



Charlottesville
Administrative
Response Matrix Policy
User's Guide

February 2016

CHARLOTTESVILLE PROBATION DECISION MAKING PROCESS INSTRUMENT INSTRUCTION GUIDE

Background

This document provides the Charlottesville District 9 and Offender Aid and Restoration (OAR) staff with information about how to apply Response Policy. This policy enables probation line staff and management to similarly apply objective criteria to non-compliant events and prosocial behavior by providing specific guidance to staff by identifying the factors that are to be considered in determining the most appropriate response. This policy assists staff in objectively weighing behaviors and identifies the appropriate category of response for various combinations of assessed risk, violation severity, prosocial behavior and, where appropriate, significant stabilizing and destabilizing factors. Based upon these considerations, this policy identifies an appropriate range of responses for a particular event, based upon the offender's level of risk to re-offend, the severity of the non-compliant event and/or prosocial behavior, and the presence of other factors that are important to consider in formulating an offender-specific response.

Purpose:

To promote behavioral changes by empowering probation officers to implement consistent, swift and responsive practices when addressing behavior.

This Response Policy is intended to:

- Guide an orderly decision making process that enables Probation Officers, Supervisors, and Management to consider behavior within a similar framework;
- Provide specific guidance to staff about the factors to consider in developing a response;
- Result in a response to every non-compliant event and prosocial behavior;
- Identify the appropriate category of response for various combinations of assessed risk, severity of non-compliant event and/or prosocial behavior, and significant stabilizing and destabilizing factors;
- Allow for discretionary "override" or "underride" of an indicated category of response level when, in extraordinary circumstances, the "presumptive response" does not appropriately respond to the behavior;
- Direct programmatic responses short of revocation to offenders at high and mid-level risk according to their assessed criminogenic need.

Goals of Supervision: The goal of offender supervision is to promote public safety by preparing offenders to be successful in the community by:

- Identifying offenders who are at moderate to high risk to re-offend
- Focusing supervision and services on those factors that are most likely to contribute to future criminal behavior
- Providing evidence based interventions to promote prosocial attitudes, beliefs, and behaviors
- Holding offenders accountable and promoting their personal responsibility for their actions
- Promoting and encouraging prosocial behavior



Goals of the Violation Process: The goals of the violation process are to hold offenders accountable while encouraging and reinforcing prosocial behavior by:

- Responding to all non-compliant behavior, thereby reinforcing that antisocial behavior has consequences.
- Responding to behavior in the manner most likely to result in behavior change.

Goals of the Incentive Process: The goals of the incentive process are to promote and reinforce prosocial behavior by:

- Responding to all prosocial behavior, thereby reinforcing future prosocial behavior
- Responding to behavior in the manner most likely to result in behavior change.

Underlying Principles of the Behavior Management Process: In order to maximize the effectiveness of the behavior management process, responses to prosocial and non-compliant behavior will be:

- Swift
- Certain
- Proportional to offender's risk and needs, the severity of the violation behavior, and in consideration of the other pertinent factors
- Transparent
- Consistent with evidence based practices
- Economically sound
- Evaluated over time for effectiveness;

Key Definitions: Traditionally, system stakeholders and staff use the terms “violation” and “revocation” inter-changeably so the following definitions are provided:

Violation – An act of non-compliance with the standard conditions of probation or with any special condition imposed by the sentencing court or supervising officer.

Response – An action taken by a Probation Officer to address an incident of non-compliance.

Revocation - The outcome of a court hearing which was initiated as a response to a violation

Mitigating/Aggravating Factors - These are factors listed on the Administrative Response Matrix and will vary based on the individual's daily activity. Those factors contribute to both prosocial and antisocial lifestyles.

Prosocial behavior – The way in which one acts or conducts oneself, by relating to or denoting behavior that is positive, helpful, and intended to promote social acceptance

Key Policies:

District Nine Probation and OAR/Jefferson Area Community Corrections staff will use a structured response matrix when addressing behavior. The following policies support and define the use of this matrix:

1. We will respond to all behavior; doing so reinforces our commitment to being consistent and transparent.
2. We will respond to and reward prosocial behavior.
3. We will document behavior responses indicating both the behavior and the response. This will allow us to collect the necessary data to evaluate the effectiveness of responses.
4. The use of court, prosecution, defense and the jail resources should be reserved for individuals who pose a public safety risk and for those individuals in need of risk control/stabilization conditions that cannot be imposed by probation.
5. Personal contact with the probationer will be documented by the supervising probation officer within 72 business hours of the notification of the event: responses will be determined within 7 business days.
6. In the case of multiple events that occur within the same incident, these events will be addressed in their totality; the presumptive response range will be determined based upon the highest severity violation and/or prosocial behavior.
7. Probation Officers will have discretion to select the response most appropriate under the individual's circumstances; multiple responses can be selected if deemed essential to achieving the desired behavior change.
8. If Probation Officers determine that a response in the presumptive range is not appropriate, the officer will document both the stabilizing and destabilizing factors that influence the recommendation.
9. Immediate supervisors can approve a response one level above or below the presumptive range; responses more than one level must be approved by the next person in command.
10. Overrides and underrides of the presumptive response range will not exceed 10% to 15%; these rates will be monitored on an ongoing basis.

Steps to Utilizing the Administrative Response Matrix

The policy will be applied to *all* behavior. In order to respond to offender behavior, Probation Officers must have sufficient information and/or documentation to support a belief that the offender has engaged in conduct that constitutes a non-compliant and/or prosocial behavior. Once an Officer has determined that an event has occurred, they are required to respond to the event(s) within established timelines.

This instruction manual contains a list of all non-compliant events (both technical and non-technical) and prosocial events and guides District 9 and OAR staff in identifying a response that is aligned with the risk he/she presents to the community, while also addressing the offender's criminogenic needs. This instrument is based on the philosophy that encourages Probation Officers to select the least onerous or restrictive response that is appropriate for the offender that will simultaneously allow for a reasonable degree of public safety. Officers and Supervisors should also rely upon their knowledge of the offender, the event and/or behavior,



and the resources available in their area when considering the most suitable in the designated response category.

Step 1: Identifying Information and Level of Risk

Staff will record the details of the action taken in each case to ensure this policy is implemented. It is imperative that this information be accurately collected for the evaluation of statistical results and the tracking of outcomes. Appendix A is an example of the form in the database.

Step 2: Level of Risk

Level of risk is derived from the results of OAR's MOST and OST assessment tools and District 9 COMPAS assessment results. Based on these assessments, offenders are assigned a level of risk: "Low," "Medium," or "High." The assessment with the higher risk level determines the risk level for the Offender.

Step 3: Recommended Response

Officers should strive to find an appropriate response from within the provided ranges to address the non-compliant or prosocial event. As long as at least one of the responses selected is within the range, lower level responses can also be selected to address the event without requiring a Supervisory review. Selection of any response(s) from a higher level category requires a Supervisory review.

First, identify the non-compliant event and/or prosocial behavior in the Matrix in the database.

Second, identify the case's level of risk based on the assessment tool completed.

Third, determine the appropriate response using the response grid. If the event is not listed on the grid, seek supervisor assistance to staff appropriateness of adding a new option.

Finally, complete the override/underride form as needed. (Note: Underrides and overrides require supervisory approval.)

Step 4: Override/Underride

Overrides/underrides shall only be utilized in extraordinary circumstances, and shall be reserved for situations where the Officer's knowledge of the offender, the violation, and/or resources available in their geographic location dictates an alternative response. Overrides/underrides should only be used in 10%–15% of all violation responses.

In instances where extraordinary circumstances exist, mitigating factors can support a less restrictive response. Conversely, aggravating factors may be present that support a higher level of response.

Selection of response(s) from a higher category or only from a lower category than the presumptive response category requires that an override/underride is completed and recorded as part of the *Underride/Override* section in the database.



Step 5: Supervisor Review

For any non-compliant event response that requires a Supervisory review (Override, Underride, High response), it is the Officer's responsibility to conference the case with their immediate Supervisor and/or Designee. The Supervisor shall review the matrix to determine the appropriateness of the decision and if they are in agreement (approved) or not in agreement (denied) with the response(s) selected, and provide the reason for said finding. If the Supervisor approves the response(s) selected, the review process is completed. If the Supervisor denies the selected response(s), a case conference with the Officer shall be held. The Supervisor and Officer will determine the appropriate response level and response(s) at the case conference. Supervisory approval is required on all activity that falls outside the standard matrix for those Probation Officers with three years or less of experience within the District or Community Corrections office.

Appendix A: Violations

Violations

Low Severity

- Contact with codefendant whilst prohibited
- Conviction for non jailable misdemeanor
- Drug use admission
- Failure to advise of employment change
- Failure to attend treatment class
- Failure to be truthful and cooperative
- Failure to comply with initial assessment
- Failure to comply with no trespassing order
- Failure to follow (written or verbal) special instructions
 - Failure to complete AA/NA
 - Failure to follow (written or verbal) special instructions, no contact with victim (business/property)
 - Failure to follow court cost payment plan
 - Failure to follow location restrictions
 - Failure to follow restitution payment plan
- Failure to follow prohibition against possession of checking account
- Failure to maintain employment
- Failure to notify of new arrest or citation within 3 days
- Failure to obtain GED
- Failure to obtain travel permit
- Failure to report a non jailable misdemeanor arrest
- Failure to report for probation appointment
- Failure to secure employment
- First positive drug screen
- Leaving the premises without permission
- Subsequent positive urine screen
- Use of Alcohol
- Willful failure to attend probation intake appointment

Medium Severity

- Continued drug use
- Conviction of a jailable misdemeanor
- Failure to advise of housing change
- Failure to attend Family Court
- Failure to comply with employment restrictions imposed by the court
- Failure to follow (written or verbal) special instructions
 - Continued use of alcohol
 - Failure to complete court order community service by deadline
 - Failure to comply with officer imposed sanctions as a result of a violation
 - Failure to follow curfew
- Failure to follow pharmacy designation requirement
- Failure to provide urine sample
- Failure to report a jailable misdemeanor arrest
- Failure to submit urines as requested
- Missing two unexcused PO scheduled visits
- No contact with victim/potential victims (nonviolent)
- Willful disregard of restitution requirements

High Severity

- Conviction for new felony
- Failure to complete a residential program
- Failure to follow (written or verbal) special instructions
 - Failure to complete obligation by court ordered deadline
 - Failure to comply with warrantless search requirement
 - Failure to follow (written or verbal) special instructions, complete treatment
 - Failure to follow (written or verbal) special instructions, take medication as instructed
 - Failure to follow GPS requirements
 - Failure to follow polygraph requirement
- Failure to initially report as directed within 72 hours
- Failure to report a felony arrest
- Failure to surrender to law enforcement as instructed
- New misdemeanor conviction related to instant offense
- Owning or possessing a firearm when prohibited
- Providing false urine sample
- Submission of a fraudulent document
- Terminated from treatment or intervention
- Treatment noncompliance and continued, ongoing substance abuse
- Violent or threatening behavior

Very High Severity

- Absconding
- Documented failure to comply with a Protective Order, No Violent Contact Order, or No Contact Order against a person
- Failure to avail oneself for supervision
- Threatening an officer

Appendix B

Responses

Low Severity

- Attend AA/NA
- Attend drug court docket
- Community service
- Complete job search form
- Conversation with significant other to discuss problem behavior (in presence of PO)
- Increased contact requirements
- Initiate phone contact protocol (for failure to report for intake appointment)
- Meet with probation supervisor
- Pay fine
- Probation mentor meeting
- Refer for evaluation and/or treatment
- Referral for informal peer support/mentorship
- Referral to community based program for identified areas of need
- Restricted travel
- Send probationer advisory letter (for failure to respond to phone contact)
- Thinking Report
- Under "advisement" with officer
- Verbal reprimand by Probation Officer
- Written reprimand by Probation Officer

Medium Severity

- Assign mentor
- Case management meeting with outside provider
- Community Supervision Placement (for curfew and in some cases, warrantless searches)
- Complete skill building intervention on identified areas of need (Carey Guides/EPICS)
- CPO/SPO/DCPO Direct Supervisor interaction
- Develop a prosocial contract
- Enter/Reenter and complete Thinking for Change/Peer Support Intervention
- Family meeting/intervention
- Increase substance abuse testing and/or treatment
- Initiate substance abuse testing and/or treatment
- Letter of noncompliance to the court with proposed sanctions
- Medication compliance
- Polygraph
- PPG
- Required participation in cognitive behavioral therapy (CBT/MRT/T4C)
- Required participation in outpatient treatment program
- Required referral for specific problems
- Restrict access to people and places
- Restrict social networking
- Show cause to Drug Court referral (without arrest)
- Specific written instructions regarding identified areas of need

High Severity

- GPS
- Mental Health Inpatient Treatment Referral (ie. Wellness Recovery)
- Referral to Diversion Center and/or Drug Court
- Referral to Halfway House (Piedmont House, Oxford House, Gemeinschaft Program, and so on)
- Referral to intensive supervision
- Referral to residential substance abuse and/or mental health facility
- Show Cause to Court

Very High Severity

- Capias request to court (and/or PB-15 arrest warrant)
- Recommend civil commitment

Appendix C

Incentives

Compliance/Attitude

- Abide by travel restrictions/expectations
- Complies with specific behaviors/tasks identified in Case Plan
- Demonstrate compliance and positive attitude towards supervision.
- Demonstrates motivation to change
- Demonstrates positive decision-making/goal setting/prioritization
- Has appropriate/positive peers and activities
- Is honest and forthcoming in communications with Officer
- Positive report from someone else (employer, family, treatment provider, law enforcement, etc.)
- Regularly provides required documentation
- Takes responsibility for criminal behavior
- Timely/Punctual
- Wears appropriate attire; appropriate language and hygiene

Lawful

- Attend all court appearances
- Complies with no contact order/ no contact with victim
- Registers as sex offender
- Remains crime free
- Reports all law enforcement contact

Residence

- Home environment supports stability and recovery
- Seeks appropriate residence and roommates

Evaluations, Testing and Programs

- Commencing treatment
- Completion of a treatment program
- Demonstrates a recovery oriented lifestyle
- Discloses use prior to testing/voluntary admission
- Has a clean drug/alcohol test
- Identifies/Avoids Triggers
- Maintains sobriety
- Participate in relapse prevention planning
- Positive participation
- Schedules/completes evaluation

Monetary

- Cooperate with social service agencies for applicable benefits.
- Develops/complies with financial obligations (i.e. Restitution, court costs, fines, child support and so on)
- Fulfills treatment payment obligations
- Payments are current and as directed
- Pays supervision fees (if applicable)
- Responsible money management

Employment and Education

- Attends GED and/or other education classes as directed
- Completes GED and/or vocational program
- Completes job search (provides proof)
- Gains necessary work skills
- Register/Engage in job assistance/programming.
- Seeks and maintains employment
- Wears appropriate attire; appropriate personal hygiene for work setting

Home Visits and Electronic Surveillance

- Appropriate control of pets
- Complies with curfew/GPS/Anytrax requirements
- Discloses potential risks (weapons/pets/radios/cameras, etc)
- Informs/educates family and roommates
- Maintains charge of equipment
- Wears appropriate attire; appropriate personal hygiene

Appendix D

Responses

Verbal Recognition

- Positive comments to family, peers, support systems
- Verbal recognition by CPO/DCPO/Director/Asst. Director
- Verbal recognition by probation officer and/or supervisor

Written Recognition

- Card w/ note
- Certificate of accomplishment
- Letter of recommendation from officer for work, school, court, etc.
- Letter to parent/significant other
- Public Display of completion and/or accomplishments
- Write support letter on their behalf (to employer, potential employer, landlord, DSS, and so on)
- Written praise from CPO/DCPO/Director/Asst. Director
- Written praise from officer

Privileges/Modifications to Supervision Requirements

- Arrange mentoring in area of interest
- Early Discharge consideration
- Extended curfew
- Flexible office visit
- Give permission to attend community events outside of curfew
- Lifting travel restrictions (S)
- Modify electronic surveillance/Anytrax requirements
- Personal phone contact in lieu of in-person contact (S)
- Petition the court for a modification of a special condition of supervision (S)
- Reduced reporting requirements
- Reduced supervision level (S)
- Reduction in the number of drug test
- Request extension of supervision term to comply/complete requirements
- Terminate and go to civil judgement for those w/ unpaid fines if in full compliance w/ all other conditions
- Travel pass
- Waiver of treatment co-pays