

## Evidence-Based Response to Violations (effective 10/03/16)

### .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 offenders 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 takes into account 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 offenders 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 offender's violation behavior.

### Definitions

**Violation** = Action in which an offender 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 offender'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 an offender 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 offenders that are 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 offender's criminogenic needs/drivers in the

development of a comprehensive case plan. Any treatment or intervention not targeting criminogenic needs/drivers is counter-productive to efficiency and effectiveness.

**Responsivity Factors** – Offender characteristics that affect how they will respond to an Agent, Therapist or Treatment Provider. Characteristics such as age, gender, culture, learning style, intelligence, mental health, etc., influence how offenders 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 individual offender.

### **Investigative Procedures**

When an agent discovers evidence of possible violations of supervision by an offender, the agent must investigate the facts underlying the alleged violations. If evidence supports that a violation of supervision has occurred, the agent must consider the offender's overall risk to reoffend (based upon the most recent COMPAS Risk Assessment score), 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 offenders accountable and reduce the likelihood of future violations or criminal behavior, but will not always result in the offender being placed in custody. It is important to resolve issues at the lowest possible level, and to address the risk factor that is driving the violation behavior.

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

If an offender has already been placed in custody (i.e. after-hours hold, new criminal arrest, apprehension request, etc.) the agent must meet with the offender in a timely manner to get the offender's statement regarding the allegation(s). If the evidenced-based response to the violation does not support a custody response, the agent does have the ability to release the offender from custody and investigate the violation and determine the appropriate response. Releasing an offender prior to completing a full investigation may be staffed with a supervisor in making this determination. Circumstances around the violation and relevant factors regarding the offender (i.e. risk to community) must be considered when determining if an offender needs to 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 offender is in the community. If so, then it may be appropriate to release the offender pending the final investigation of the violation.

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 an offender 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 an offender is not unjustifiably deprived of their rights or their freedom.

An agent must interview the offender and secure a written statement using a DOC-1305. The agent must advise the offender of the Thompson warning in advance indicating that 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 offender refuses to give a statement regarding a violation, he/she shall be advised that he/she is obligated by the rules to do so. The offender shall also be advised that the refusal itself is a violation of supervision and will be considered along with other violations.

The agent shall obtain available police reports and may, if appropriate, interview the arresting officers. They shall obtain any other available documentary evidence.

Witnesses and other collateral sources may be interviewed and written statements obtained.

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

- victim, witness, and offender 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
- offender'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. The agent from that area should assist in 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.

It is advisable, prior to interviewing victims of sexual assaults or juvenile victims, 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 Victim Services Office may be able to also provide additional guidance.

## **.02 EVIDENCED-BASED RESPONSE TO VIOLATIONS**

The overall goals of responding to violations are to hold offenders 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 offenders 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 risk factor (usually one of the top five).
- Effective responses to non-compliance address the risk factor rather than solely focusing on the behavior.
- The focus should be on helping offenders engage in appropriate behaviors.
- Violations are 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 offenders who appear most likely to violate rules or conditions.
- Give low risk offenders stabilization services (e.g. housing, medical, transportation) rather than those that target behavioral change.
- Use incentives to enhance motivation.
- Incarceration does not change behavior. It temporarily stops the behavior.
- Graduating sanctions has not been demonstrated to change behavior.
- Supervision without effective interventions does not change behavior.
- 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. This is to ensure that the response is not more intrusive or restrictive than necessary and is proportionate with the severity of the behavior.

Determining a response to violation behavior will take into account the risk of the offender and the severity of the violation behavior, as well as other pertinent factors such as adjustment under supervision and mitigating/aggravating factors.

The first step in determining an initial recommended response level is identifying the offender's COMPAS Risk Level (Low, Medium, High). This score should be taken from the most recent COMPAS Primary, Core, or Re-Entry completed utilizing the overall recommended risk level (which is a combination of the General Recidivism Score and the Violent Recidivism Score). The Very High risk level can be utilized if the COMPAS Risk Score of the General and Violent Recidivism Scores are a combination of one of the following: 9/10, 10/9, or 10/10; or a Static 99R has been completed and the result is High. In the event that 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 offender. 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.

The final step in determining the initial recommended response level is applying the COMPAS Risk Level and Violation Severity Level to the Violation Matrix and finding the corresponding response level.

### **Violation and Severity Levels with Corresponding Holds Code**

#### **No Violation**

- Unsubstantiated violation behavior
- GPS Equipment Issue - No Violation

#### **Low Severity Violation**

- Curfew violation (5000)
- EMP/GPS schedule violation (<60 minutes) (2020)
- Enter prohibited establishments (non-sex offender) (4200)
- Failure to comply with agent intervention requirements (i.e. homework, skill practice) (3005)
- Failure to comply with community service (2016)
- Failure to comply with court-ordered condition not otherwise specified (5005)
- Failure to comply with court-ordered EMP enrollment (2022)
- Failure to comply with court-ordered IID installation (5010)
- Failure to comply with educational or employment requirements (2002)
- Failure to comply with treatment requirement (2019)
- Failure to meet financial obligations (non-criminal) (2009)
- Failure to notify agent of police contact (2006)
- Failure to Pay Child Support (0855)
- Failure to Provide Information as Directed by Agent (2012)
- Failure to report as scheduled, <30 days and unexcused (1000)
- Failure/Refusal to Take Medications as prescribed (3010)
- Gambling (0835)
- Huber/Detention Facility violations (non-criminal) (2005)
- Hunting and Fishing Crimes (0785)
- Inappropriate dress during office visit (2008)(i.e. gang related, drug related, or as deemed inappropriate by agent)
- Leaving state without a travel permit, or other travel restriction violations (1400)
- Lying to agent verbal or written (2007)
- Minor traffic violations (2003)(i.e. driving with a suspended or revoked license)
- Non-assaultive municipal or ordinance violation (5020)
- Other Criminal Low Level Violation (Not Otherwise Specified) (0990)

- Other Non-Criminal Low Level Violation (Not Otherwise Specified) (7000)
- Possession of items not approved by agent (non-criminal) (2031)
- Residence change, not approved by agent (non-registered sex offender) (2001)
- Unexcused Absence From Required Programming/Treatment (3006)
- Use of Alcohol (4000)

### **Medium Severity Violation**

- Absconding, >30 days and <6 months (1200)
- Bail Jumping- Misdemeanor Level Charge (0930)
- Criminal Damage to Property, Misdemeanor Level (0850)(Includes Graffiti)
- Criminal Drug, Simple Possession (0732)(Includes for Personal Use; Possession of Drug Paraphernalia) Crimes Against Animals, Misdemeanor Level Behavior (0310)
- Disorderly Conduct Non-Assaultive (0920)
- Domestic Abuse, Misdemeanor Level Behavior (0220)
- EMP/GPS schedule violations (>60 minutes) (2023)
- Failure to comply with SORP (non-criminal) (2004)
- Failure to comply with testing (2024) (Sobriator, UA, PBT, Soberlink)
- Failure to Report, Pattern established (at least 3 or more FTR in 60 day period) (1100)
- Issue of Worthless Checks, Misd Level Behavior (0501)
- Loan Sharking (0463)
- Misconduct in Public Office (0826)
- Misuse of Prescription Medication (3015)
- Negligent Handling of Burning Materials (0816)
- Obstruct Law Enforcement (0783)
- Other minor assaultive, municipal or ordinance type violations (2004)
- Other Criminal Med Level Violation (Not Otherwise Specified) (0992)
- Other Non-Criminal Med Level Violation (Not Otherwise Specified) (7100)
- Prostitution/Soliciting a Prostitute (0638)
- Receive/Possess Stolen Property (0409)
- Refuse UA or Other Testing (2011)
- Refused a Search (2013)
- Sex Offender rules violations (non-criminal) (6000)
- Statutory Sexual Criminal Behavior (0609)(unforced sexual act with someone between the ages of 16 and 18; and meets statutory sex offense criteria)
- Tamper with Monitoring Equipment (2025)(EMP, Sobriator, TAD, Soberlink)
- Termination from community-based programming (non-ATR) (3001)
- Theft, Misdemeanor Level Behavior (includes Shoplifting) (0400)
- Threats, Verbal and Written (non-criminal) (1500) (mandatory custody policy still applies)
- Transfer of Encumbered Property (0462)
- Unauthorized consensual sexual contact or relationship with an adult, if required to have prior approval (2018)
- Unauthorized possession of legal firearm/weapon/ammunition by non-violent/non-DV misdemeanant (2030)
- Underage Drinking/Possession of Alcohol (0922)
- Unlawful Assembly (0825)
- Use of any controlled, non-prescription, or mood altering substance (0700) (Positive test result or offender admittance)
- Violation of No Contact Order, Non-Victim (2017) (i.e. co-defendants, negative influences, etc.)

### **High Severity Violation**

- Absconding, >6 months (1300)
- Absolute refusal to comply with Treatment/Programming (3000) (After unsuccessful attempts have been made through Motivational Interviewing and/or Pre-Contemplative groups to bring offender into compliance)
- Arson, Felony Level Behavior (0815)
- Battery, Misdemeanor Level Behavior (0200)
- Bail Jumping- Felony Level Charge (0935)
- Burglary, Unarmed (0302)
- Contribute to Delinquency of Minor (Sexually motivated) (0630)
- Conspiracy (0820)

- Contribute to Delinquency of Minor (non-sexually motivated) (0870)(includes Furnishing Alcohol to Minors)
- Crimes Against Animals, Felony Level Behavior (Mistreatment or Neglect) (0315)
- Criminal Damage to Property, Felony Level Behavior (0851)
- Criminal Trespass to Dwelling (0305)
- Domestic Abuse, Felony Level Behavior (0225)
- Extortion, Solicitation, Bribery (0821)
- Short-Term Sanction (<60 days)\*\*for Hold Code purposes (0333)
- Criminal Drug Possession (0734)
- Embezzlement (0461)
- Enter Locked Vehicle (0303)
- Fail Formal ATR (community based, outpatient) (3003)
- Failure to Comply with SORP, Criminal (0608)
- Failure to report to jail (non-criminal) (1105)
- Forgery (0500)
- Fraud (0460)
- Harassment/Intimidation of a Witness or Victim (0846)
- Huber/Work Release Crimes (0988)
- Interference with Child Custody (0843)
- Issue Worthless Checks, Felony Level (0502)
- Keeping a Place of Prostitution (0640)
- Lewd and Lascivious Behavior (0639)
- Operate a Motor Vehicle Under the Influence of Alcohol or Other Drugs (Non-Felony) (0984)
- Operating Motor Vehicle Without Owner's Consent (0430)
- Other Criminal High Level Violation (Not Otherwise Specified) (0995)
- Other Non-Criminal High Level Violation (Not Otherwise Specified) (7200)
- Perjury (0828)
- Possession of Burglary Tools (0304)
- Possession of Drug Paraphernalia (0733)
- Possession of firearm/weapon/ammunition by Felon or DV offender (0756)
- Possession of illegal firearm/weapon/ammunition (non-Felon/non-DV) (0755)
- Prescription Fraud (0740)
- Removal of Monitoring Equipment (2026)(EMP/TAD equipment/Sobriator/Soberlink)
- Resist Law Enforcement (0784)
- Tamper with UA Specimen/Testing or Use of Masking Agent, Criminal (0987)
- Tamper/Removal of GPS equipment, Non-Criminal (2027)
- Termination from Specialty Court, Inpatient or Residential Treatment program (non-ATR) (3002)
- Violation of no contact order with victim (2015)

#### **Very High Severity Violation**

- Absolute refusal to comply with Supervision (3020) (After unsuccessful attempts have been made to bring offender into compliance through Motivational Interviewing, Professional Alliance building, etc.)
- Aggravated Assault/Substantial Battery (0202)
- Attempted Murder (0009)
- Battery by Inmate (0201)
- Burglary, Armed (0301)
- Child Abuse/Neglect (0205)
- Child Enticement (0633)
- Child Pornography/Images Depict Nudity (0607)
- Crimes against Government (Treason, Sabotage, Sedition, Terrorism, etc.) (0827)
- Drug Sale, Manufacture, Distribution, Possession with Intent to Deliver (0711)
- Endangering Safety, Reckless Endangerment (0206)
- Escape/Huber Walkaway (0780)
- Exposing Genitals to Child (0634)
- Fail Formal ATR (Institution, Halfway House, Inpatient Treatment, Treatment Court) (3004)
- False Imprisonment (0842)
- Homicide by Intoxicated Use of a Vehicle (0019)

- Human Trafficking (0645)
- Incest (0632)
- Injury by Conduct Regardless of Life (0203)
- Injury by Intoxicated Use of a Vehicle (0204)
- Kidnapping/Abduction (0840)
- Maintain a Drug House (0741)
- Manslaughter (Abortion, Death of Mother) (0010)
- Murder (0001)
- Operate Motor Vehicle Under the Influence of Alcohol or Other Drugs (Felony level) (0985)
- Other Criminal VH Level Violation (Not Otherwise Specified) (0998)
- Other Non-Criminal VH Level Violation (Not Otherwise Specified) (7300)
- Other Serious Sexual Criminal Behavior (Not Otherwise Specified) (0631)
- Possession of firearm/weapon/ammunition by offender with active restraining order (0754)
- Rape/Attempted Rape – Old Criminal Code (0600)
- Reckless Use of Weapon (0750)
- Robbery, Armed (0101)
- Robbery, Unarmed (0100)
- Sexual Assault (0605)
- Sexual Assault of a Child (0606)
- Short-Term Sanction (> 60 days)\*\*for Hold Code purposes (0335)
- Stalking (0849)
- Strangulation/Suffocation (0841)
- Tamper or Removal of GPS Equipment, Criminal (0860)
- Threats Criminal (0845)
- Violation of a Restraining Order (0848)

**Evidence-Based Response to Violations Decision Matrix**

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

**Determining Actual Response Level**

Once the recommended response level is determined, the agent should review the available suggested responses associated with that level to determine if that response level is appropriate. They will then look at other relevant

considerations such as overall positive adjustment during the last six months of supervision, other adjustment to supervision, 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 at least one aggravating or mitigating factor from the provided list and must be staffed with a supervisor. If the deviation requested is only one level, it requires the approval of a corrections field supervisor. Any deviation beyond one level requires the approval of the Regional Chief or designee.

### **Aggravating Factors**

- Nexus to current crime or relevant historical crime (violation directly increases the risk to re-offend)
- Activity is related to substantiated, coordinated criminal enterprise participation (i.e. STG, Organized Crime Syndicates, etc.)
- Activity is the result of the offender intentionally choosing the victim based on factors that constitute a hate crime.
- Vulnerability of victim
- Extreme cruelty or injury to victim
- Current violation includes multiple high or very high severity level violations
- 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 included in violation behavior as identified from levels chart)
- Substantial probability of imminent harm to self or others as evidenced by recent acts, attempts or threats.
- After providing interventions and responses to prior violations, offender continues non-compliance and all available and appropriate options have been exhausted
- Other as approved by Regional Office

### **Mitigating Factors**

- Lacked substantial capacity for judgment due to physical or mental impairment, as validated by a medical professional
- Actively and consistently has demonstrated positive engagement and progress with case plan goals (6 months or greater)
- Higher level sanction would significantly de-stabilize positive pattern established
- Extenuating personal circumstances/Significant life stressors
- Time span between violation and discovery is substantial, and higher level sanction would be counterproductive to rehabilitation
- Coercion or Duress
- Self-Defense
- Other as approved by Regional Office

### **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 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 Response aims to reduce crime by limiting the offender's capacity to carry out new criminal acts or violations (risk control).

If jail is chosen as an appropriate accountability response, the length of jail is determined 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.

### **Accountability Response Options:**

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

- Activity log requirement

- Apology Letter (Approved by Agent)
- Garnishment of wages
- Job log requirement
- Local geographic restrictions
- Loss of privileges
- Other no contact order
- Restrict contact with peers
- Restricted schedule/Curfew (Verbal, Short-Term and Non-EMP/GPS)
- Rule amendment
- Verbal warning/reprimand from Agent

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

- Amend existing GPS schedule
- Behavioral Contract – signed by offender
- Conference with Agent and Supervisor
- Court review
- Electronic Monitoring
- Extension of probation (only for non-payment or failure to comply with court-ordered treatment)
- House arrest (1 to 3 days)
- Impose community service work hours
- Increased reporting/supervision level
- Increased UA's and/or BA's
- Letter of reprimand from Supervisor or Chief
- Payment of extradition costs
- Placement on UA/BA/Sobriety/TAD
- Require removal or disposal of unapproved possessions
- Require sale of certain items
- Residence change required
- Travel restrictions
- Short term jail hold (1 to 4 calendar days)
- Start time with time tolled
- Written warning – signed by offender

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

- Conditional jail time (<60 days)
- ES Sanction (<60 days)
- Jail hold (5 calendar days or >)
- Placement on GPS
- Revoke of one case and leave other(s) active
- TLP non-treatment (containment only)

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

- Conditional jail time (60 days or >)
- ES Sanction (60 to 90 days)
- Extended jail hold pending ATR placement
- Extended jail hold per Regional Office approval
- Revocation

#### **Intervention Response**

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

Research indicates that effective interventions and staff interactions with an offender 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.

The target of the intervention is the underlying criminogenic need driver(s) 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 are counter-productive. Consideration should be given to address any responsivity factors or other barriers that could impact the implementation of treatment/interventions.

### **Defining Effective Interventions**

Only activities directly associated with your offender's individual criminogenic need(s) - 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 offenders pro-social thinking and skills, and includes skill practice components, counts.
- Completing homework that is designed to assist offenders in developing pro-social attitudes and behaviors counts, provided there is evidence the offender in fact did the work. Evidence that the offender did the work may include completed written work in their handwriting or the ability to describe what they did/what they 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 offender'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.
- Although employment activities are an important part of a pro-social lifestyle and offenders should be encouraged to obtain/maintain work and achieve self-sufficiency, activities related to obtaining/maintaining employment are not considered effective interventions.

To increase the likelihood of recidivism reduction, offenders 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.

### **Parameters and timeframes for the Effective Intervention response to violation**

For purposes of ease, the effective intervention will be counted in 15 minute increments (rounding up or down). All interventions should be a MIN of 10 minutes to be counted as an effective intervention. A 5 minute intervention would not count as the duration is simply too short to have an impact.

**Homework** (i.e. Carey Guides, BITS, Tool Box Assignments, etc.)

The amount of time spent on homework is sometimes difficult to ascertain. For purposes of consistent documentation and determining level of response, a homework assignment will be: 15, 30 or 45 minutes based on the level intervention determined. This will depend on the probation agent's assessment of the relative ease or complexity of the assignment for the offender, and the amount of work invested, as follows:

- 15 minutes: simple assignment, relatively easy for the offender, minimal effort required, assignment completed satisfactorily
- 30 minutes: moderate assignment, required more time and thought on the offender's part, assignment completed satisfactorily
- 45 minutes: difficult assignment involving more time reflecting, writing and/or practicing the skill, assignment completed satisfactorily

### **Agent Intervention Responses**

Low Intensity Agent Intervention Response = Brief Intervention of 15 minutes or less (i.e. BITS, or other simple

assignment or skill practice)

Medium Intensity Agent Intervention Response = Moderate Intervention of 15 to 30 minutes

High Intensity Agent Intervention Response = Intensive Intervention of 30 to 45 minutes

Very High Intensity Agent Intervention Response = Very Intensive Intervention of 30 to 45 minutes or more in a confined or residential placement type of setting.

The response to violation(s) is intended to be an immediate, focused response related to the target criminogenic need identified as the primary influence for the current violation behavior. It also should be understood that ongoing dosage/interventions should continue to be provided as part of the case plan and is applied by offender risk/supervision level.

**\*\*\*Intervention response is distinguished by intensity and options are listed under each response level as follows. It should be noted that agent interventions in response to a violation should be applied based on the specific criminogenic need that is identified for the target of intervention for the current violation behavior.**

### **Agent Intervention Response Options**

#### **Level 1: Low Response**

- Low Intensity Homework
- Low Intensity Deficit Skill Practice (Modeling, Problem Solving Role Play, Real Life Practice, etc.)
- Low Intensity Cognitive Intervention (i.e. Thinking Report, Behavior Chain, etc.)
- Low Intensity Writing assignments (i.e. Identify triggers, high risk situations, etc.)

#### **Level 2: Medium Response**

- Moderate Intensity Homework
- Moderate Intensity Deficit Skill Practice (Modeling, Problem Solving Role Play, Real Life Practice, etc.)
- Moderate Intensity Cognitive Intervention (i.e. Thinking Report, Behavior Chain, etc.)
- Moderate Intensity Writing assignments (i.e. Identify triggers, high risk situations, etc.)
- Relapse Prevention plan

#### **Level 3: High Response**

- High Intensity Homework
- High Intensity Skill Practice (Modeling, Problem Solving Role Play, Real Life Practice, etc.)
- High Intensity Cognitive Intervention (i.e. Thinking Report, Behavior Chain, etc.)
- High Intensity Writing assignments (i.e. Identify triggers, high risk situations, etc.)

#### **Level 4: Very High Response**

- Very High Intensity Agent dosage concurrent with ES Sanction or other extended jail
- Very High Intensity Liaison Agent dosage concurrent with placement

### **External Intervention Response Options**

#### **Low Response Options**

##### **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

- 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**

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

- Placement in Treatment-Based TLP
- Intensive Day Treatment Program
- Intensive Outpatient Treatment Program
- Halfway House placement for cognitive behavioral programming
- Residential treatment program
- < > Placement in Treatment-Based TLP
- Halfway House placement for treatment
- Intensive Day Treatment Program
- Intensive Outpatient Treatment Program
- Residential/confined treatment option
- < > Placement in Treatment-Based TLP
- Halfway House placement for treatment
- Residential treatment program
- Intensive Day Treatment Program
- Intensive Outpatient Treatment Program
- < > Placement in Treatment-Based TLP
- 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 TLP
- 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

#### **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

- 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
- 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)

- 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**

When there are sufficient grounds for revocation, the following standards must be applied to every case before supervision may be revoked. 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 offender 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 VIOLATION REPORT**

All violations shall be documented in the Evidenced-Based Response to Violations module in COMPAS. Violation reports must be submitted to the supervisor within five days of release from custody or from the date of disposition decision.

In the event an offender is taken into custody and it's determined that no violation occurred (such as a GPS Equipment issue or an unsubstantiated claim), a COMPAS Note shall be completed indicating Violation Staffing, and EBRV will be started selecting the appropriate no violation option under the violations drop downs.