

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 offender 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 offenders 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.

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- **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

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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.

Investigative Procedures

When an agent discovers evidence of possible violations of supervision by an individual, the agent must investigate the facts underlying the alleged violations. 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.

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.

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 accountability response and intervention response to the violation can be safely and effectively addressed while the client is in the community. If so, then it may be appropriate to release the client pending the final investigation of the violation.

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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.

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.

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.

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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.

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

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- 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.

.02 EVIDENCED-BASED RESPONSE TO VIOLATIONS

The overall goals of responding to violations are to hold clients accountable and to reduce the likelihood of future violations or criminal behavior. 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.

Key considerations in determining an appropriate 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.

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- 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.

A supervisor shall delete an open EBRV if a client absconds during an investigation, or otherwise becomes unavailable before the investigation is completed. When the client then becomes available, the EBRV should be re-started and completed at that time. The agent should enter a note in COMPAS to document the original violation(s) and the fact that the EBRV was deleted.

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The risk of the client, severity of the violation behavior and other pertinent factors, such as adjustment under supervision and mitigating/aggravating factors, determines the violation response.

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.

- 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.
- 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.

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 or 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.

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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).

All other violations can be found under the General typology and are designated by the prefix of GEN-TYP.

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 with Corresponding Holds Code

Low Severity Violations

GEN-TYP Criminal Trespass to Dwelling	305
<i>GEN-TYP Curfew violation</i>	<i>5001</i>
<i>GEN-TYP EMP/GPS schedule violation (<120 minutes)</i>	<i>2032</i>

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<i>GEN-TYP Enter prohibited establishment (non-sex offender)</i>	4200
<i>GEN-TYP Failure to comply with agent intervention</i>	3005
<i>GEN-TYP Failure to comply with community service</i>	2016
<i>GEN-TYP Failure to comply with court-ordered condition</i>	5005
<i>GEN-TYP Failure to comply with education or employment rule</i>	2000
<i>GEN-TYP Failure to comply with treatment requirement</i>	2029
<i>GEN-TYP Fail to pay financial obligations, non-child support</i>	2009
<i>GEN-TYP Failure to notify agent of police contact</i>	2006
<i>GEN-TYP Failure to Pay Child Support</i>	855
<i>GEN-TYP Failure to Provide Information as Directed by Agent</i>	2012
<i>GEN-TYP Failure to report as scheduled</i>	1010
<i>GEN-TYP Refusal of Court-Ordered Medication</i>	3010
<i>GEN-TYP Gambling</i>	835
<i>GEN-TYP Huber/Detention Facility violations (non-criminal)</i>	1997
<i>GEN-TYP Hunting and Fishing Crimes</i>	785
<i>GEN-TYP Inappropriate dress during office visit</i>	2010
<i>GEN-TYP Lying to Agent</i>	2007
<i>GEN-TYP Minor traffic violations</i>	1999
<i>GEN-TYP Misuse of Prescription or Other Medication</i>	3015
<i>GEN-TYP Municipal or ordinance violation</i>	5020
<i>GEN-TYP Negligent Handling of Burning Materials</i>	816
<i>GEN-TYP Other Criminal Low Level Violation</i>	990
<i>GEN-TYP Possession of items not approved by agent</i>	2031
<i>GEN-TYP Residence change, not approved by agent</i>	2001
<i>GEN-TYP Travel Violation</i>	1400
<i>GEN-TYP Underage Drinking or Possession of Alcohol</i>	922
<i>GEN-TYP Use of Alcohol</i>	4000
<i>GEN-TYP Violation of No Contact Order, Non-Victim</i>	2017
<i>GEN-TYP Other Non-Criminal LOW Violation</i>	7000

Medium Severity Violations

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DV-TYP Criminal Damage to Property, DV incident	851
<i>DV-TYP Use of Alcohol (if nexus to current DV or past DV offending)</i>	4050
<i>GEN-TYP Absconding</i>	1200
GEN-TYP Bail Jumping Misdemeanor-Charges filed	930
GEN-TYP Conspiracy	800
GEN-TYP Contribute to Delinquency of Minor, no sexual intent	862
GEN-TYP Criminal Damage to Property, Misdemeanor Level	852
GEN-TYP Criminal Drug Possession, Personal Use	732
GEN-TYP Disorderly Conduct Non-Assaultive	920
<i>GEN-TYP GPS location violation (non-victim related)</i>	2022
<i>GEN-TYP EMP/GPS schedule violations (>120 minutes)</i>	2023
GEN-TYP Enter Locked Vehicle	303
<i>GEN-TYP Failure to comply with testing</i>	2024
<i>GEN-TYP Failure to report to jail, non-criminal</i>	1105
GEN-TYP Issue of Worthless Checks	503
GEN-TYP Lewd and Lascivious Behavior, no sexual intent	647
GEN-TYP Loan Sharking	463
GEN-TYP Misconduct in Public Office	803
GEN-TYP Negligent Behavior Against Animals	310
GEN-TYP Obstruct Law Enforcement	783
GEN-TYP Other Criminal MED Violation	992
<i>GEN-TYP Other Non-Criminal MED Violation</i>	7100
GEN-TYP Possession of Drug Paraphernalia	733
GEN-TYP Prostitution/Soliciting a Prostitute	618
GEN-TYP Receive/Possess Stolen Property	409
<i>GEN-TYP Refused a Search</i>	2013
<i>GEN-TYP Refused UA or Other Testing</i>	2011
GEN-TYP Statutory Sexual Criminal Behavior	614
<i>GEN-TYP Tamper with Monitoring Equipment</i>	2025
GEN-TYP Tamper with Drug Testing/Use of Masking Agent	983
<i>GEN-TYP Termination from community-based programming</i>	3007

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GEN-TYP Theft/Shoplifting, Misdemeanor Level Behavior	400
<i>GEN-TYP Threatening Statements or Behavior</i>	1500
GEN-TYP Transfer of Encumbered Property	462
<i>GEN-TYP Unauthorized consensual sexual contact/relationship</i>	2028
<i>GEN-TYP Unauthorized possession of legal firearm or weapon</i>	2030
GEN-TYP Unlawful Assembly	802
<i>GEN-TYP Use of controlled, non-prescription substance</i>	7400
<i>OWI-TYP Driving without a valid license</i>	1995
<i>OWI-TYP Enter Alcohol Establishment; did not drive</i>	4300
<i>OWI-TYP Failure to Install IID</i>	4400
<i>OWI-TYP Use of Alcohol (no intent to drive established)</i>	4150
<i>SO-TYP Sex Offender Rules Violation (non-criminal)</i>	6000
<i>SO-TYP Use of Alcohol; nexus to current SO/past SO offense</i>	4100
<i>TXC-TYP Pattern of Failure to Comply with Treatment</i>	2040

High Severity Violations

GEN-TYP Bail Jumping Felony - Charges Filed	935
DV-TYP Possession of firearm or weapon-DV client	756
DV-TYP Verbal Threats	839
<i>GEN-TYP Absolute refusal of programming</i>	3000
GEN-TYP Arson, Intentional	815
GEN-TYP Burglary	302
GEN-TYP Causing Bodily Harm to Another (includes DV)	199
GEN-TYP Contribute to Delinquency of Minor, Sexually Motivated	630
GEN-TYP Criminal Damage to Property, Felony Level	853
GEN-TYP Criminal Drug Possession, Large quantity	734
GEN-TYP Embezzlement	461
GEN-TYP Escape or Huber Walkaway	780
GEN-TYP Exposing Genitals to Child	617
GEN-TYP Extortion, Solicitation, Bribery	801
GEN-TYP Extreme Cruelty to Animals	315

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GEN-TYP Failure to Comply with SORP, Criminal	613
GEN-TYP Fleeing and Eluding	970
GEN-TYP Forgery	500
GEN-TYP Fraud	460
GEN-TYP Harassment or Intimidation of a Witness or Victim	846
GEN-TYP Huber or Work Release Crimes	989
GEN-TYP Interference with Child Custody	843
GEN-TYP Keeping a Place of Prostitution	640
GEN-TYP Lewd and Lascivious Behavior	639
GEN-TYP Operate Motor Vehicle Without Owner's Consent	430
GEN-TYP Other Criminal HIGH Violation	995
<i>GEN-TYP Other Non-Criminal HIGH Violation</i>	<i>7200</i>
GEN-TYP OWI - Operate Motor Vehicle Under the Influence	984
GEN-TYP Perjury	828
GEN-TYP Possession of Burglary Tools	304
GEN-TYP Prescription Fraud	740
<i>GEN-TYP Removal of Monitoring Equipment</i>	<i>2026</i>
GEN-TYP Resist Arrest or Custody	784
<i>GEN-TYP Termination from Intensive Treatment program</i>	<i>3008</i>
GEN-TYP Theft Felony Level Behavior	401
GEN-TYP Threats to Probation and Parole Agent	844
GEN-TYP Threats, Intent Established	845
GEN-TYP Throw/Discharging bodily fluids at public safety worker	625
GEN-TYP Traffic Criminal, Felony Level/Non-OWI	986
<i>GEN-TYP Violation of no contact order with victim</i>	<i>2021</i>
GEN-TYP Violation of Restraining Order	848
<i>OWI-TYP Enter prohibited alcohol establishment after driving</i>	<i>4250</i>
<i>OWI-TYP Use of alcohol (established intent to drive)</i>	<i>4160</i>
<i>SO-TYP GPS Exclusion Zone Violation; victim typology based</i>	<i>2033</i>
<i>SO-TYP Intentional approach behavior; Victim Typology based</i>	<i>1600</i>
<i>SO-TYP Possession of unapproved items; Victim Typology based</i>	<i>2034</i>

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SO-TYP Violation of No Contact -Victim Typology based 1650

Very High Severity Violations

DV-TYP Possession of firearm/weapon with restraining order	754
<i>GEN-TYP Absolute refusal or rejection of supervision</i>	3020
GEN-TYP Aggravated Assault/Substantial Battery	202
GEN-TYP Attempted Murder	9
GEN-TYP Battery by Inmate	207
GEN-TYP Child Abuse or Neglect	205
GEN-TYP Child Enticement	616
GEN-TYP Child Pornography/Images Depict Child Nudity	612
GEN-TYP Crimes against Government	827
GEN-TYP Drug Sale, Manufacture, Distribute, Deliver Intent	712
GEN-TYP Endangering Safety or Reckless Endangerment	206
GEN-TYP False Imprisonment	842
GEN-TYP Homicide or Injury by Intoxicated Use of a Vehicle	12
GEN-TYP Human Trafficking	645
GEN-TYP Illegal Possession of Firearm/Weapon/Ammunition	755
GEN-TYP Incest	632
GEN-TYP Injury by Conduct Regardless of Life	203
GEN-TYP Kidnapping or Abduction	840
GEN-TYP Maintain a Drug House	741
GEN-TYP Murder	11
GEN-TYP Other Criminal VH Violation	997
<i>GEN-TYP Other Non-Criminal VH Violation</i>	7300
GEN-TYP Other Serious Sexual Criminal Behavior	615
GEN-TYP OWI - Child in Vehicle	985
GEN-TYP Reckless Use of Weapon	750
GEN-TYP Robbery, Armed	101
GEN-TYP Sexual Assault	610
GEN-TYP Sexual Assault of a Child	611

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GEN-TYP Stalking

849

GEN-TYP Strangulation or Suffocation

841

Evidence-Based Response to Violations Decision Matrix

		Risk Level		
		LOW	MEDIUM	HIGH
Severity of Violation	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 Response Level

Once the client risk level and violation behavior response level determines the initial recommended response level, the agent shall consider other relevant factors. 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, or override, 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 deviations require supervisory approval. Any deviation beyond one level requires the approval of the Regional Chief or designee.

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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 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 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

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- Other as approved by Regional Office or Designee

Determining Actual Response

Use responses that will both hold offenders 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.

Accountability Response

Accountability Responses aim to reduce crime by limiting the offender'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 offender 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:

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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

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- 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 offender

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 case 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 placement (non-treatment - containment only)

Level 4: Very High Responses

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- 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)

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- 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~~g~~ 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 will not be 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.

Steps for determining and executing an appropriate Agent Intervention response:

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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 Response Options

Low Response Options

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Anti-Social Cognition

- Assessment for Thinking for Change or other Cognitive Behavioral Program
- Other applicable Assessment
- Brief cognitive-behavioral intervention with current treatment provider
- Assessment for Thinking for Change or other Cognitive Behavioral Program
- Other applicable Assessment
- Brief cognitive-behavioral intervention with current treatment provider
- Other

Anti-Social Personality

- Assessment for Thinking for Change or other Cognitive Behavioral Program
- Assessment for Anger Management Program
- Assessment for Domestic Violence Program
- Other applicable Assessment
- Mental Health assessment
- Brief cognitive-behavioral intervention with current treatment provider
- Other

Family/Marital

- Assessment for Thinking for Change or other Cognitive Behavioral Program
- Other applicable Assessment
- Brief cognitive-behavioral intervention with current treatment provider
- Other

Substance Abuse

- Substance Abuse assessment
- Mental Health/Dual Diagnosis assessment
- Brief cognitive-behavioral intervention with current treatment provider
- Other

Other Sex Offender Issues

- Assessment for Sex Offender Treatment Program
- Brief cognitive-behavioral intervention with current treatment provider
- Other

Medium Response Options

Anti-Social Cognition

- Cognitive-Behavioral Program (CGIP, Thinking for a Change, MRT, etc.)
- Pre-Contemplative or Pre-Treatment Group
- Increase level of treatment participation
- Other Applicable Outpatient Treatment Program
- Meet with current treatment provider to discuss response plan
- Life Skills Program – Cognitive Behavioral
- Moderate level cognitive-behavioral intervention with current treatment provider
- Other

Anti-Social Peers (Address issues such as knowing the difference between positive and negative influence, assertiveness, or recognizing high risk situations)

- Cognitive-Behavioral Program (CGIP, Thinking for a Change, MRT, etc.)
- Recreation Skills Based Program
- Mentor Program
- Increase level of treatment participation
- Moderate intensity cognitive-behavioral intervention with current treatment provider
- Life Skills Program – Cognitive Behavioral
- Evidence Based Support Group
- Cognitive-Behavioral Program (CGIP, Thinking for a Change, MRT, etc.)
- Other Outpatient Treatment Program
- Anger management program
- Mental Health treatment/counseling
- Individual counseling
- Aggression Replacement Training
- Increase level of treatment participation
- Moderate level cognitive-behavioral intervention with current treatment provider
- Life Skills Program – Cognitive Behavioral
- Family/Marital Counseling

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- DV Treatment Program
- Other Outpatient Treatment Program
- Individual Counseling
- Increase level of treatment participation
- Meet with current treatment provider to discuss response plan
- Moderate level cognitive-behavioral intervention with current treatment provider
- Targeted individual sessions with treatment provider
- Parenting Class (cognitive behavioral or skills-based)
- Life Skills Program (Healthy Relationships/Effective Communication) Cognitive Behavioral
- Multi-Systemic approach (i.e. Human Services involvement)
- Outpatient AODA treatment
- Outpatient Dual Diagnosis treatment program
- Increase level of treatment participation
- Meet with current treatment provider to discuss/update relapse prevention plan amend relapse prevention plan
- Moderate level cognitive-behavioral intervention with current treatment provider
- Life Skills Program (Relapse Prevention, Avoiding High Risk Situations, etc.) Cognitive Behavioral
- Evidence Based Support Group
- OWI Treatment Program
- Relapse Prevention Program
- Outpatient Sex Offender Treatment
- Cognitive-Behavioral Program (CGIP, Thinking for a Change, MRT, etc.)
- Increased level of Sex Offender treatment participation
- Meet with current treatment provider to discuss response plan
- Moderate level cognitive-behavioral intervention with current treatment provider
- Polygraph required for treatment intervention
- Other

High Response Options

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Anti-Social Cognition

- Placement in Treatment-Based THS
- Intensive Day Treatment Program
- Intensive Outpatient Treatment Program
- Halfway House placement for cognitive behavioral programming
- Residential treatment program
- Placement in Treatment-Based THS
- Halfway House placement for treatment
- Intensive Day Treatment Program
- Intensive Outpatient Treatment Program
- Residential/confined treatment option
- Placement in Treatment-Based THS
- Halfway House placement for treatment
- Residential treatment program
- Intensive Day Treatment Program
- Intensive Outpatient Treatment Program
- Placement in Treatment-Based THS
- Halfway House placement for treatment
- Residential treatment program
- Intensive Day Treatment Program
- Intensive Outpatient Treatment Program
- DV Treatment Court
- AIM Treatment Court
- Placement in AODA Treatment-Based THS
- Substance Abuse Treatment Court
- OWI Treatment Court
- Intensive Day Treatment AODA Program
- Intensive AODA Outpatient Treatment Program
- Halfway House placement for AODA treatment
- Residential AODA treatment program
- Other

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Other Sex Offender Issues

- Intensive Outpatient sex offender treatment (i.e. moved from Aftercare back to treatment)
- Re-Start Aftercare program
- Re-start sex offender treatment
- Residential sex offender treatment program
- Institution ATR treatment program
- Long term residential treatment program (>6 months)

Anti-Social Peers

- Institution ATR treatment program
- Long term residential treatment program (>6 months)

Anti-Social Personality

- Institution ATR treatment program
- Long term residential treatment program (>6 months)

Family/Marital

- Institution ATR treatment program
- Long term residential treatment program (>6 months)

Substance Abuse

- Institution ATR AODA treatment program
- Long term residential AODA treatment program (>6 months)

Other Sex Offender Issues

- Institution ATR for sex offender treatment
- Long term residential sex offender treatment option (> 6 months)

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

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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 offender 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.

.04 EBRV/VIOLATION REPORT

All violations shall be documented in the Evidenced-Based Response to Violations (EBRV) module in COMPAS. The EBRV must be completed and signed by the agent within ten days of initiating the EBRV. Then, it is submitted to the supervisor for final approval and signature. There may be circumstances that allow for completion beyond the due date. The agent should staff these situations with their supervisor and get further guidance, documenting in Notes.

Unsubstantiated Violations

In the event an EBRV was initiated and it's determined that no violation occurred (such as a GPS Equipment issue or an unsubstantiated claim), a COMPAS Note shall be completed

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indicating the details of the situation. The EBRV should be updated to document the unsubstantiated violation(s). Specifically, 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. If there are new violations identified as part of the investigation, add those violations to the same EBRV event.

Non-evidence based deviation reasons (ex. investigation discrepancy, mandatory detention policy, etc.) shall document any discrepancy between a recommended accountability response and the actual jail response that occurred.

Failed ATR

If the individual failed an ATR, add the new violation behavior(s) that prompted the failed ATR into the original EBRV violation 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. Update the primary violation (only if one of the violations prompting the failed ATR is a higher severity than the original primary violation) and finish/update the EBRV. 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.

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, 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.

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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.