

STEP 1 - DETERMINE THE SERIOUSNESS OF THE VIOLATION(S)

Three levels of seriousness are used:

- MINOR Violations
- MODERATE Violations
- SERIOUS Violations

The three most important factors to consider in assessing the seriousness of a violation are:

1. Impact on victim(s) and/or witness(es)

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. Impact on community

Community impact moves the violation into the MODERATE or SERIOUS categories, too.

3. Is the violation related to underlying and/or past offense(s)?

When aspects of the violation behavior are similar to the youth'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.

Additional factors to consider in determining the seriousness of the violation are:

4. Frequency of violations.
5. Duration of the violations.
6. Overall compliance with the court-ordered conditions.

Seriousness of Violation Matrix			
	MINOR	MODERATE	SERIOUS
Victim Impact	No unintentional or unauthorized victim contact has occurred.	Attempted unauthorized contact with victim.	Unauthorized contact with victim(s) where victim felt threatened or intimidated.
Community Impact	None or minimal Youth takes responsibility for violation and is involved in positive community activities.	Moderate impact, with problem behaviors and/or pattern of violations. Youth takes responsibility for violation but is not involved in community activities.	High impact, problem behaviors and/or a pattern of violations indicate that the youth is likely to re-offend. Youth does not take responsibility for impact on community (may try to justify behavior or project blame on others).
Underlying Offense	Violation is unrelated to underlying offense(s), or minimally related to past offenses.	Violation is similar to the underlying and/or past offense(s) i.e.: engaging in similar risky behavior or situations.	Violation clearly related to underlying or past offense(s).
Frequency of Violations	Occasional, infrequent, and/or isolated incidents.	Emerging pattern of violations that are beginning to interfere with compliance on conditions.	Established pattern of multiple violations despite interventions and graduated responses. Violations significantly interfere with probation success and present significant risk to community and/or victim safety.
Duration	Short or concentrated violations that are quickly corrected.	Pattern of repeated violations emerging.	Chronic pattern of violations.
Compliance with Court Conditions	Responding to supervision and engaging in positive activities.	Violations are interfering with supervision success. Inconsistent response to intervention(s).	Clear pattern of non-compliance and failure to respond to supervision or intervention(s).

	MINOR	MODERATE	SERIOUS
Examples of Violation Behaviors	Occasional disrespect for parents, school, placement, or probation officer rules.	New lower level or non-violent offense.	New serious or violent offense.
	First violation of curfew.	Frequent disrespect for parents, school, placement or probation officer rules.	Flagrant disrespect.
	First absence from required treatment, appointments, school, or work.	Pattern of curfew violations.	AWOL over 24 hours.
	First absence from required community work service.	School suspension for behavior problems.	Repeated school suspensions or expulsion.
	First misuse of substances, over the counter medication, alcohol or marijuana.	Pattern of absences from required treatment, appointments, school or work.	Refusal to attend school, treatment, work or probation appointments.
	First violation of contact with restricted associates, casual contact, or victim(s).	Pattern of non-compliance with treatment goals/or expectations.	Blatant refusal to complete community work service.
	First/minor violation of other requirements of conditions.	Pattern of absences from community service.	Established pattern of continued substance use, refusal to submit, and repeated positive urinalysis.
		More than one violation of misuse of substances, over the counter medication, alcohol or marijuana, OR first use of any other controlled substance.	Chronic pattern of contact with restricted associates or threatening a victim(s).
	Pattern of contact with restricted associates or victim(s).	Unlawful possession or use of a firearm or other weapon.	
	Pattern of violations of other requirements of conditions.		

SPECIAL CIRCUMSTANCES

Youth Referred for Sex Offending Behavior	<p><u>Impact on Victim(s) or Underlying Offense:</u> The primary concern in these cases is the safety and protection of all potential victims.</p> <p><u>Impact on Community:</u> In rural communities, these offenses are very visible. Safety planning is a critical component of the case plan.</p> <p><u>Risk and Supervision Level:</u> In most cases, youth who are referred for sex offenses will be viewed as high-risk and needing a high level of supervision until an assessment of risk by a sex offender therapist indicates that a reduced level of risk and supervision is appropriate.</p>
Significant Mental Health Concerns	<p><u>Risk and Supervision Level:</u> When significant mental health concerns are documented or suspected, consideration should be made towards the youth's understanding of the expectations and the Division's ability to support their individual needs.</p> <p><u>Assessment and Motivation for Treatment:</u> Assessment information about the nature of the youth's mental health concerns, level of motivation for treatment or services, and the parent/guardian response to needed services are important factors to consider in the development of case plans.</p>

Step 2 – Risk to Re-Offend and the Case Management Plan

When MODERATE or SERIOUS violations occur (as determined in step 1), they indicate that a re-assessment may be needed.

NOTE: Graduated sanctions will not fix areas of a case management plan that aren't working!

Step 3 – Graduated Responses for Violations

Graduated Consequence Examples per Risk to Re-Offend Levels			
	Low	Moderate	High/Very High
Minor Violation	Warning (verbal or written) and review of conditions and case plan.	Problem solving session(s) and review of conditions and case plan.	Problem solving session(s) and review of conditions and case plan.
	Education/written assignment or class.	Educational/written assignment or class or youth justice activity.	Educational/written assignment or class.
	Community service hours.	Community service hours.	Community service hours.
	Short-term increased frequency of drug screens.	Increased drug and alcohol screens.	Drug/alcohol assessment.
	Increased treatment services if indicated.	Increased treatment services if indicated.	Increased treatment services if indicated.
	Temporary curfew restrictions/loss of certain privileges.	Restrict driving or telephone privileges.	Restrict driving or telephone privileges.
	Letters of apology to victims and community.	More restrictive curfew hours/loss of certain privileges.	More restrictive curfew hours/loss of certain privileges.
	Participation in strength-based services.	Increased contacts.	Increased contacts.
	Positive Youth Justice activities to develop core assets.	Youth/family specific responses.	Short-term house arrest.
		Cost/benefit analysis self assessment worksheet.	Review of future sanctions if problem behaviors/compliance issues continue.
	Participation in strength-based services.	Cost/benefit analysis self assessment worksheet.	
		Participation in strength-based services.	

**Graduated Consequence Examples
per Risk to Re-Offend Levels**

	Low	Moderate	High/Very High
Moderate Violations	Problem solving session(s) and review of conditions and case plan.	Problem solving session(s) and review of conditions and case plan.	Problem solving session(s) and review of conditions and case plan.
	Reassess level of supervision and case plan using assessment tools.	Reassess level of supervision and case plan using assessment tools.	Reassess level of supervision and case plan using assessment tools.
	Increased frequency of drug screening and/or refer for substance abuse assessment.	Increased frequency of drug screening and require substance abuse treatment if necessary.	Increased frequency of drug screening and require substance abuse treatment if necessary.
	Community service hours.	Community service hours.	Community service hours.
	Increased treatment services.	Community service hours.	Community service hours.
	Curfew restrictions/loss of certain privileges.	Require treatment services.	Require treatment services.
	Participation in strength-based services.	Restrict/control driving privileges.	Restrict/control driving privileges.
	Youth/family specific responses.	House arrest.	House arrest.
	Review of future sanctions if problem behaviors/compliance issues continue.	A period of telephonic or electronic monitoring.	A period of telephonic or electronic monitoring.
	Cost/benefit analysis self assessment worksheet.	Day reporting or community detention.	Day reporting or community detention.
Cognitive behavioral intervention/class.	Detention days.	Detention days.	
Positive Youth Justice activities to develop core assets.	Judicial review of case.	Additional monitoring and higher level of supervision. Judicial review of case.	

Graduated Consequence Examples per Risk to Re-Offend Levels

	Low	Moderate	High/Very High
Serious Violation	<p>Problem solving session(s) and review of conditions and case plan.</p> <p>Reassess level of supervision and case plan using assessment tools.</p> <p>Increased frequency of drug screening and require substance abuse treatment if necessary.</p> <p>Increased treatment services.</p> <p>Restrict/control driving privileges.</p> <p>Restrict associations.</p> <p>House arrest.</p> <p>A period of telephonic or electronic monitoring.</p> <p>Day reporting.</p> <p>Reassess current placement.</p> <p>Detention days.</p>	<p>Problem solving session(s) and review of conditions and case plan.</p> <p>Reassess level of supervision and case plan using assessment tools.</p> <p>Increased frequency of drug screening and require substance abuse treatment if necessary.</p> <p>Increased treatment services.</p> <p>Restrict/control driving privileges.</p> <p>Restrict associations.</p> <p>House arrest.</p> <p>A period of telephonic or electronic monitoring.</p> <p>Day reporting.</p> <p>Reassess current placement.</p> <p>Detention days.</p> <p>Extend probation.</p> <p>Judicial review hearing.</p>	<p>Problem solving session(s) and review of conditions and case plan.</p> <p>Reassess level of supervision and case plan using assessment tools.</p> <p>Increased frequency of drug screening and require substance abuse treatment if necessary.</p> <p>Increased treatment services.</p> <p>Restrict/control driving privileges.</p> <p>Restrict associations.</p> <p>House arrest.</p> <p>A period of telephonic or electronic monitoring.</p> <p>Day reporting.</p> <p>Change to current placement to include residential or institutional treatment.</p> <p>Detention days.</p> <p>Extend probation.</p> <p>Judicial review hearing.</p>

Step 4 – Documentation of Violations and Responses

An important part of a system of graduated responses is a clear process for tracking and reporting all violations into JOMIS. This documentation should include the steps outlined in this process as well as the tools utilized to assess the minor’s success plan, risk to the community, needs and strengths. See the [Graduated Responses JOMIS Guide](#) for further instruction on accurately documenting graduated responses.

Step 5 – Continuum of Incentives for Youth on Supervision

Examples of a Continuum of Incentives and Positive Recognition for All Youth on Supervision

Positive Acknowledgement and Recognition for Progress and Compliance	Earned Privileges	Modifications to Non-Treatment Conditions	Reduced Level of Supervision and Early Termination
<p>Regular encouragement and positive recognition by PO and others involved with the youth’s supervision whenever there is positive progress in problem areas or compliance issues.</p> <p>Strength-based approaches that build on and acknowledge positive behaviors and accomplishments.</p> <p>Certificates for successful completion of classes, programs, and/or supervision.</p> <p>Recognition by the judge in a court hearing for positive progress and compliance with probation conditions.</p> <p>Individualized acknowledgement and recognition suggested by parents and/or school officials.</p> <p>Attend treatment or program graduations of youth under supervision.</p> <p>Small incentive items such as movie passes, gift cards, calling cards, gas vouchers, etc.</p>	<p>Extended driving privileges.</p> <p>Permission to participate in certain recreational activities or community events.</p> <p>Permission for travel or extended travel.</p> <p>Earned free time with pro-social peers.</p> <p>Help facilitate special privileges or activities suggested by the youth and/or parents.</p> <p>Special items to enhance youth’s strengths and/or competencies.</p>	<p>Adjustments in curfew requirements.</p> <p>Modifications in reporting requirements.</p> <p>Modifications in electronic monitoring requirements.</p> <p>Reduction of community service hours.</p> <p>Reduction of frequency of drug screens.</p> <p>Reduction in day reporting requirements.</p> <p>Reduction in number of required face-to-face contacts with PO.</p>	<p>Reduced level of supervision and reporting requirements.</p> <p>Additional earned free time with pro-social peers.</p> <p>Additional reductions in curfews and monitoring.</p> <p>Transitional support for supervision client if applicable.</p> <p>Early release from supervision.</p>