Justification

### Purpose

The Yolo County Probation Department is committed to the implementation of evidence-based responses to violations of probation for the purpose of enhancing community safety and promoting positive behavior change. This commitment includes but is not limited to ongoing monitoring and continual outcome evaluation of client success and/or failure and their relationships to applied interventions (responses and/or treatment programs). Interventions and/or responses to violations of probation are designed to achieve the maximum positive impact on client behavior. This specific policy outlines the use of graduated sanctions for violation behaviors, but it should be noted that Probation Officers are to not only respond to non-compliance but also pro-social behaviors associated with the conditions of supervision. A policy for positive reinforcement and incentives is being developed. This policy aligns with the Department's mission, vision, and values with particular emphasis on public safety, reduction of recidivism, and effective service.

### Principles

Probation Officers must recognize signs of increased risk that perpetuate a client's likelihood to re-offend. Similarly, it is important to acknowledge signs of progress and to encourage positive gains and greater treatment compliance.

The matrix presented in this document brings standardization and objectivity to Probation Officer responses to violation behavior. The matrix guides officers as they weigh relevant factors and determine appropriate response levels. Officer experience, judgment, and expertise enable wise interpretations of the facts of each case and help identify situations that require deviations from the matrix-recommended response. If deviation from the matrix is necessary, the case must be subjected to supervisor review and approval.

### Goals

- A. GOAL OF SUPERVISION

The goal of probation supervision is to enhance public safety through offender accountability by monitoring terms and conditions and targeting evidence-based interventions toward the dynamic risk factors.

#### B. GOAL OF THE VIOLATION PROCESS

The goal of the violation process is to have a consistent process administered in a swift and certain manner to non-compliant behavior in order to hold offenders accountable and prevent future violations.

Probation Officers are responsible for promptly addressing non-compliant behaviors with appropriate responses which demonstrates commitment to supervision rules and conditions. Messaging to clients must also be clear. Furthermore, ignoring violations only encourages more violations and promotes program failure. Applying these decision-making tools to respond in ways proportional to the wrong-doing, resolving problems at the lowest possible level, will help the Department reach its vision as efficiently as possible. Finally, officers must be mindful of clients' criminogenic needs when linking response severity with violation severity. There is a clear association between the number of criminogenic needs targeted and reduced recidivism.

In responding to violations, POs must consider the following interrelated goals:

- Reducing recidivism
- Increasing public safety
- Increasing client success and accountability
- Achieving greater consistency in agency response to the community corrections population
- Targeting of resources effectively and efficiently

## Chapter 2: Overview of Procedures

The Evidence Based Response to Violation of Probation model will be used only for technical violations of the Conditions of Probation, Mandatory Supervision, and Postrelease Community Supervision clients. Table 1, Violation Response Decision Tree, outlines steps in the probation officer's decision-making process for selecting appropriate behavioral responses. The individual steps include:

Step 1: Assessment of Offender Risk--Static

Step 2: Assessment of Offender Risk—Dynamic

- Yolo County Probation recognizes that empirically-based assessment tools provide more accurate statistical probability of re-offense than professional judgment alone.

Step 3: Identify Violation Behavior

- Identify relevant client behavior(s) during meetings with the client and/or through other sources. The Probation Officer must observe and question the client to determine what changes are in progress. (Refer to Table 3)

Step 4: Evaluate Behavior

- Officers evaluate behavior. The following factors to be considered are:
  - Risk the client poses to public safety (Risk Assessment Tool)
  - Degree of compliance or non-compliance with conditions of probation, mandatory supervision, or postrelease community supervision
  - Original offense
  - Stabilizing and destabilizing factors (refer to Table 2)
  - Signs of positive growth and change (or lack thereof)

Step 5: Determine Response Level (table 5)

Step 6: Select Specific Response within Appropriate Level (Table 6)

## Chapter 3: Determining Response Level and Graduated Sanction

Officers will utilize the matrix in Table 4 and Table 5 to plan an appropriate response. Additional consideration for stabilizing and/or destabilizing factors will dictate an application of an authorized matrix recommendation under-ride or override. Overrides are escalated changes to the responses as identified by the matrix structure and under-rides deescalate a designated response level. All overrides or under-rides require supervisor approval.

### Immediate Violation Reports:

**If circumstances indicate a direct public safety threat, the Evidence-Based Graduated Sanction Matrix will be subject to immediate override. The case will be immediately elevated and reviewed by a supervisor at which time a Violation Report completed, and if applicable, a request for a warrant submitted.**

## Chapter 4: Summary of Tables

This chapter provides a brief summary of tables describing each graduated sanction tool available to Yolo County Probation Officers.

### Table 1: Violation Response Decision Tree

The Risk-Based Decision Tree guides officers through the violation decision making process and provides differential response to violations, taking into account the risk that the offender poses to the community coupled with the severity level of the violation and consideration of stabilizing and destabilizing factors.

## **Table 2: Stabilizing and Destabilizing Factors**

Evidence shows that linking non-compliant responses with criminogenic need is more effective in generating positive outcomes. Criminogenic needs, or dynamic risk factors, include: antisocial attitude, beliefs and values, antisocial peers, and certain personality temperaments. Table 2 submits a non-exhaustive list of stabilizing and destabilizing factors officers must consider when evaluating the recommended risk level. Application of criminogenic factors may warrant an override/under-ride of a matrix-recommended response.

## **Table 3: Response Grid**

The Response Grid provides a comprehensive map for response levels associated with a client's risk of re-offense and level of behavior. Acknowledging the Yolo County Probation Department does not currently have the capacity to case manage and supervise *all* individuals on probation or supervision, there are policies in place to ensure all HIGH risk individuals are supervised. The response grid indicated when a LOW risk or MODERATE risk would warrant a violation response from the Department. Finally, the grid demonstrates the continuum of response severity based on risk and behavior.

## **Table 4: Non-Compliant Behavior**

Table 4 is a non-exhaustive list documenting a range of behaviors in non-compliance with client Terms and Conditions of Probation/Supervision. In the event that a specific behavior is not identified in the grid, officers are to use their best judgment to match the behavior to those that are listed.

## **Table 5: Violation Matrix**

The Violation Matrix identifies potential non-compliant behaviors associated with Terms and Conditions of Probation/Supervision. An officer must first identify a client's non-compliant behavior and locate that behavior on the matrix. After locating the behavior, the officer must then consider the client's risk type (i.e. High risk for Violence). Combined, risk level and violation behavior will indicate a recommended response level. For example, the matrix recommends a HIGH risk drug offender who has failed to abstain from alcohol receive a Level 3 response. Finally, the matrix clarifies an officer's ability to override/under-ride level recommendations and states instances requiring supervisor review and approval.

## **Table 6: Violation Response Levels**

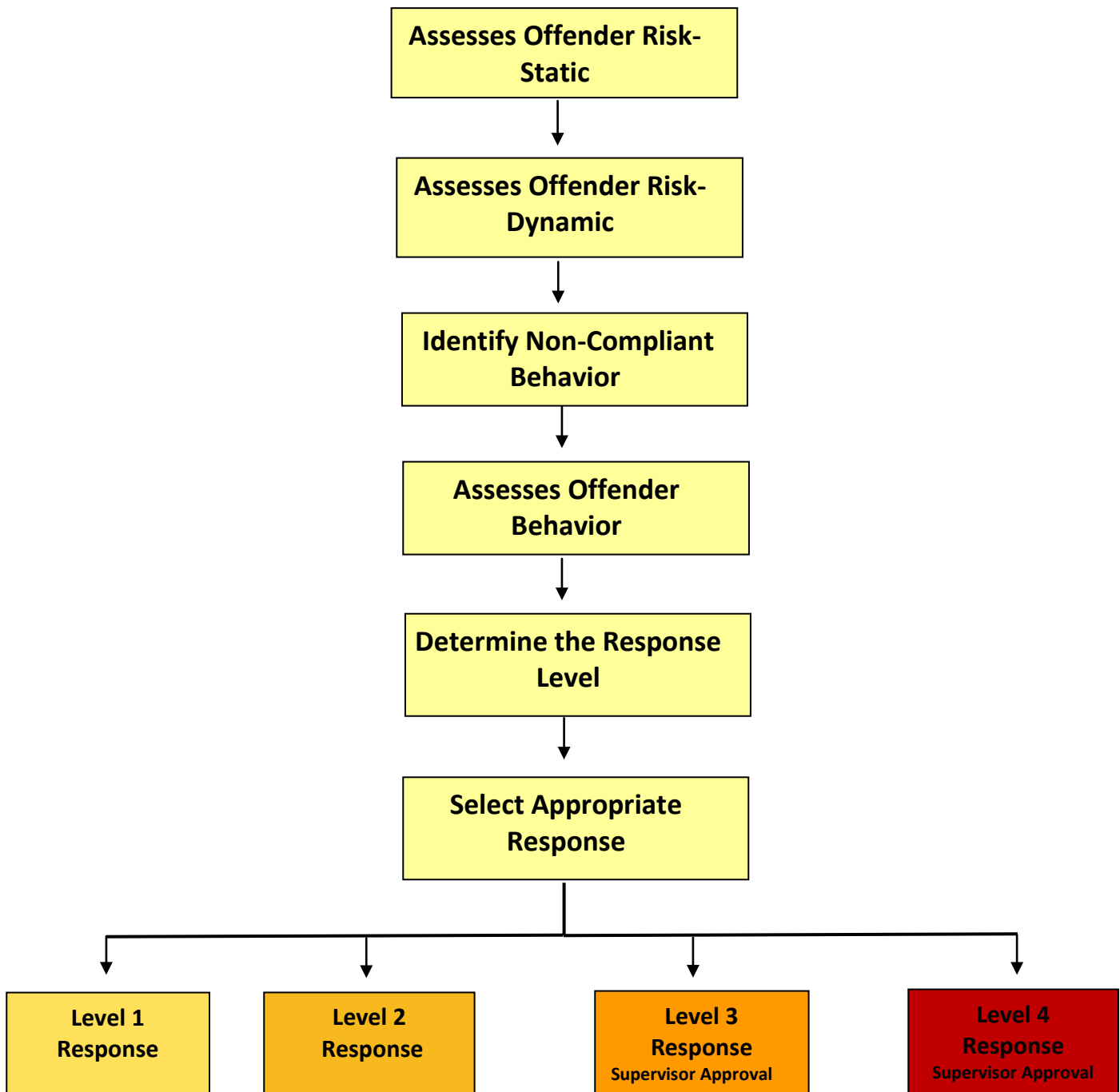
Table 6 provides the Violation Response Levels that correspond with the Violation Matrix. Probation officers must utilize this tool in conjunction with the Violation Matrix. Levels range from one through four and increase in severity with one being lower-level behavioral sanction. Once the Response

Level is identified via the Violation Matrix, officers can select from a menu of sanction options within that range. The graduated sanction continuum ultimately ends in a period of flash incarceration and/or formal revocation of probation/supervision. Finally, the tool clarifies an officer's ability to override/under-ride level recommendations and states instances requiring supervisor review and approval.

### **Table 7: Graduated Levels for Multiple Violations**

The Violation Matrix is tooled specifically to address individual non-compliant behaviors. In the event of multiple violations being dealt with at one time, the officer should respond to the highest risk violation of the group. In the event that the client has a pattern of the same behavior, it is highly likely that the officer will feel compelled to increase the level of intervention upon repeated incident of the same violation behavior. This is allowable, with the approval of the supervisor, for a maximum increase in response of one level.

**Table 1: Violation Response Decision Tree**



**Table 2: Stabilizing and Destabilizing Factors**

Stabilizing Factors	Destabilizing Factors
<p>Residence Pro-Social Support</p> <p>Treatment Progress</p> <p>Progress/compliance on Probation</p> <p>Family Support</p> <p>Currently Employed</p> <p>Currently Participating in Educational Program</p> <p>Currently Engaged in Protective Pro-Social Activities</p> <p>Currently Clean and Sober and Participating in Treatment</p> <p>Current Transportation Available</p>	<p>Recently Homeless and with no plan for residential stability</p> <p>Active Substance Use</p> <p>Recently Unemployed</p> <p>Recent Significant Life Stressors and Poor Coping Reaction</p> <p>Recent Escalation Health/Mental Health Issues with no plan to address them</p> <p>Lack of Transportation to Support Interventions</p> <p>Recent loss of income and no plan to stabilize</p> <p>Recent increase in activity with Antisocial Associates</p> <p>Lack of participation in Educational or Employment Program</p>

**Table 3: Response Grid**

<b>Risk Level</b>	<b>Level of Behavior</b>	<b>Response Level</b>
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

**Table 4: 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"> <li>▪ Failure to comply with Probation Officers directives</li> <li>▪ Providing false information</li> <li>▪ Failure to report to the probation department within allotted time</li> <li>▪ Failure to report to office visit</li> <li>▪ Failure to daily call in</li> <li>▪ Failure to notify PO about police contact</li> <li>▪ Deny access to residence and searches</li> <li>▪ Absconding</li> <li>▪ Failure to surrender to jail</li> <li>▪ Failure to Register Arson 457.1 PC</li> <li>▪ Failure to Register: 11590 H&amp;S</li> <li>▪ Failure to Register: 290 PC</li> <li>▪ Failure to Register: Gang member</li> <li>▪ Failure to report change of address</li> <li>▪ Failure to report to court</li> <li>▪ Failure to sign additional terms and conditions (PRCS)</li> <li>▪ Failure to comply with 290 requirements</li> <li>▪ Willful failure to pay fines</li> <li>▪ Willful failure to pay victim restitution</li> </ul>	<ul style="list-style-type: none"> <li>▪ Failure to comply or compete inpatient treatment</li> <li>▪ Failure to comply or complete outpatient treatment</li> <li>▪ Failure to comply with mental health services</li> <li>▪ Failure to comply/compete Anger Management Program</li> <li>▪ Failure to comply/complete community Service program</li> <li>▪ Failure to comply or complete parenting classes</li> <li>▪ Failure to comply/complete with Domestic Violence Program</li> <li>▪ Failure to comply/compete with theft awareness program AWOL from treatment</li> <li>▪ AWOL from work Release program</li> <li>▪ Failure to comply or compete with alternative custody; ie: SWIP, EM, Work Program, DRC</li> <li>▪ Failure to participate in education program (CBT, GED, Cognitive classes)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Circumvention of urinalysis</li> <li>▪ Failure to comply with alcohol education program</li> <li>▪ Failure to comply with drug program</li> <li>▪ Positive urinalysis for alcohol</li> <li>▪ Positive urinalysis for THC</li> <li>▪ Positive urinalysis for: all drugs</li> <li>▪ Failure to attend or enroll in substance abuse education class</li> <li>▪ Failure to take required medications as court ordered</li> <li>▪ Use of alcohol</li> <li>▪ Use of marijuana</li> <li>▪ Use of other illegal drugs</li> <li>▪ Failure to submit breath analysis</li> <li>▪ Failure to submit urinalysis</li> <li>▪ Failure to submit drug test</li> <li>▪ Violation of other specific condition related to drugs and alcohol</li> </ul>	
		<i>Conditions Related to Gang Association</i>	
		<ul style="list-style-type: none"> <li>▪ Gang association</li> <li>▪ Failure to refrain from gang activity</li> <li>▪ Gang related attire (Gang Clause)</li> </ul>	
<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"> <li>▪ Failure to provide employment verification</li> <li>▪ Failure to maintain employment</li> <li>▪ Failure to seek employment</li> <li>▪ Curfew Violation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Stay away order violation</li> <li>▪ Violation of location restrictions</li> <li>▪ Violation of Travel Restrictions</li> <li>▪ Violation of no contact order, no harassing order, or restraining order</li> </ul>	<ul style="list-style-type: none"> <li>▪ Failure to comply with Electronic monitoring</li> <li>▪ Failure to comply with GPS</li> <li>▪ Failure to comply with SCRAM</li> <li>▪ Use of alcohol while on device (SCRAM)</li> <li>▪ Tampering with EM, GPS or, SCRAM device</li> <li>▪ Violation of exclusion zone</li> <li>▪ Driving without the court ordered Alcohol monitoring device before or after 1<sup>st</sup> 30days</li> </ul>	
<i>Conditions Related to PO/Law Enforcement contact</i>	<i>Conditions Related to Association</i>		
<ul style="list-style-type: none"> <li>▪ New Crime: Felony, Misdemeanor., or infraction</li> <li>▪ Possession of non-firearm weapon</li> <li>▪ Possession of firearm</li> </ul>	<ul style="list-style-type: none"> <li>▪ Association with co-defendants</li> <li>▪ Failure to comply with non-association order</li> </ul>		

**Table 5: Violation Matrix [meeting scheduled for VOP team to fill in levels]**

<b>Guidelines for Progressive Sanctions</b>	<b>Sex Offender</b>	<b>Domestic Violence</b>	<b>High Violent</b>	<b>High Drug</b>	<b>High Property</b>	<b>Others</b>
Absconding	4	4	4	4	4	4
Associating with known Gang Members						
Association with co defendants						
AWOL from treatment						
Circumvention of urinalysis	4	4	4	4	4	4
Curfew Violation						
Deny access to residence and searches						
Dirty UA failure to abstain alcohol	4	4	3	3	3	3
Dirty UA failure to abstain drugs	4	4	4	3	3	3
Driving without the court ordered Alcohol monitoring devices						
Employer disclosure	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 inpatient treatment						
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 drug program						
Failure to comply with electronic monitoring	4	4	4	3	3	3
Failure to comply with GPS						
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 with parenting classes						
Failure to comply with SCRAM						
Failure to comply with theft awareness program						
Failure to comply/compete/AWOL from alternative custody: SWIP, Work Program, DRC	2	2	2	2	2	2
Failure to daily call in						
Failure to maintain employment	1	1	1	1	1	1
Failure to notify PO about police contact	4	3	3	3	3	1
Failure to participate in education program (CBT, GED, Cognitive classes)						
Failure to provide employment verification						
Failure to refrain from gang activity						
Failure to register 11590 HS/290 PC/457.1 PC	4	4	4	4	4	4
Failure to register Gang member						
Failure to report change of address						
Failure to report contact information	4	4	4	4	4	2
Failure to report to Community Service	2	2	2	2	2	2

## Table 5 Cont.: Violation Matrix

<b>Guidelines for Progressive Sanctions</b>	<b>Sex Offender</b>	<b>Domestic Violence</b>	<b>High Violent</b>	<b>High Drug</b>	<b>High Property</b>	<b>Other</b>
Failure to report to court						
Failure to report to Offender Link	n/a	3	3	3	3	n/a
Failure to report to the probation department within allotted time						
Failure to report to/comply with alcohol education program						
Failure to report to: court ordered treatment	2	2	2	2	2	2
Failure to report to office visit	2	2	2	2	2	n/a
Failure to seek employment						
Failure to sign additional terms and conditions (PRCS)						
Failure to submit breath analysis						
Failure to submit drug test						
Failure to submit urinalysis	2	2	2	3	2	n/a
Failure to surrender	3	3	3	3	3	3
Failure to take required medications as court ordered						
Gang association	4	4	4	3	3	2
Gang related attire (Gang Clause)						
Late for an appointment	1	1	1	1	1	1
New Crime Felony/Misdemeanor or Infraction (victim or victimless)	4	4	4	4	4	4
New Crime Serious violent/non-violent citation	4	4	4	4	4	4
New Offense: 12500 VC/14601 VC	2	2	2	2	2	2
Non-compliance with PO directives	3	3	3	3	3	2
Positive urinalysis for THC						
Positive urinalysis for: all drugs or alcohol						
Possession of fire arms/deadly weapons	4	4	4	4	4	4
Possession of non fire arm						
Providing false information						
Stay away order violation-victim						
Tampering with EM, GPS, or SCRAM device						
Use of alcohol						
Use of alcohol while on device SCRAM						
Use of Marijuana						
Use of other non-prescribed/illegal drugs						
Violation of exclusion zone						
Violation of Location Restriction						
Violation of no contact order						
Violation of no harassing contact order						
Violation of stay away order	4	4	4	4	4	3
Violation of other specific condition related to drugs and alcohol						
Violation of Restraining order						
Violation of Travel Restrictions	4	3	3	2	2	1
Willful failure to pay fines and fees						
Willful failure to pay victim restitution	3	3	3	3	3	3

## Table 6: Response Levels

<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>*LEVEL 3</b>	<b>*LEVEL 4</b>
<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			
		<b>*CONSULT YOUR SUPERVISOR</b>	<b>*CONSULT YOUR SUPERVISOR</b>
<p style="text-align: center;">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.</p>		<p style="text-align: center;">Supervisor’s Approval (Must follow Court Procedures – e.g., Amended Conditions)</p>	<p style="text-align: center;">Violation Report/Manager Approval</p>