

## **New/Revised ECRM Additions**

### **LAB AUDIT – 2023 – Recommendations #10 - #14 / EBVR**

**Lead contact/requestor:** Policy Committee / LAB Audit

**Date of project start:** Spring 2023

**Goal date to implement in ECRM:** August 21<sup>st</sup>, 2023

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**ECRM sections with revisions (per this document):**

**1) ECRM > SUPERVISION > DCC > SUPERVISION PROCESS > VIOLATIONS > EVIDENCE BASED RESPONSE TO VIOLATIONS > .01 GENERAL STATEMENT**

**2) ECRM > SUPERVISION > DCC > SUPERVISION PROCESS > VIOLATIONS > EVIDENCE BASED RESPONSE TO VIOLATIONS > .02 EVIDENCED-BASED RESPONSE TO VIOLATIONS**

**3) ECRM > SUPERVISION > DCC > SUPERVISION PROCESS > VIOLATIONS > EVIDENCE BASED RESPONSE TO VIOLATIONS > .04 EBRV VIOLATIONS**

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## **REVISION #1**

**ECRM > SUPERVISION > DCC > SUPERVISION PROCESS > VIOLATIONS > EVIDENCE BASED RESPONSE TO VIOLATIONS > .01 GENERAL STATEMENT**

Responding to violations in an effective manner is crucial to the overall success of an individual on supervision and can have a significant impact on reducing the risk of re-offense. The ultimate purpose of responding to violations is to increase public safety by appropriately equipping clients to be successful in the community.

All violations of supervision need to have some type of response as determined by the Evidence-Based Response to Violations policy.

### **Elements of an Evidence-Based Response to Violations**

The following points should be taken into consideration when following best practice in responding to violations.

- Utilize a violation decision making guideline (violation response matrix) that considers the risk of the correctional client and the severity of the violation behavior.

- Utilize accountability responses and intervention services when responding to violations.
- Sanctions should be swift, certain, and proportionate for all violations.
- For correctional clients assessed at low risk, violation responses need to be minimally intrusive, so as not to disrupt the protective factors they already possess that make them low risk.
- Research suggests programs that are able to incorporate sanctions combined with the use of rewards to reinforce conforming behavior will be more effective than those that rely on sanctions alone.
- Utilize incentives and rewards for compliance and positive behavior (at least 4 rewards for every sanction).

### **Principles of an Evidence-Based Response to Violations**

- Celerity – Reduce the time delay between behavior and response, and respond to violations as quickly as possible.
- Certainty – Increase the certainty of response. Respond in some way to every violation.
- Consistency – Use similar decisions in similar circumstances. Use decision making instruments that produce consistent results.
- Neutrality – Apply processes that are impartial, logical and fair. Inform clients how responses are determined.
- Parsimony – Punishment should not be more intrusive or restrictive than necessary. Use severity of the violation as a factor in determining the appropriate level of response.
- Proportionality – Level of punishment should be commensurate with the severity of the behavior. Match the severity of the sanction to the severity of the violation.
- Risk and Need – The higher the risk to re-offend, the more intensive the intervention. Use risk level as a key factor in determining the appropriate level of response and tailor responses to address the individual's unique criminogenic needs that are the underlying influence on the client's violation behavior.

### **Definitions**

**Violation** = Action in which a client does not follow conditions or case plan goals imposed by the sentencing court or their supervising agent, or commits a new crime while on supervision.

**Response to Violation** = An action taken to address an incident of non-compliance.

**Revocation** = A response to a violation that results in termination from supervision.

### **Severity Levels of Violations and Response Levels:**

- Low
- Medium
- High
- Very High

**Accountability Response → Risk Control (External)** = Aims to reduce crime by limiting the client's capacity to carry out new criminal acts or violations.

**Limitation:** Risk to re-offend increases after control is removed.

**Intervention/Treatment → Risk Reduction (Internal)** = Seeks to diminish the likelihood that a client will choose to commit another crime or violation.

**Limitation:** Risk to re-offend remains until skills and desires are internalized. This may require control until interventions take hold.

**Criminogenic Needs** – Criminogenic Needs are attributes of individuals directly linked to their criminal behavior. Drivers are those specific criminogenic needs that are the primary underlying influence to their criminal and anti-social behavior. Effective correctional interventions and treatment target the client's criminogenic needs/drivers and/or skill deficits in the development of a comprehensive case plan. Any treatment or intervention not targeting criminogenic needs/drivers and/or skill deficits is counter-productive to efficiency and effectiveness.

**Responsivity Factors** – Characteristics of the client that affect how they will respond to an Agent, Therapist or Treatment Provider. Individual factors such as age, gender, culture, learning style, intelligence, mental health, etc., influence how clients respond to efforts to change their behavior, thoughts and attitudes. Therefore, it is important to match the characteristics of the treatment program and treatment provider to the individual characteristics of the specific client.

### Report of a Violation

When an agent discovers evidence of possible violations of supervision by an individual, the agent must investigate the facts underlying the alleged violations **to determine if evidence supports that a violation of supervision occurred.**

### Custody Determination

Circumstances around the violation and relevant factors regarding the client, including risk to the public, must be considered when determining if a client needs to be placed in custody and/or remain in custody pending the investigation of the violation. The agent should determine if the response to the violation can be safely and effectively addressed while the client is in the community. If so, then it may be appropriate release the client **from custody** pending the final investigation of the violation.

If the alleged violation is assaultive or threatening in nature, the client must be placed in custody, unless an exception is granted by the Regional Chief or designee.

If a client has already been placed in custody (i.e. after-hours hold, new criminal arrest, apprehension request, etc.) the agent must meet with the client in a timely manner to get the client's statement regarding the allegation(s).

If the evidenced-based response to the violation does not support a custody response, the agent should release the client from custody immediately and finish the investigation (including getting their statement) while the client is out of custody. If a more serious violation is later identified that justifies a custody, the client can be placed back in jail at that time.

When jail is an appropriate response, the amount of time spent in custody during the investigation shall not supersede the maximum time allowed per the actual accountability response level determined by the EBRV process. Exceptions should only be considered if there are unique circumstances and must be approved by a Supervisor and/or Regional Chief, based on hold extension timeline requirements. **These unique types of circumstances are documented in the EBRV as a non-evidence-based accountability response.**

### **Investigative Procedures**

An agent's investigation should be thorough, objective, and well-documented. It is particularly important that an agent seek to uncover all aspects of the alleged violation(s). If a client gives a statement denying the allegations, the agent should thoroughly investigate its validity. An agent should also investigate any extenuating circumstances surrounding the alleged violation. A comprehensive investigation is necessary to ensure that a client is not unjustifiably deprived of their rights or their freedom.

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### **Client Statement**

An agent must interview the client and secure a written statement using a [DOC- 1305](#). The agent must advise the client of the Thompson warning in advance, indicating they must provide a true and accurate statement, and that any statements they give in regards to the violation(s) may not be used against them in criminal proceedings.

If the client refuses to give a statement regarding a violation, they shall be advised that he/she is obligated by the rules to do so. The client shall also be advised that the refusal itself is a violation of supervision and will be considered along with other violations.

If the violation includes suspected use or possession of opiates, complete the [DOC-2945](#) Opioid Use History Questionnaire unless opioid history has been identified and verified through investigations or verifiable sources. If indicated by the form or corroborated through the investigation, document opioid use history in the Cautionary Information section in COMPAS. The "Alert" checkbox shall be selected.

### **Other Evidence**

The agent shall obtain available police reports and may interview the arresting officers if necessary. The agent shall also obtain any other available documentary evidence.

The investigation should include an interview with the victim and any witnesses, the client, the police, and the District Attorney's office. It should also include any physical evidence of the violation, including:

- victim, witness, and client written statements
- police reports
- prior violation reports
- court orders
- relevant public records
- any other physical evidence obtained or seized by the agent

In gathering physical evidence, any search and seizure by the agent must comply with established Department policies and procedures.

An alleged violation is sufficient cause to stop time. The agent should staff the case with the supervisor regarding the stopping of time.

The agent will contact the District Attorney's Office, Clerk of Circuit Court, or detaining facility to determine:

- any pending State or federal charges
- client's plea to those charges
- bond amount and status
- any conviction or bind-over for the conduct being investigated

If the alleged violation occurred outside the supervising agent's area, the agent should contact the DCC office in the area where the violation occurred to request assistance with the investigation. For out-of-state violations, the agent should follow established Department policies and procedures.

### **Interviewing Victims**

Victims should be interviewed as soon as possible regarding the circumstances surrounding the alleged violation. It is advisable to get all victim and witness statements in writing.

Prior to interviewing victims of sexual assault or juvenile victims, it is advisable to first contact:

- Local Victim/Witness Services
- District Attorney's office
- Social Services
- Minor victim's parents or other appropriate family member
- Other interested agencies that may have been involved with the victim

The Department of Corrections Office of Victim Services and Programs provide additional guidance.

## REVISION #2

### ECRM > SUPERVISION > DCC > SUPERVISION PROCESS > VIOLATIONS > EVIDENCE BASED RESPONSE TO VIOLATIONS > .02 EVIDENCED-BASED RESPONSE TO VIOLATIONS

Appropriate responses to violations will accomplish two goals; hold clients accountable and reduce the likelihood of future violations or criminal behavior. It is important to resolve issues at the lowest possible level, and to address the risk factor that is driving the violation. This is accomplished by using evidenced-based principles when responding to non-compliance. Effective responses should also adhere to the “RNR” (Risk-Needs-Responsivity) principles.

If evidence supports a violation of supervision has occurred, the agent must consider the client’s overall risk to reoffend (based upon the most recent COMPAS Risk Assessment score and any applicable trailer tool assessments that have been completed), the severity level of the most significant violation, and any other relevant factors (prior violations, stability factors, positive behaviors, aggravating/mitigating factors, etc.), in order to determine an appropriate response.

The COMPAS EBRV module assists the agent in capturing relevant information about the violation event and guides them in the process of determining an appropriate response to the violation. An EBRV should be initiated for every violation. The exception to this is certain behaviors which are not considered violations requiring an EBRV until a pattern of behavior exists (3 or more consecutive instances) or behavior results in a contact standard not being met. The following are violation behaviors that meet this exception: Failure to Report, Failure to Comply with Agent Intervention, Failure to Comply with Treatment Requirement, Failure to pay financial obligations, non-child support, Failure to comply with education/employment rule, Failure to Pay Child Support, and Failure to Comply with Community Service. These behaviors should be responded to with communication by the agent to the client in order to set clear expectations and attempt to get the client back on track with compliance for attendance or meeting the expected requirement. Documentation of the unmet expectation and the agent’s actions should be documented in the General Notes section of COMPAS. Once a pattern is established and/or a contact standard is not met as a result of these behaviors, the behavior should be documented under the Violation sub-type note and an EBRV should be completed.

Once completed and closed, the finalized EBRV serves as the official violation report.

Key considerations in determining an appropriate **violation** response are to:

- Use responses that will both hold clients accountable and reduce the likelihood of future violations/new criminal behavior.
- Resolve problems at the lowest possible level; responses do not need to be harsh to be effective.
- Violations are most often associated with a criminogenic need/risk factor (usually one of the top five) and/or a skill deficit.
- Effective responses to non-compliance address the risk factor rather than solely focusing on the behavior.

- Help clients engage in appropriate behaviors.
- Use violations as opportunities to understand and address problems before they escalate.
- Ignoring violations only encourages more violations.
- Be pro-active and anticipate failure. Intervene in appropriate ways to make violations less likely.
- Spend more time with those clients that are a higher risk to violate rules or conditions.
- Give clients who are low risk stabilization services (e.g. housing, medical, transportation) rather than those that target behavioral change.
- Use incentives to enhance motivation.
- Recognize that incarceration does not change behavior. It temporarily stops the behavior.
- Use graduated sanctions to change behavior.
- Provide effective interventions to change behavior.
- Recognize that the severity of the penalty does not change behavior.

### **Determination of Response**

The evidenced-based response to violations decision making process must be initiated immediately upon knowledge of a violation of supervision. An EBRV in COMPAS should be started as soon as possible when the agent is made aware of a violation. This is to ensure that the response is not more intrusive or restrictive than necessary and is proportionate with the severity of the behavior.

Please note that if the agent is aware that the client has absconded prior to the start of an EBRV, do not start the EBRV until the individual becomes available.

If a client absconds during an investigation, or otherwise becomes unavailable before the investigation is completed **after the EBRV has already been started**, the agent should check the “Suspend” action in the EBRV. Once the client becomes available, the agent will then check the “Resume” action in the EBRV and complete the violation decision making process at that time. The agent should enter a note in COMPAS to document when the EBRV is suspended and when it is resumed.

### **Steps for Determining the Actual Violation Response**

#### ***Determining Initial Recommended Response Level***

The EBRV will initially provide a recommended violation response level based on the risk of the client and severity of the violation behavior. The agent will consider other pertinent factors, such as adjustment under supervision and mitigating/aggravating factors, which assist in determining the actual violation response. It is important to consider all relevant factors in order to make a fully informed decision.

**The first step** in determining the initial recommended response level for a violation is identifying the client’s risk level. The risk level is the client’s assessed COMPAS Risk Level or the corresponding risk level from the Static 99R or IDA trailer tool (if completed). The Static 99R or IDA trailer tool risk level should be used as the deviated risk level in EBRV if different than the COMPAS risk as specified below.

**Static 99R score conversion for Deviated Risk Level in EBRV:**

- If the Static 99R score is Average (1, 2, or 3), the correlating Deviated risk level for the EBRV should be Medium Risk. This is applicable only if the client scored Low Risk on COMPAS.
- If the Static 99R score is Well Above Average or Above Average (4, 5, 6 or greater), the correlating Deviated risk level for the EBRV should be High Risk. If the client scored Low Risk or Medium Risk on COMPAS, use High Risk instead.
- If the Static 99R score is Below Average or Very Low Risk (0, -1, -2, or -3), do not deviate and use the COMPAS risk score for the EBRV.

#### IDA score conversion for Deviated Risk Level in EBRV:

- If the IDA Risk level reflects Medium Risk and the COMPAS Risk was Low Risk, the correlating Deviated risk level for the EBRV should be Medium Risk.
- If the IDA Risk level reflects High Risk and the COMPAS Risk was Low Risk or Medium Risk, the correlating Deviated risk level for the EBRV should be High Risk.

In the event there was significant case activity change (i.e. new arrests, technical violations or revocations) since the last COMPAS Assessment, a new COMPAS assessment can be completed as determined by a staffing with the field supervisor. **This should occur prior to the start of the EBRV, as the software uses the assessment score at the point in time when the EBRV is initiated. This score does not update if a subsequent assessment is completed after the EBRV is started.**

**The second step** in identifying the initial recommended response level is determining the severity level of the current primary violation. The primary violation is the most significant/most serious behavior committed by the client. The severity level of the violation behavior is pre-determined as Low, Medium, High or Very High, and is designated in the behaviors chart listed in this section, and should not be changed.

In addition to severity level, violations are identified as “types” of behavior; specifically, they are distinguished as “General” violations or “Typology” violations.

- **General violations** are those that are not associated with the specific individual’s criminal pattern of offending and/or are not related to a dynamic risk factor specific to that client. These violations may be committed by any individual on supervision. General violations are designated by the prefix of “GEN-TYP.”
- **Typology violations** are only to be used if the individual is already on supervision for, or has a historical pattern of offending for this specific type of crime, thus making the new violation behavior relevant to their dynamic risk to re-offend. Typology identification for individuals with a historical offense should be staffed with a supervisor to determine if the typology identification is appropriate. If the client has a history of typology-related offending, but has not re-offended in this manner for a significant number of years and is not currently on for this type of offending, typology identification may not be appropriate.
  - **Special typologies are:** SO typology (sexually motivated offenses/history), DV typology (Domestic Violence related offense/history), OWI typology (Operating While Intoxicated or Under the Influence offense/history), or Treatment Court typology (currently in a Treatment Court). Prefixes for typology specific violations are: SO-TYP (Sex Offender Specific), DV-TYP (DV Offender Specific), OWI-TYP (OWI Offender Specific), TXC-TYP (Treatment Court Participant Specific).



**The final step** in determining the initial recommended response level is applying the COMPAS or Trailer Tool Risk Level (if applicable) and the Violation Severity Level to the EBRV Matrix and finding the corresponding recommended response level.

**Violation and Severity Levels by Category with Corresponding Description and Holds Code**

Holds codes that are 1000 or over are considered non-criminal behaviors and those under 1000 are identified as criminal behaviors. This is identified by the behavior of the client and is not impacted by whether charges were issued by the District Attorney. The agent should select the violation that best fits the behavior of the client.

Category/Violations	Severity	Description	Code
<b>Property/Financial Violations</b>			
GEN-TYP Criminal Trespass to Property/ Land	LOW	Enter and/or remain on another's property or land without permission.	306
GEN-TYP Failure to Pay Child Support	LOW	If under a court order requiring support payments, intentionally fails to pay; pattern established.	855
GEN-TYP Failure to Pay Financial Obligations, non-child support	LOW	Includes restitution and other court-ordered financial obligations. Pattern must be established.	2009
GEN-TYP Gambling	LOW	The act of wagering/betting money or something of value on an event with the intent to win money/something of value.	835
GEN-TYP Negligent Handling of Burning Materials	LOW	Burning material is handled under circumstances where the person should realize a substantial or unreasonable risk of damage is created.	816
GEN-TYP Criminal Trespass to Dwelling	MED	Enter into and/or remain in another's dwelling without permission.	305
DV-TYP Criminal Damage to Property, DV incident	MED	Client fits DV typology and intentionally causes damage to the physical property of another without the consent of that person.	851
GEN-TYP Criminal Damage to Property, Misdemeanor Level	MED	Intentionally causes damage (up to \$2,500) to the physical property of another without the consent of that person. Includes graffiti.	852
GEN-TYP Enter Locked Vehicle	MED	Intentionally enters the locked vehicle of another without consent.	303
GEN-TYP Issue Worthless Checks	MED	Issues a check or other order for payment without sufficient funds.	503

GEN-TYP Loan Sharking	MED	Lending money at unreasonably high rates of interest.	463
GEN-TYP Receive/Possess Stolen Property	MED	Knowingly receives or possesses stolen property with the intent to permanently deprive the owner of the property.	409
GEN-TYP Theft/Retail Theft, Misdemeanor level	MED	Theft – Intentionally and knowingly takes and carries away the property of another (up to \$2,500 value) without consent and with the intent to permanently deprive the owner of the property. Retail Theft – Intends to permanently deprive the retailer of the value of the merchandise or product (up to \$500).	400
GEN-TYP Transfer of Encumbered Property	MED	With the intent to defraud, conveys property that has a claim against it, without informing the grantee of the existence of the claim (encumbrance).	462
GEN-TYP Arson, Intentional	HIGH	Intentionally starts a fire in order to damage or destroy something.	815
GEN-TYP Burglary	HIGH	Entering a structure with the intent to commit a crime.	302
GEN-TYP Criminal Damage to Property, Felony Level	HIGH	Intentionally causes damage (more than \$2,500) to the physical property of another without the consent of that person.	853
GEN-TYP Embezzlement	HIGH	Theft or misappropriation of funds placed in one's trust or belonging to one's employer.	461
GEN-TYP Extortion, Solicitation, Bribery	HIGH	Bribery - Offering, soliciting, giving, or receiving of any item of value for the purpose of influencing someone who holds a public or legal duty. Extortion - A public official, or someone pretending to be a public official, who extracts a thing of value from another person by the use of threats, placing the person in fear of injury, or kidnaping the person. Solicitation - Offering money or something of value to someone with the intent of inducing that person to commit a crime.	801
GEN-TYP Forgery	HIGH	Altering or creating a document with the intent to defraud someone.	500

GEN-TYP Fraud	HIGH	Knowingly misrepresents the truth or conceals an actual fact for the purpose of inducing another person to act to his or her detriment.	460
GEN-TYP Operate Motor Vehicle Without Owner's Consent	HIGH	Intentionally takes and drives a vehicle without the consent of the owner.	430
GEN-TYP Possession of Burglary Tools	HIGH	Possesses any device for use in breaking into a depository, building or room.	304
GEN-TYP Theft/Retail Theft, Felony level	HIGH	Theft – Intentionally and knowingly takes and carries away the property of another (over \$2,500 value) without consent and with the intent to permanently deprive the owner of the property. Retail Theft – Intends to permanently deprive the retailer of the value of the merchandise or product (over \$500).	401
<b>Weapons Violations</b>			
GEN-TYP Unauthorized Possession of Legal Firearm or Weapon	MED	Legal possession by non-violent/non-DV misdemeanor. Includes possession of ammunition.	2030
GEN-TYP Attempt/Bring Weapon into DOC Office/School/Other	VH	Brings or attempts to bring a weapon into the DCC office, a school, or any other public building.	757
DV-TYP Possession of Firearm or Weapon	VH	Client fits DV typology and is in possession of a firearm, weapon or ammunition	756
GEN-TYP Illegal Possession of Firearm/Weapon/Ammunition	VH	Possession of firearm, weapon, or ammunition when legally prohibited from doing so. Includes Felon in Possession of Illegal Firearm, Weapon, or Ammunition. Includes Felon in Possession or Possession of Illegal Firearm, Weapon, or Ammunition	755
GEN-TYP Reckless use of Weapon	VH	Recklessly uses, carries, handles or discharges any firearm or explosive without due caution for the rights, safety or property of others.	750
GEN-TYP Robbery, Armed	VH	The act of robbing someone or a place while armed with a weapon.	101
<b>Other Criminal Violations</b>			
GEN-TYP Hunting and Fishing crimes	LOW	Activity associated with unlawful hunting, fishing or trapping.	785

GEN-TYP Other Criminal Low-Level Violation	LOW	Use only if not addressed in any other violation.	990
GEN-TYP Bail Jumping Misdemeanor charges filed	MED	Failure to comply with terms of bond. Requires misdemeanor charges to be filed. If no charges, use actual behavior as violation.	930
GEN-TYP Conspiracy	MED	Secret plan by a group to do something unlawful or harmful.	800
GEN-TYP Contribute to Delinquency of Minor, no sexual intent	MED	Doing an act that contributes to, encourages, or induces a minor to commit a crime. Includes providing alcohol to minor.	862
GEN-TYP Disorderly Conduct, non-assaultive	MED	Conduct that causes or provokes a disturbance.	920
GEN-TYP Lewd and Lascivious Behavior, no sexual intent	MED	Publicly and indecently exposes genitals or pubic area.	647
GEN-TYP Misconduct in Public Office	MED	Any public officer or public employee who performs an unauthorized act using the power of their office.	803
GEN-TYP Negligent Behavior Against Animals	MED	Failure to provide the basic necessities of care for animals in their charge.	310
GEN-TYP Obstruct Law Enforcement	MED	Knowingly giving false information or misleading an officer.	783
GEN-TYP Other Criminal MED violation	MED	Use only if not addressed in any other violation.	992
GEN-TYP Unlawful Assembly	MED	Two or more people assembling together for the purpose of doing something illegal.	802
GEN-TYP Voting by Felon	MED	Convicted felon votes in an election.	821
GEN-TYP Bail Jumping, Felony charges filed	HIGH	Failure to comply with terms of bond related to new, pending charges. Requires felony charges to be filed. If no charges, use actual behavior as violation.	935
GEN-TYP Escape/Failure to Report for Jail Sentence	HIGH	To knowingly leave or fail to return to physical confinement without permission or authority. This includes Huber walkaway, failure to report for jail sentence, Juvenile Escape.	780

GEN-TYP Interference with Child Custody	HIGH	Causing a child to leave, takes away, or withholds a child for more than 12 hours from the child's parent.	843
GEN-TYP Other Criminal HIGH violation	HIGH	Use only if not addressed in any other violation.	995
GEN-TYP Perjury	HIGH	Willfully telling an untruth in a court after having taken an oath.	828
GEN-TYP Resist Arrest or Custody	HIGH	Preventing or hindering an arrest or custody; includes taking off from attempted DCC custody.	784
GEN-TYP Crimes Against Government	VH	Includes Treason, Sabotage, Sedition, Terrorism, etc. <b>Treason</b> – The crime of betraying ones' own country. <b>Sabotage</b> – The act of hampering, deliberating, subverting, or hurting the efforts of another. <b>Sedition</b> – To conspire to overthrow or destroy by force the government. <b>Terrorism</b> – Unlawful use of force or violence against persons or property to intimidate or coerce a government, in furtherance of political or social objectives.	827
GEN-TYP Hide/Dispose of a Corpse	VH	Hide or bury a corpse with intent to conceal a crime or to avoid apprehension, prosecution, or conviction. Includes mutilating, disfiguring, or dismembering a corpse.	5
GEN-TYP Other Criminal Very High violation	VH	Use only if not addressed in any other violation.	997
<b>Monitoring Equipment Violations</b>			
GEN-TYP EMP/GPS Schedule Violation (<120 minutes)	LOW	Fails to comply with an EMP or GPS schedule requirement for less than 120 minutes beyond the time parameters set.	2032
GEN-TYP GPS Location Violation (non-victim related)	MED	Enters a restricted location or exclusion zone while on GPS.	2022
GEN-TYP EMP/GPS Schedule Violations (>120 minutes)	MED	Fails to comply with an EMP or GPS schedule requirement for more than 120 minutes beyond the time parameters set.	2023
GEN-TYP Failure to Comply with Testing	MED	Failure to comply with testing (Alcohol Monitoring, Drug Testing, Tx Court Drug Testing, etc.); includes leaving office unapproved after on-site testing (UA, PBT).	2024

GEN-TYP Tamper/Interfere Monitoring Equipment, discretionary placement	MED	Tampers with, fails to charge, or refuses to install any non-mandatory monitoring equipment. Does not include mandatory GPS, required by law. Also use for client is jailed for signal/connectivity issue as this indicates potential tamper.	2025
OWI-TYP Failure to Install/Drive Without IID	HIGH	Client fits OWI typology and fails to install IID as ordered by the court, or operates a motor vehicle without an IID. Includes using someone else's vehicle without IID.	982
GEN-TYP Remove Monitoring Equipment, non- mandatory GPS	HIGH	Removes monitoring equipment, includes all non-mandatory GPS monitoring equipment.	2026
GEN-TYP GPS Exclusion Zone Violation; victim related	HIGH	Includes all situations where client violates a GPS exclusion zone that has been created to protect a victim or victim typology (DV, SO, other)	2033
GEN-TYP Tamper/Interfere with Mandatory GPS Monitoring	HIGH	Knowingly refuses, resists, or obstructs the installation of a global positioning system tracking device that is provided under 301.48 or 301.49; or tampers with GPS or blocks, diffuses, or prevents the clear reception of the signal transmission. This includes removal.	950
<b>General Non-Compliance Violations</b>			
GEN-TYP Curfew Violation	LOW	Failure to comply with curfew ordered by agent, court-ordered condition, or treatment court condition.	5001
GEN-TYP Enter Prohibited Establishment (non-sex offender)	LOW	Enters a location that is prohibited by rules of supervision or court-ordered condition.	4200
GEN-TYP Failure to Comply with Community Service	LOW	Failure to comply with community service work, as ordered by agent or court-ordered condition. Pattern must be established.	2016
GEN-TYP Failure to Comply with Court-Ordered Condition	LOW	Use only if not addressed in any other violation. Includes requirements such as victim impact panel, speaking to school, visiting grave, etc.	5005
GEN-TYP Failure to Comply with Education or Employment Rule	LOW	Failure to comply with rule of supervision or court-ordered condition related to employment or education.	2000

GEN-TYP Failure to Notify Agent of Police Contact	LOW	Failure to notify agent of any contact with law enforcement.	2006
GEN-TYP Failure to Provide Information as Directed by Agent	LOW	Failure to provide information verbally and/or in writing, to requests by agent. Includes refusal to sign statement.	2012
GEN-TYP Huber/Detention Facility violations (non-criminal)	LOW	Failure to comply with rules or expectations specific to Huber privileges or jail requirements while confined. If other, more serious behavior applies, use for violation instead.	1997
GEN-TYP Inappropriate Dress During Office Visit	LOW	Includes gang related, drug related, or other as deemed inappropriate by agent.	2010
GEN-TYP Lying to Agent	LOW	Providing false information to agent. Behavior lied about may likely be an additional and/or more serious violation.	2007
GEN-TYP Failure to Report as Scheduled	LOW	Unexcused and pattern established; applies if less than 30 days without reporting.	1010
GEN-TYP Municipal or Ordinance violation	LOW	Minor violations that are not criminal and are normally punishable by a fine.	5020
GEN-TYP Other Non-Criminal LOW violation	LOW	Use only if not addressed in any other violation.	7000
GEN-TYP Possession of Items Not Approved by Agent	LOW	Possession of non-criminal items prohibited by agent/rules of supervision.	2031
GEN-TYP Refusal of Court-Ordered Medication	LOW	Failure to follow court-ordered compliance with prescription medication.	3010
GEN-TYP Residence Change, not approved by agent	LOW	Moved and/or is residing at a location without approval from agent.	2001
GEN-TYP Travel Violation	LOW	Left state without a travel permit/other travel restriction.	1400
GEN-TYP Absconding	MED	Client has not reported for at least 30+ days.	1200
GEN-TYP Failure to Report to Agent-Directed Jail Hold, non-criminal	MED	Client fails to report to jail after ordered to report there by agent.	1105

GEN-TYP Other Non-Criminal MED violation	MED	Use only if not addressed in any other violation.	7100
GEN-TYP Refused a Search	MED	Refusing to allow agent access to residence/property for search.	2013
GEN-TYP Encouraging Others to Violate Supervision	HIGH	Encouraging another individual to engage in behavior that is in violation of their rules of supervision or court-ordered condition(s).	955
GEN-TYP Capture/Post/Share Visual Representation Without Permission (Adult)	HIGH	Without the permission of the other person, captures a photo, videotape, recording, or other visual representation of nudity and/or posts, shares or publishes said visual representation.	603
GEN-TYP Other Non-Criminal HIGH violation	HIGH	Use only if not addressed in any other violation.	7200
GEN-TYP Absolute Refusal or Rejection of Supervision	VH	Refusal to provide written statement <u>and</u> stating verbally they are refusing supervision applies to this violation. Requires written or verbal statement provided by client specifically stating they are absolutely refusing supervision (after unsuccessful attempts have been made to bring into compliance).	3020
GEN-TYP Other Non-Criminal VERY HIGH violation	VH	Use only if not addressed in any other violation.	7300
<b>Programming/Treatment/Intervention Violations</b>			
GEN-TYP Failure to Comply with Agent Intervention	LOW	Pattern must be established. Includes homework, skill practice, etc.	3005
GEN-TYP Failure to Comply with Treatment Requirement	LOW	Failure to attend and/or participate in treatment; must establish pattern.	2029
GEN-TYP Termination from Community-Based Programming	MED	Terminated from outpatient, non-residential programming.	3007
TXC-TYP Pattern of Failure to Comply with Treatment	MED	Client fits Treatment Court typology and has failed to comply with treatment expectations.	2040
GEN-TYP Absolute Refusal of Programming	HIGH	Client has been ordered to comply with treatment expectations, continues to not follow requirements and has indicated they do not intend to comply. Requires statement provided by client (After unsuccessful attempts have been made to	3000



GEN-TYP Termination from Intensive Treatment Program	HIGH	bring client into compliance through Motivational Interviewing, Professional Alliance building, etc.)  Includes Specialty Court or Inpatient/Residential Treatment program.	3008
<b>Traffic Violations</b>			
GEN-TYP Minor, Municipal Traffic Violation	LOW	Includes driving with a suspended or revoked license, non-criminal.	1999
GEN-TYP Traffic Criminal, Misdemeanor Level, non-OWI	MED	Commits a misdemeanor level, criminal traffic violation.	971
OWI-TYP Driving Without a Valid License	MED	Client fits OWI typology and is operating a motor vehicle without a valid license.	1995
GEN-TYP Fleeing and Eluding	HIGH	Failing to pull over after receiving an audio or visual signal from an officer.	970
GEN-TYP Operate Motor Vehicle Under the Influence	HIGH	Operated a motor vehicle while under the influence of Alcohol or Other Drugs.	984
GEN-TYP Operate Motor Vehicle Without Owner's Consent	HIGH	Intentionally takes and drives a vehicle without the consent of the owner.	430
GEN-TYP Traffic Criminal, Felony Level; Non-OWI	HIGH	Includes all other felony level, traffic violations except for OWI-related behaviors and Fleeing/Eluding.	986
OWI-TYP Failure to Install IID/Drive Without IID	HIGH	Client fits OWI typology and fails to install IID as ordered by the court, or operates a motor vehicle without an IID. Includes using someone else's vehicle without IID.	982
GEN-TYP Homicide or Injury by Intoxicated Use of a Vehicle	VH	Caused injury or death of another by operating a vehicle while under the influence of alcohol or other drugs.	12
GEN-TYP OWI – Child in Vehicle	VH	Operated a motor vehicle with child present, while under the influence of alcohol or other drugs.	985
OWI-TYP Operating Motor Vehicle Under the Influence	VH	Client fits OWI typology and operated a motor vehicle while under the influence of Alcohol or Other Drugs.	980
<b>No Contact Violations</b>			

GEN-TYP Violation of No Contact Order, non-victim	LOW	Includes co-defendants, negative influences, etc.	2017
DV-TYP Violation of No Contact with Victim	HIGH	Fits DV typology and has contact with victim or attempts contact when there is a no contact order in place per supervision rules or court order.	2035
GEN-TYP GPS Victim or Typology Exclusion Zone Violation	HIGH	Client violates a GPS exclusion zone that has been created to protect a victim or victim typology (DV, SO, other)	2033
GEN-TYP Violation of No Contact Order with Victim	HIGH	Has contact/attempts contact with victim or attempts contact when there is a no contact order in place per supervision rules or court order.	2021
GEN-TYP Violation of Restraining Order	HIGH	Willful disobedience of a court-ordered restraining order.	848
SO-TYP Intentional Approach Behavior; victim typology based	HIGH	Client fits SO typology and engages in behavior that puts them in the vicinity of their victim typology, or helps them to better gain access. Behavior is similar to past SO behavior. (i.e. grooming, internet use, chat rooms, relationship with individual with children, youth volunteer, etc.)	1600
SO-TYP Violation of No Contact, Victim Typology Based	HIGH	Client fits SO typology - Behavior is similar to past SO behavior.	1650
<b>Sexually Motivated/SORP Violations</b>			
GEN-TYP Prostitution/Soliciting a Prostitute	MED	Engaged in sexual activity with someone for payment or offered something of value, or paying/offering something of value to someone for sexual activity.	618
GEN-TYP Statutory Sexual Criminal Behavior	MED	Unforced sexual act with someone between the ages of 16 and 18; meets statutory sex offense criteria	614
GEN-TYP Unauthorized Consensual Sexual Contact/Relationship	MED	With an adult; required to have prior approval.	2028
SO-TYP Sex Offender Rules Violation (non-criminal)	MED	Client fits SO typology and fails to comply with special sex offender rule(s).	6000
SO-TYP Use of Alcohol; Nexus to Current SO/past SO offense	MED	Client fits SO typology - Past SO behavior involved the use of alcohol.	4100

GEN-TYP Contribute to Delinquency of Minor, sexually motivated	HIGH	Encouraging a minor to engage in or watch sexual activities.	630
GEN-TYP Exposing Genitals to Child	HIGH	Exposes genitals, pubic area, or intimate parts to a child for the purposes of sexual arousal or gratification.	617
GEN-TYP GPS Victim or Typology Exclusion Zone Violation	HIGH	Client violates a GPS exclusion zone that has been created to protect a victim or victim typology (DV, SO, other).	2033
SO-TYP Failure to Comply with SORP, criminal	HIGH	Client fits SO typology, is required to register, and provides false information and/or is not in compliance with the sex offender registry.	613
GEN-TYP Keeping a Place of Prostitution	HIGH	Manage or control a place where persons habitually engage in or offer to engage in sexual intercourse or sexual contact for anything of value.	640
GEN-TYP Lewd and Lascivious Behavior, Sexually Motivated	HIGH	Engaged in a sexual act that is offensive to community standards of decency, or commits an indecent act of sexual gratification with another, with knowledge that they are in the presence of others.	639
SO-TYP Intentional Approach Behavior; victim typology based	HIGH	Client fits SO typology and engages in behavior that puts them in the vicinity of their victim typology, or helps them to better gain access. Behavior is similar to past SO behavior. (i.e. grooming, internet use, chat rooms, relationship with individual with children, youth volunteer, etc.)	1600
SO-TYP Possession of Unapproved Items; Victim Typology Based	HIGH	Client fits SO typology and possesses items that are related to their victim typology. Behavior is similar to past SO behavior (i.e. Possession of toys, computer, child videos, etc.)	2034
GEN-TYP Child Enticement	VH	With intent to have sexual contact with a child, attempts to cause a person who they believe to be a child, to go into any vehicle, building, room, or secluded place.	616
GEN-TYP Child Pornography/Images Depict Child Nudity	VH	Possesses or views a visual depiction of a child engaged in sexual conduct.	612

GEN-TYP Human Trafficking	VH	The unlawful act of transporting or coercing people in order to benefit from their work or service, typically in the form of forced labor or sexual exploitation.	645
GEN-TYP Incest	VH	Having sexual intercourse with a parent, child, sibling, or grandchild.	632
GEN-TYP Other Serious Sexual Criminal Behavior	VH	Use only if not addressed in any other violation.	615
GEN-TYP Sexual Assault	VH	Has sexual contact or sexual intercourse with another person without consent of that person.	610
GEN-TYP Sexual Assault of a Child	VH	Has sexual contact or sexual intercourse with a person under the age of 18.	611
<b>Threatening or Assaultive Violations</b>			
GEN-TYP Threatening Statements or Behavior	MED	Made threats of harm to another, but no imminent or substantiated risk of harm is determined (mandatory custody policy still applies). No physical engagement.	1500
GEN-TYP Disorderly Behavior, Assaultive	MED	Engaged in physical, hands-on or abusive, disorderly behavior that causes a disturbance or is meant to intimidate/threaten. Behavior did not result in physical injury.	900
DV-TYP Verbal Threats	HIGH	Client fits DV typology and verbally threatens another individual.	839
GEN-TYP Causing Bodily Harm to Another (includes DV)	HIGH	Physically harms someone. Includes DV; not aggravated or substantial.	199
GEN-TYP Extreme Cruelty to Animals	HIGH	Caused unnecessary and/or excessive pain or suffering or unjustifiable injury or death to an animal. Includes Physical Injury, Animal Fighting, and Bestiality	315
GEN-TYP Harassment or Intimidation of a Witness or Victim	HIGH	Knowingly and maliciously prevents, dissuades, or attempts to prevent any witness/victim from attending or giving testimony at a trial or proceeding.	846
GEN-TYP Throw/Discharge Bodily Fluids at Public Safety Worker	HIGH	Throw or expel blood, semen, vomit, saliva, urine, feces, or other bodily substance at or toward a public safety worker or a prosecutor.	1625

GEN-TYP Threats to Probation and Parole Agent	VH	Threatened a Probation and Parole Agent. Establishes intent to frighten, intimidate, abuse or harass; makes a threat to inflict injury or physical harm.	844
GEN-TYP Threats, Intent Established	VH	Risk of imminent harm, planned/substantiated. Specific plan in place.	845
GEN-TYP Aggravated Assault/Substantial Battery	VH	Assault that results in serious physical injury.	202
GEN-TYP Attempted Murder	VH	Attempting to intentionally take the life of another.	9
GEN-TYP Battery by Inmate	VH	Assault committed by an individual who is detained or committed in a jail or other facility.	207
GEN-TYP Child Abuse or Neglect	VH	Creating a situation of unreasonable risk of harm and/or demonstrates a conscious disregard for the safety of a child. If responsible for the child's welfare, fails to act or fails to provide for the basic needs of the child; endangering the physical, mental, or emotional health of the child.	205
GEN-TYP Endangering Safety or Reckless Endangerment	VH	Recklessly endangering another's safety under circumstances which show utter disregard for human life.	206
GEN-TYP False Imprisonment	VH	Intentionally confines or restrains another without the person's consent.	842
GEN-TYP Homicide or Injury by Intoxicated Use of a Vehicle	VH	Causes death or injury to another by operation or handling of a vehicle while under the influence of an intoxicant or drugs.	12
GEN-TYP Injury by Conduct Regardless of Life	VH	Causing injury to another by engaging in acts that demonstrate an utter disregard for human life.	203
GEN-TYP Kidnapping or Abduction	VH	By force or threat, takes another from one place to another without his or her consent, with the intent of keeping the person secretly confined or imprisoned.	840
GEN-TYP Murder	VH	Intentionally taking the life of another.	11

GEN-TYP Stalking	VH	Repeatedly follows or harasses another person, resulting in a fear for safety or substantial emotional distress.	849
GEN-TYP Strangulation or Suffocation	VH	Intentionally impeding the normal breathing or circulation of blood by applying pressure to the throat or neck, or by blocking the nose or mouth of another person.	841
GEN-TYP Threats to Law Enforcement/Judge/Prosecutor/Public Safety Worker	VH	Threatened a law enforcement officer, judge, prosecutor, or other public safety worker. Establishes intent to frighten, intimidate, abuse or harass; makes a threat to inflict injury or physical harm.	838
<b>Substance/Alcohol Use Violations</b>			
GEN-TYP Refusal of Court-Ordered Medication	LOW	Failure to follow court-ordered compliance with prescription medication.	3010
GEN-TYP Misuse of Prescription or Other Medication	LOW	Failed to take in a manner consistent with label instructions or as directed by a physician	3015
GEN-TYP Underage Drinking or Possession of Alcohol	LOW	Person under the legal drinking age possessed, consumed, purchased or procured an alcoholic beverage by any person under the age of 21.	922
GEN-TYP Use of Alcohol	LOW	Used alcohol when prohibited to do so by rules or supervision or court-ordered condition.	4000
DV-TYP Use of Alcohol (if nexus to current or past DV offending)	MED	Client fits DV typology and used alcohol when prohibited to do so by rules or supervision or court-ordered condition.	4050
GEN-TYP Criminal Drug Possession, Personal Use	MED	Small quantity; for personal use.	732
GEN-TYP Refused UA or Other Testing	MED	Client refused to produce a urine sample or failed to comply with other testing, as required by agent or court ordered condition.	2011
GEN-TYP Tamper with Drug Testing/Use of Masking Agent	MED	Used or attempted to use a device, alternate/fake urine sample, substance, or masking agent in an effort to falsify drug test results.	983
GEN-TYP Use of Controlled, Non-Prescription Substance	MED	Used a controlled, non-prescription substance to induce an altered state of consciousness. Includes	7400

		any mood-altering substances. Positive test result or offender admittance.	
SO-TYP Use of alcohol; Nexus to current or past SO offense	MED	Client fits SO typology - Past SO behavior involved the use of alcohol	4100
OWI-TYP Enter Alcohol Establishment; did not drive	MED	Client fits OWI typology - enters prohibited alcohol establishment, but does not drive	4300
OWI-TYP Use of Alcohol; no intent to drive established	MED	Client fits OWI typology – uses alcohol, but does not demonstrate intent to drive.	4150
GEN-TYP Operate Vehicle Under the Influence	HIGH	Operated a motor vehicle while under the influence of Alcohol or Other Drugs.	984
OWI-TYP Enter Prohibited Alcohol Establishment after Driving	HIGH	Client fits OWI typology - clearly demonstrates intent to drive after consuming alcohol	4250
OWI-TYP Use of Alcohol/Drugs (established intent to drive)	HIGH	Client fits OWI typology - clearly demonstrates intent to drive after consuming alcohol	4160
GEN-TYP OWI – Child in Vehicle	VH	Operates a motor vehicle with child present, while under the influence of alcohol or other drugs.	985
<b>Drug Possession/Distribution Violations</b>			
GEN-TYP Criminal Drug Possession, Personal Use	MED	Small quantity; for personal use. Could be charged criminally, but clearly amount is for personal use.	732
GEN-TYP Possession of Drug Paraphernalia	MED	Possession of any equipment used to produce, conceal, or consume illicit drugs.	733
GEN-TYP Unauthorized Possession of Prescription Medication	MED	Possessed a prescription drug that was not prescribed specifically to him/her/them.	738
GEN-TYP Criminal Drug Possession, Large Quantity	HIGH	Found to be in possession of drugs and it is determined to not be solely for personal use; amount is consistent with distribution.	734
GEN-TYP Prescription Fraud	HIGH	Obtained medication by deception.	740
GEN-TYP Drug Sale/Intent Manufacture-Distribute-Deliver Intent	VH	Possessed illegal drugs/drug paraphernalia with intent to sell/manufacture/distribute/ deliver.	712
GEN-TYP Maintain a Drug House	VH	Used a structure to store or warehouse illegal drugs meant for delivery or manufacture.	741

GEN-TYP Deliver/Bring Drugs into Confined Setting	VH	Possessed and brought drugs into a jail or other commitment facility.	715
GEN-TYP Deliver Controlled Substance Resulting in Death	VH	Caused the death of another by manufacture, distribution or delivery of controlled substance.	716
<b>DV Typology Violations</b>			
DV-TYP Criminal Damage to Property, DV incident	MED	Client fits DV typology and intentionally causes damage to the physical property of another without the consent of that person.	851
DV-TYP Use of Alcohol (if nexus to current or past DV offending)	MED	Client fits DV typology and used alcohol when prohibited to do so by rules or supervision or court-ordered condition.	4050
DV-TYP Violation of No Contact with Victim	HIGH	Fits DV typology and has contact with victim or attempts contact when there is a no contact order in place per supervision rules or court order.	2035
DV-TYP Verbal Threats	HIGH	Client fits DV typology and verbally threatens another individual.	839
DV-TYP Possession of Firearm or Weapon	VH	Client fits DV typology and is in possession of a firearm, weapon or ammunition	756
<b>SO Typology Violations</b>			
SO-TYP Sex Offender Rules Violation (non-criminal)	MED	Client fits SO typology and fails to comply with special sex offender rule(s).	6000
SO-TYP Use of Alcohol; nexus to current SO/past SO offense	MED	Client fits SO typology - Past SO behavior involved the use of alcohol.	4100
SO-TYP Failure to Comply with SORP, criminal	HIGH	Client fits SO typology, is required to register, and provides false information and/or is not in compliance with the sex offender registry.	613
SO-TYP Intentional Approach Behavior; Victim Typology Based	HIGH	Client fits SO typology and engages in behavior that puts them in the vicinity of their victim typology, or helps them to better gain access. Behavior is similar to past SO behavior. (i.e. grooming, internet use, chat rooms, relationship with individual with children, youth volunteer, etc.).	1600
SO-TYP Possession of Unapproved Items; Victim Typology Based	HIGH	Client fits SO typology and possesses items that are related to their victim typology. Behavior is similar to past SO behavior (i.e. Possession of toys, computer, child videos, etc.)	2034



SO-TYP Violation of No Contact, Victim Typology Based	HIGH	Client fits SO Typology. Current behavior is similar to past SO behavior.	1650
<b>OWI Typology Violations</b>			
OWI-TYP Driving Without a Valid License	MED	Client fits OWI typology and is operating a motor vehicle without a valid license.	1995
OWI-TYP Enter Alcohol Establishment; did not drive	MED	Client fits OWI typology - enters prohibited alcohol establishment, but does not drive <b>and does not establish intent to drive</b>	4300
OWI-TYP Use of Alcohol; no intent to drive established	MED	Client fits OWI typology – <b>consumes alcohol, but does not demonstrate intent to drive</b>	4150
OWI-TYP Enter prohibited Alcohol Establishment After Driving	HIGH	Client fits OWI typology; <b>drove to establishment or demonstrates intent to drive after consuming alcohol.</b>	4250
<b>OWI-TYP Failure to Install IID/Drive Without IID</b>	<b>HIGH</b>	<b>Client fits OWI typology and fails to install court-ordered IID, or operates a motor vehicle without an IID. Includes using someone else's vehicle without IID.</b>	<b>982</b>
<b>OWI-TYP Operating Motor Vehicle Under the Influence</b>	<b>HIGH</b>	<b>Client fits OWI typology and operated motor vehicle while under the influence of Alcohol or Other Drugs.</b>	<b>980</b>
OWI-TYP Use of Alcohol/Drugs; intent to drive	HIGH	Client fits OWI typology - demonstrates intent to drive after consuming alcohol.	4160
<b>TXC Typology Violations</b>			
TXC-TYP Pattern of Failure to Comply with Treatment	MED	Client fits Treatment Court typology and has failed to comply with treatment expectations.	2040

### Evidence-Based Response to Violations Decision Matrix

Risk Level				
Severity of Violation		LOW	MEDIUM	HIGH
	LOW	Low Response	Low Response	Medium Response
	MEDIUM	Low Response	Medium Response	High Response
	HIGH	Medium Response	High Response	High Response
	VERY HIGH	High Response	Very High Response	Very High Response

### Determining Actual **Violation** Response Level

After the initial recommended response level is identified by the EBRV matrix, the agent shall consider other relevant factors in order to determine the actual response level. These factors include overall positive adjustment during the last six months of supervision, other adjustment to supervision (including prior violations and responses), stability factors, and aggravating or mitigating factors. If it is determined that none of the responses in the recommended level are appropriate, then these other considerations will be utilized to recommend a deviation (**override or underide**) from that level. All deviations from the recommended response level require the presence of at least one aggravating or mitigating factor from the provided list and must be staffed with a supervisor. One level deviation requires supervisory approval. Any deviation beyond one level requires the approval of the Regional Chief or designee.

### Aggravating Factors

- Violation behavior is criminal and is the same as the present criminal offense(s) or prior pattern of criminal behavior.
- Activity is a result of STG or Organized Crime Syndicate involvement.
- Behavior was motivated by racial, sexual or other prejudice.
- Victim was unable to defend himself or herself due to age, physical or mental impairment.
- Violation(s) resulted in a Failed ATR.
- Extreme cruelty or injury to victim; if not already specified in violation description.
- Current violation **event** includes multiple high or very high severity level violations (at least 3 or more).
- Multiple violations over a short period of time (90 days or less) and after unsuccessful, prior intervention and accountability responses have been attempted.

- Weapon or implied weapon usage in current violation, if not already specified in violation description
- Substantial probability of imminent harm to others as evidenced by recent acts, attempts or threats; or a DV Lethality Factors questionnaire was completed by Law Enforcement which has triggered a lethality protocol referral
- All available and appropriate responses at the recommended level have been attempted with continued non-compliance and no demonstration of change behavior.
- Higher level response is necessary to hold individual until residential treatment placement (At least one of the following factors must be applicable: history of absconding-not likely to comply with making himself or herself available; Program requires entry from secure facility; Prior overdoses - risk of death if released).
- Other as approved by Regional Office or Designee. This reason may be selected for persons on probation supervision solely for a Class B Misdemeanor or imposed and stayed jail sentence of less than 90 days and the person is close to time served.

### **Mitigating Factors**

- Positive engagement and progress with case plan goals; higher level response would significantly de-stabilize positive pattern established (90 days or greater)
- Extenuating circumstances: Lacked mental or physical capacity for judgment due to medically determined impairment; Significant life stressor prompted violation; or Behavior was a result of coercion, duress, or self-defense
- Time span between violation and discovery is substantial a higher-level sanction would be counterproductive to rehabilitation
- Other as approved by Regional Office or Designee

### **Determining Actual Violation Response**

Use responses that will both hold **clients** accountable (accountability response) and reduce the likelihood of future violations/criminal behavior (intervention/treatment response). When selecting accountability and external intervention/treatment responses, there should be at least one response at the actual response level determined. Any other responses must be at or below this level. This will eventually be changed based on the CAB that has been submitted. There will not be levels of intervention response in the future.

### **Accountability Response**

Accountability Responses aim to reduce crime by limiting the **client's** capacity to carry out new criminal acts or violations (risk control).

The least restrictive response that is appropriate to address the violation behavior should be utilized. Jail is not always necessary to hold a person accountable, and does not need to be lengthy to be effective. Unless there are unique circumstances, jail should only be used if there is a heightened risk to the public if the individual is not held.

If jail is chosen as an appropriate accountability response, the length of jail days is counted by the actual number of calendar days the **client** sits in jail, not business days. This is different than how agents will count days for purposes of hold extensions. When requesting extensions on the Order to Detain ([DOC-](#)

[212](#)), the agent will need to include the recommended level of response and approved override response (if applicable) on the rationale for extension request. Other relevant considerations should also be noted. The following are acceptable reasons for detention extensions:

1. Continued investigation; Public risk if released
2. Pending transport
3. Coordinating Response Plan; Non-ATR; public risk if released
4. Unable to serve 414 or 250 within policy time frames
5. Short-Term Sanction/Conditional Jail; awaiting approval

### **Accountability Response Options:**

#### **Level 1: Low Responses**

- Activity log requirement
- Apology Letter (Approved by Agent)
- Budget Worksheet/Expense Log
- Community Impact Statement
- Community Service Work (up to 4 hours)
- Curfew/Restricted Schedule
- House Arrest (1 to 3 days)
- Job log requirement
- Local geographic restrictions
- Loss of privileges
- No contact order (non-victim)
- Restrict contact with peers or specified group
- Rule amendment, not otherwise specified
- Social Media Restriction
- Verbal, in-person apology (with agent present)
- Verbal warning/reprimand from Agent
- Wage Assignment Requirement

#### **Level 2: Medium Responses**

- Amend existing GPS, EMP or Soberlink schedule
- Behavioral Agreement with clarifications of existing expectations – signed by client
- Community Service Work (5 to 8 hours)
- Conditional Jail Time (up to 20 days) (as ordered by Specialty/Tx Court judge or per stayed time on JOC)
- Electronic Monitoring < 60 days (EMP/Sobriator/TAD/Soberlink, etc.)
- Extension of Electronic Monitoring < 30 days (EMP, Sobriator, TAD, Soberlink, etc.)
- Extradition costs added to JOC or as part of ATR
- House Arrest (4 to 7 days)

- Increased office check-ins; temporary time frame (no face to face with agent required)
- Increased UA's and/or BA's
- Letter of reprimand from Supervisor or Chief
- No contact rule (victim)
- Require removal or disposal of unapproved possessions
- Require sale of certain items
- Residence change required
- Short-term jail hold (1 to 4 calendar days, including investigation and/or disciplinary time)
- Short-term sanction (up to 20 calendar days, including jail investigation time)
- Start time with time tolled (partial time)
- Travel restrictions
- Written warning – signed by **client**

### **Level 3: High Responses**

- Behavioral Agreement with new restrictions and/or expectations – signed by client
- Community Service Work (9 to 16 hours)
- Conditional jail time (21 to 44 days)
- Conference with Agent and Supervisor (in person)
- Court Review
- Electronic Monitoring 60 days or > (EMP/Sobriator/TAD/Soberlink, etc.)
- Extension of Electronic Monitoring > 30 days (EMP/Sobriator/TAD/Soberlink, etc.)
- Extension of GPS
- Extension of Probation
- Increase supervision level
- Jail hold; unique circumstance, including investigation time (5 to 44 calendar days)
- Placement on GPS (up to 90 days)
- Revocation of one **or more case (not all cases)** and leave other(s) active, if multiple cases
- Short-term sanction (21 to 44 calendar days)
- Start time with time tolled (full amount of time)
- TLP/**THS** placement (non-treatment - containment only)

### **Level 4: Very High Responses**

- Conditional jail time (45 to 90 days) (unless more time has been stayed by the court at the time of sentencing; other exceptions can be granted by Regional Chief or Designee)
- Short-term sanction (45 to 90 calendar days)
- Jail hold awaiting ATR placement (public safety issue or placement is required from jail) (45 to 60 days)
- Jail hold pending IC retake request response (45 to 60 days) (public safety issue)
- Interstate Compact - Retake
- Revocation (all cases)

## **Intervention Response**

Intervention/treatment responses seek to diminish the likelihood that a client will choose to commit another crime or violation (risk reduction).

Research indicates that effective interventions and staff interactions with an individual can have a profound impact on recidivism if the focus is on the right issues and appropriate time is devoted to the correct criminogenic needs and skill deficits.

The target of the intervention is the underlying criminogenic need driver(s) and/or skill deficit that is the influencing factor for the current violation behavior. The top 5 criminogenic needs (Anti-social cognition, Anti-social peers, Anti-social personality, Family/Marital, and Substance Abuse) are the only needs that are to be targeted to effectively address ongoing non-compliance. Any treatment or intervention not targeting criminogenic needs and/or skill deficits are counter-productive.

Consideration should be given to address any responsivity factors or other barriers that could negatively impact the implementation of treatment/interventions.

## **Defining Effective Interventions**

Only activities directly associated with the client's individual criminogenic need(s) and/or skill deficits - as determined through the COMPAS assessment along with professional assessment - will be considered effective interventions. Furthermore, only activities associated with the following criminogenic needs (top five) should be utilized:

- Antisocial Cognition (thoughts and beliefs)
- Antisocial Personality (coping skills)
- Antisocial Associates (friends)
- Family/Marital (family/relationships)
- Substance Abuse (drug and alcohol use)

In order for an activity to be considered an effective intervention, the activity must have a **cognitive-behavioral framework**. For example:

- Group and individual work that is designed to teach clients pro-social thinking and skills, and includes skill practice components, counts as effective interventions.
- Completing homework that is designed to assist clients in developing pro-social attitudes and behaviors counts, provided there is evidence the client in fact did the work. Evidence that the client did the work may include completed written work in their handwriting or the ability to describe what they did or learned in such a way that it is clear the work was completed in earnest.
- Although educational and other activities (e.g. attending school, working on GED, watching crime/drug prevention videos, attending a victim impact panel, completing community service) may be in the client's best interest, required by a court order or appropriate for purposes of reducing community harm, because they do not meet the requirements of cognitive-behavioral intervention, they are not considered effective interventions.

- Although employment activities are an important part of a pro-social lifestyle and clients should be encouraged to obtain/maintain work and achieve self-sufficiency, activities related to obtaining/ and/or maintaining employment are not considered effective interventions.
- To increase the likelihood of recidivism reduction, clients must be fully present and actively engaged in these interventions in order to be effective:
  - Attending cognitive-behavioral classes and actively participating in the dialogue and discussing/practicing the skills counts – absenting oneself from the discussion and skill practice activities does not count.
  - Completing a worksheet and being able to discuss what was learned counts – filling out a worksheet and being unable to substantively discuss it does not.

### **Agent Intervention Responses**

The Agent Intervention is not based on the actual level of response determined and instead should be an immediate, focused response related to the target issue identified as the primary influence for the current violation behavior. This response will specifically address the violation behavior. The Agent Intervention could be related to the same issue area or skill deficit that has already been identified and is being addressed in the Case Plan, but should be a clear, separate action.

Refer to the Core Correctional Practices (CCP) Decision-Making Tree for additional guidance in choosing the appropriate agent intervention.

Steps for determining and executing an appropriate Agent Intervention response:

1. Identify if the violation behavior was driven by a cognitive distortion/error OR a skill deficit/gap.
  - a. If driven by a skill deficit or skill gap, focus the Intervention on teaching the individual the skill.
    - i. Identify the skill deficit/gap
    - ii. Identify the appropriate skill practice
    - iii. Engage in skill practice with individual on supervision
    - iv. Use skill cards or skill cards app
    - v. Review and assess level of skill acquisition
    - vi. Determine additional skill practice that may be needed
  - b. If driven by a cognitive distortion/error, the agent intervention should be focused on re-directing the individual's thoughts.
    - i. Determine what stage of change the individual is in
    - ii. Provide a cognitive intervention based on the violation behavior and tailored to the individual's stage of change
      1. Pre-contemplative Stage Tools:
        - a. Cost-Benefit Analysis

- b. Other as applicable
- 2. Other Stages Tools:
  - a. Thinking Report
  - b. Behavior Chain
  - c. BIT
  - d. Change Company Journal
  - e. Carey Guide
  - f. Other Writing Assignment
  - g. Other Homework
  - h. Other as applicable

2. Review and update Case Plan as appropriate for any ongoing interventions that should be continued in the future to address the individual's identified issue areas.

#### **External Intervention (Programming/Treatment) Response Options**

The External Intervention Response is specifically related to programming and/or treatment and will not be based on the actual level of response determined. This response should be a focused response related to the target issue identified as the primary influence for the current violation behavior. This response will specifically address the violation behavior and could be related to the same issue area that has already been identified and is being addressed in the Case Plan, but should be a clear, separate action.

When determining if there is an appropriate external programming/treatment response for the violation behavior, the following factors should be considered:

- Risk of client
  - Generally, low risk clients should not be mixed in with higher risk clients in group programming settings.
- Responsivity/Stability factors
  - Generally, if the client has critical instability issues, such as homelessness, financial barriers, or is unable to provide for other basic needs, this should be addressed in order to increase the likelihood of successful participation.
  - If the client has significant, unaddressed mental health needs, it may be necessary to address prior to programming/treatment. These may include the following.
    - Suicidal/Homicidal ideation in past year
    - Client has been hospitalized in a psychiatric facility, not for drugs or alcohol, in the last year



- Agent has concerns about client's ability to function in a program due to cognitive or learning impairments
- If the client's underlying issue is identified as substance abuse, the first step normally should be to have them complete an assessment. Clients should ideally have an assessment to determine level of care needed. If this is unable to occur, the following factors can be taken into consideration when determining the appropriate level of programming response.
  - If they score probable or highly probable on the substance abuse scale of the COMPAS-R (and/or the driver has been identified as substance use),
  - If the current violation is related to substance use (or client has had substance use violations in the last 6 months),
  - If and when they have had other treatment, and
  - If there has been a recent overdose.
- Determination if this is a triggering event (the client has been stable up to this point, but a significant event has prompted them to engage in use or other harmful behavior) or an ongoing pattern.

#### **Anti-Social Cognition Options**

- Assessment for programming
- Pre-Contemplative or Pre-Treatment group
- Cognitive-behavioral intervention with current treatment provider
- Life Skills Program – Cognitive Behavioral focus
- Increase level of treatment participation
- Cognitive Behavioral Program
- Dialectic Behavioral Therapy (DBT) Program (Emotion Regulation/Cognitive)
- Jail/MSDF Cognitive Behavioral Program
- Residential Services Program with Cognitive Behavioral focus
- Other applicable service

#### **Anti-Social Personality Options**

- Assessment for anger management programming
- ODARA Assessment (DV Assessment)
- Other Assessment
- Pre-Contemplative or Pre-Treatment group
- Cognitive-behavioral intervention with current treatment provider
- Life Skills Program – Cognitive Behavioral focus
- Dialectic Behavioral Therapy (DBT) Program (Emotion Regulation/Cognitive)
- Cognitive Behavioral Program
- Domestic Violence Cognitive-Behavioral Program
- Anger Management Program
- Specialty Treatment Court (DV)
- Residential Services Program with Cognitive Behavioral focus
- Other Applicable Service

### **Family/Marital Options**

- Assessment for Anger Management Programming
- ODARA Assessment (DV Assessment)
- Other applicable Assessment
- Intervention with current treatment provider
- Dialectic Behavioral Therapy (DBT) Program (Emotion Regulation/Cognitive)
- Long term residential treatment program (>6 months)
- Other applicable service

### **Substance Use Options**

- Substance Use assessment
- Mental Health assessment
- Pre-Contemplative or Pre-Treatment group
- Intervention with current treatment provider
- Support Group
- Placement in a sober living program
- Relapse Prevention/Aftercare Program
- Outpatient Treatment
- Intensive Outpatient Treatment
- MAT (Medication Assisted Treatment)
- Peer Support/Recovery Support Services
- Alcohol/Drug Treatment Court
- Mental Health/SUD - Dual Diagnosis program
- Residential Treatment Program
- Jail/MSDF SUD Treatment Program
- Institution ATR AODA Treatment Program
- Other applicable service

### **Anti-Social Peers Options**

- Assessment for programming
- Assessment for Anger Management programming
- Intervention with current treatment provider
- Cognitive Behavioral Program
- Dialectic Behavioral Therapy (DBT) Program (Emotion Regulation/Cognitive)
- Other applicable service

### **Sex Offender Issues Options**

- Assessment for Sex Offender Treatment
- Intervention with current treatment provider
- Re-start Aftercare program
- Intensive Outpatient Treatment program
- Residential Sex Offender Treatment program

- Institution ATR for Sex Offender Treatment
- Other applicable service

### **Mental Health Issues Options**

- Mental Health assessment
- Referral for Individual Counseling
- Inpatient/Residential Mental Health Treatment
- Mental Health/SUD - Dual Diagnosis outpatient program
- Mental Health/SUD – Dual Diagnosis inpatient ATR
- Mental Health inpatient ATR
- OARS Program
- Other applicable service

### **Other agent responsibilities**

The case plan should be updated if an intervention response to the violation includes additional goals (intervention/treatment dosage) that were not previously a part of the case plan. The agent shall document all information regarding the violation, investigation process, and disposition of the violation per policy in COMPAS.

### **Revocation/Plotkin Analysis**

Revocation cannot be pursued as a response if the only violation is alcohol or substance use. In these circumstances, the behavior is a treatment issue and other responses should be utilized. It is acknowledged that a large number of clients have substance abuse issues and the role of the agent is to provide intervention options, while also addressing accountability. The reality is that some clients will discharge from supervision continuing to have substance abuse issues. Revocation is not always necessary in these types of cases to establish that accountability has been addressed. If all appropriate treatment options have been exhausted, revocation may be considered, only if it was part of the person's underlying conviction or specified as a condition of supervision on the Judgment of Conviction.

Persons on probation supervision solely for a Class B Misdemeanor or imposed and stayed jail sentence of less than 90 days and close to time served may be considered for revocation regardless of recommended EBRV response.

When there are sufficient grounds for revocation, the following standards must be applied to every case before revocation of supervision is initiated. At least one of the following criteria must be met:

- Confinement is necessary to protect the public from further criminal activity by the **client** OR
- The client is in need of correctional treatment which can most effectively be provided in a confined setting OR
- If it would unduly depreciate the seriousness of the violation if the probation was not revoked.

**ECRM > SUPERVISION > DCC > SUPERVISION PROCESS > VIOLATIONS >  
EVIDENCE BASED RESPONSE TO VIOLATIONS > .04 EBRV VIOLATIONS**

All violations shall be documented in the Evidenced-Based Response to Violations (EBRV) module in COMPAS. The EBRV/Violation Report due date in Workload Manager is set at 10 days from the initiation of an EBRV in order to track that an open EBRV is completed. This date is not associated with investigation timelines. There may be circumstances that necessitate EBRV completion by the agent beyond the 10 days, including an extended investigation, coordination of a treatment or ATR response, or other factors. The agent should staff these situations with their supervisor and get further guidance, documenting in Notes. Once an EBRV/Violation Report is completed and signed by the agent, a workload task is added to the Supervisor's due list to complete final approval and signature.

**Unsubstantiated Violations**

In the event an EBRV was initiated and it's determined that the violation(s) are not substantiated by evidence or no violation occurred (such as a GPS Equipment issue or an unsubstantiated claim), a COMPAS Note shall be completed indicating the details of the situation. The EBRV should be updated to document the unsubstantiated violation(s).

- Specifically, if there are other violations that have been substantiated, the primary violation (if different) should be updated to reflect the substantiated violation that is most serious. Any violations that are unsubstantiated should be captured by checking the "unsubstantiated violation" box under Violation Factors for each specific violation that has not been supported by evidence.
- If all violations are unsubstantiated, do not change the primary alleged violation that was identified and do not delete the EBRV. Mark all unsubstantiated violations under Violation Factors for each.
- If there are new violations identified as part of the investigation, add those violations to the same EBRV event and make sure to identify the primary violation.

**Jail Responses that do not follow the Actual Response Level Determined**

There are times when a client will be placed in jail or held in jail longer than the actual response level determined. In the EBRV, Non-evidence-based deviation reasons (ex. investigation discrepancy, mandatory detention policy, etc.) shall document any discrepancy between the Actual Response level determined and the accountability response/jail response that occurred.

**Failed ATR**

If there is a formal ATR used as a response to a violation event, this should be documented in the EBRV/Violation Report.

If the individual fails the ATR, this information is updated in the same EBRV:

- Add the new violation behavior(s) that prompted the failed ATR into the original EBRV violation event. Please note: Failed ATR's are captured in the original EBRV event in order to consistently

connect the original behavior prompting the ATR with the behavior that is now resulting in the Failed ATR. If revocation is pursued in response to the failed ATR, the original violations are combined with the new violations and will then be documented under the same EBRV event.

- If the EBRV has been closed, it will be necessary to un-sign and re-open the EBRV in order to make the necessary updates.
- If one of the violations prompting the failed ATR is a higher severity than the original primary violation, update the primary violation
- The ATR response should now be captured as the secondary response and update the current response (i.e. revocation) to be reflected as the primary response.
- Update and finish the EBRV, reflecting new response(s) as a result of violations prompting the failed ATR.

If the individual is in an ATR and commits violations during the ATR which do not result in termination of the ATR:

- These violations should be documented in separate EBRV events.
- If the ATR is a treatment court and likely termination from the program is pending a termination decision from the treatment court team, it may be necessary to delay determining if a new EBRV should be started or delayed pending this decision. These situations should be staffed with a supervisor to determine the appropriate course of action.
- If the client is ultimately terminated from treatment court, document this in the original EBRV using the Failed ATR process detailed previously.
- If a separate EBRV was inadvertently started and the person is then terminated from the Treatment Court for that violation behavior, delete the new EBRV and detail the failed ATR per appropriate procedure in the original EBRV.