

## **Section 4-G: GRADUATED RESPONSE SYSTEM**

**References:** OCGA § 15-11-66

### **Definitions**

1. *Administrative Review:* A meeting authorized and conducted by the field operations supervisor to determine if a technical violation can be resolved without formal court intervention.
2. *Incentives:* A system of positive reinforcements used by the field officer to encourage and support positive behavior, positive changes, and compliance with court ordered conditions of probation.
3. *Judicial Review:* An informal hearing authorized by the field operations supervisor and conducted by a judge to determine if a technical violation constitutes willful disobedience of a direct court order.
4. *Minor Violation:* A technical violation of probation/supervision that is relatively minor in nature, usually involving the failure to abide by some term or condition of probation/supervision.
5. *Moderate Violation:* A technical violation of probation/supervision that is more serious in nature than a *minor violation* or one that constitutes a new offense involving a minor misdemeanor, but that does not present a situational risk to the persons or property of others. A second or subsequent *minor violation* may be treated as a *moderate violation*.
6. *Sanctions:* Types of responses to technical violations of probation/supervision the field officer may implement to resolve such violations without court intervention by complaint, petition, or warrant.
7. *Serious Violation:* A new offense involving a felony or a high and aggravated misdemeanor; a third minor violation or a second moderate violation may be treated as a serious violation if the circumstances of the events pose a situational risk.
8. *Situational Risk:* Circumstances surrounding a technical violation or other offense that suggests the juvenile is a risk to himself or others, to the property of others, or to abscond or be removed from home or the jurisdiction of the court.
9. *Technical Violation:* The failure to comply with or abide by a general or specific term or condition of probation/supervision that does not involve a new delinquent act or court-mandated detention.

### **Introduction to the Graduated Response System**

The purpose of a graduated response system is to enable the probation staff to quickly and effectively address technical violations of probation and minor law infractions without the involvement of the court and to encourage positive behaviors, positive changes, and compliance with the treatment plan and court ordered conditions of probation. The response system consists of incentives and sanctions.

### **Incentives**

A system of incentives and positive reinforcements should be used to encourage and support positive behavior, positive changes, and compliance with court ordered conditions of probation. Incentives should be individualized. Often, the most effective incentives are those that the parent and juvenile

suggest. The field officer may consult the following table for an example of a continuum of incentives that might be used to encourage desired behavior and change.

**Example Continuum of Incentives for Probated Juveniles**

Positive Acknowledgement and Recognition for Progress and Compliance	Earned Privileges	Modifications to Non-Treatment Conditions of Probation	Reduced Level of Supervision and Early Termination
<ul style="list-style-type: none"> <li>• Regular encouragement and positive recognition by PO and others involved with the juvenile's supervision whenever there is positive progress in problem areas or compliance issues</li> <li>• Strength-based approaches that build on and acknowledge positive behaviors and accomplishments</li> <li>• Certificates for successful completion of classes or programs</li> <li>• Recognition by the judge in a court hearing for positive progress and compliance with probation conditions</li> <li>• Individualized acknowledgement and recognition suggested by parents and/or school officials</li> </ul>	<ul style="list-style-type: none"> <li>• Extended driving privileges</li> <li>• Permission to participate in certain recreational activities or community events</li> <li>• Permission for travel or extended travel</li> <li>• Earned free time with pro-social peers</li> <li>• Special privileges suggested by the juvenile and/or parents</li> </ul>	<ul style="list-style-type: none"> <li>• Adjustments in curfew requirements</li> <li>• Modifications in reporting requirements</li> <li>• Modification in electronic monitoring requirements</li> <li>• Reduction of community services hours given as a sanction</li> <li>• Reduction in the frequency of drug screens</li> <li>• Reduction in required telephone reporting requirements</li> <li>• Reduction in number of required face-to-face contacts with PO (not to go below minimums required for supervision level by policy)</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced level of supervision and reporting requirements (requires supervisory approval through the application of the reassessment instrument)</li> <li>• Additional earned free time with pro-social peers</li> <li>• Additional reductions in curfews and monitoring</li> <li>• Request for early termination from probation/supervision</li> </ul>

**Sanctions**

A graduated system of interventions and sanctions that is consistently applied ensures that juvenile offenders on probation will face uniform, immediate, and consistent consequences that correspond to the seriousness of the violation.

When a probationer or status offender fails to comply with the terms or conditions of probation/supervision, the field officer shall immediately employ one or more graduated sanctions prior to filing a complaint, petition, or requesting that a warrant be issued, unless the nature and circumstances of the violation present a situational risk.

The field officer shall use the following *Graduated Sanctions Response Grid* to assist him/her in the application of sanctions; however the grid is not meant as a mandate for the type of sanction to be

used for a given violation. Field officers and supervisors are encouraged to use their professional training and experience to fashion an appropriate sanction for the given violation. To determine the seriousness of a violation, the field officer should consider the following:

1. Did the violation behavior have an impact on the victim(s) and or witness(es) of the underlying offense(s)? Contact with the victim should be considered either a MODERATE violation for indirect contact, or a SERIOUS violation for direct contact, especially if the victim felt intimidated or threatened.
2. Did the violation behavior have an impact on the community? Community impact moves the violation into the MODERATE or SERIOUS categories, especially if someone was physically harmed or property was destroyed.
3. How was the violation behavior related to the behavior that led to the underlying and/or past offense(s)? When aspects of the violation behavior are similar to the juvenile's offense history, the violation is MODERATE. When the violation behavior is clearly the same as the underlying and/or past history, the violation is SERIOUS
4. Frequency of probation violations.
5. Duration of time over which the violation(s) occurred.
6. Overall compliance with the treatment plan and conditions of probation.

### GRADUATED SANCTIONS RESPONSE GRID

MINOR VIOLATIONS	LOW-LEVEL SANCTIONS
<ul style="list-style-type: none"> <li>▪ Disruptive behavior, disobedience</li> <li>▪ Truancy and other status offenses</li> <li>▪ Failure to report as directed</li> <li>▪ Curfew violation</li> <li>▪ Association with prohibited persons</li> <li>▪ Failure to pay supervision fee or restitution, or failure to complete community service</li> <li>▪ Minor school infractions (not involving new offenses)</li> <li>▪ First positive drug screen</li> <li>▪ Leaving home without permission (returns on his/her own)</li> <li>▪ Other non-compliance with general or specific terms and conditions of probation/supervision</li> </ul>	<ul style="list-style-type: none"> <li>▪ Verbal warning by probation officer</li> <li>▪ Written warning by probation officer</li> <li>▪ Educational assignment</li> <li>▪ Apology letters</li> <li>▪ Temporarily increased reporting instructions or contact with juvenile and/or parent/guardian</li> <li>▪ Additional restrictions or conditions (e.g., temporary tightening of curfew, more community service hours, loss of privileges, increased drug screening, prohibited associations)</li> <li>▪ Referral to the court's internal programs</li> <li>▪ Referral to external programs (that do not require court funding)</li> <li>▪ Reassessment and revision to treatment plan</li> </ul>
MODERATE VIOLATIONS	INTERMEDIATE-LEVEL SANCTIONS
<ul style="list-style-type: none"> <li>▪ A second minor violation</li> <li>▪ Second failed drug screen</li> <li>▪ Failure to attend substance abuse or sex offender treatment program</li> <li>▪ A new offense involving a non-violent misdemeanor</li> </ul>	<ul style="list-style-type: none"> <li>▪ Multiple low-level sanctions</li> <li>▪ Home confinement with electronic monitoring for 14 days*</li> <li>▪ Referral to the Evening Reporting Center*</li> <li>▪ Referral to FAST-START program with follow-up on recommendations*</li> <li>▪ Referral to Multi-Systemic Therapy*</li> <li>▪ Administrative Review*</li> </ul>

SERIOUS VIOLATIONS	HIGH-LEVEL SANCTIONS
<ul style="list-style-type: none"> <li>▪ A third minor violation</li> <li>▪ A second moderate violation</li> <li>▪ Running away from home (whereabouts unknown)</li> <li>▪ Extensive or ongoing substance abuse</li> <li>▪ A new offense involving a misdemeanor where violence occurs or there was a substantial threat of violence</li> <li>▪ A new offense involving a felony offense</li> <li>▪ Victim contact, especially involving sex offenses</li> </ul>	<ul style="list-style-type: none"> <li>▪ Multiple intermediate-level sanctions*</li> <li>▪ Judicial Review*</li> <li>▪ GPS electronic monitoring for 30 days*</li> <li>▪ Formal violation of probation/supervision with or without warrant*</li> </ul> <p>* Requires supervisory approval for implementation</p>

Field officers shall document in their case notes and on the *Graduated Sanctions Notification* form the type and nature of the violation and the sanction(s) employed to resolve the violation. The juvenile and parent/guardian must sign the *Graduated Sanction Notification*, acknowledging the juvenile's admission to the substance of the violation and willingness to cooperate with the sanction; the field officer shall provide the family with a copy of the completed form. In the event that a juvenile denies the alleged violation, or if either the juvenile or parent/guardian rejects the sanction(s), the matter should be handled like a denial of a new offense and either scheduled for a judicial review or formal hearing if the violation involves a new offense.

It is paramount to the success of the graduated sanctions program that field officers respond to violations as quickly as possible with sanctions that are meaningful and appropriate to the violation; therefore, field officers shall begin the response process to a violation within one business day of learning of the violation behavior.

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