

## **VIOLATIONS OF SUPERVISION**

### **402.1 PURPOSE AND SCOPE**

This policy provides general guidelines for responding to non-compliance with court orders.

### **402.2 APPLICABILITY**

This section applies to all field service employees.

### **402.3 DEFINITIONS**

**Violation:** A finding by the court against an offender as a result of failure to comply with the conditions of supervision.

**Balanced Approach:** The Balanced Approach involves holding offenders accountable and engaging offenders in rehabilitative services.

**Incentives and Sanctions Approach:** Using the proven behavioral modification tools of certainty, swiftness and gradual severity related to consequences for non-compliance coupled with rewards for successful adherence to conditions to permanently change offender behavior.

**Administrative Intervention:** A probation officer's response to non-compliance that does not involve the court.

**Formal Sanction:** A probation officer's response to non-compliance that involves the offender being returned to court.

### **402.4 POLICY**

In most cases, the Court has the lone authority during the period of supervision to revoke or terminate supervision, the San Diego County Probation Department has the obligation to inform the court of violations when appropriate. Officers shall use the Balanced Approach and incorporate incentives and sanctions when supervising offenders. The officer shall make necessary modifications to the case plan in order to reflect incentives and/or sanctions. All violations shall be addressed using the "swift and certain" principals of an Incentives and Sanctions approach.

### **402.5 ADDRESSING PROBATION VIOLATIONS**

When appropriate, administrative interventions should be employed in an effort to bring an offender back into compliance. The responses should be consistent, both across offenders and between officers, to increase effectiveness. In order to maximize that effectiveness, each violation must be addressed as close in time to its discovery as possible. An officer shall exercise a formal sanction only when the nature of the violation warrants that level of accountability or as part of an overall plan to impede an offender's continued non-compliance.

While officers assigned to Juvenile Field Services (JFS) shall report all probation violations to the court, regardless of how they are addressed, officers assigned to Adult Field Services (AFS) have

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greater discretion in how violations are reported to the court, as well as when and if an offender will be returned to court for a formal hearing. While discretion exists, protecting community safety and offender rehabilitation are of utmost importance and shall cause all officers to properly discern the manner in which violations will be addressed. All aspects of the case including, but not limited to, the nature of the offense(s), the level of engagement, prior compliance with the case plan, ability to comply, willingness to engage in services, and the nature of the non-compliant behavior are factors to consider when determining how to use administrative or formal responses.

### 402.5.1 ADMINISTRATIVE INTERVENTIONS

The key principles of administrative Incentives and Sanctions include immediacy, certainty, relevancy, consistency, and magnitude. Implementing an incentive or sanction must be prompt and timely in relation to when an offender's behavior occurred. The offender must clearly know sanctions/incentives will be dispensed in direct relation to behavior. At the outset of supervision, the responses to positive and negative behavior must be clearly outlined through the use of the Integrated Behavioral Intervention Strategy (IBIS) skill of Role Clarification. The behavioral expectations should be regularly reviewed throughout the period of supervision so offenders know which actions will trigger a sanction or earn an incentive. Offenders must be consistently held accountable by applying a sanction each time non-compliance is discovered. The severity of each sanction should be higher for proximal behaviors (goals easily accomplished by an offender) and lower for distal behaviors (goals taking a longer time to achieve). Outcomes are better when officers reserve a reasonable degree of discretion and flexibility to modify responses based on extenuating circumstances encountered in individual cases.

A key component of the administrative intervention is the ability to respond to an offender's behavior without going through the formal court process. At the same time, due process protections for offenders remain in place. The offender will be made aware of the sanction that he/she will be subject to and has the option to return to court and not go through the administrative sanctions process. If the offender takes responsibility for the violation, the officer can respond appropriately without a return to court.

This process, coupled with the use of cognitive behavioral strategies (e.g., Effective Use of Reinforcement and Effective Use of Disapproval), will provide offenders access to rehabilitative services, hold them accountable for undesirable behavior, and positively acknowledge proactive behavior. Research shows behaviors that result in a positive consequence will be repeated. The ultimate goal is to assist offenders in accomplishing sustainable positive behavior changes, which ultimately can lead to reducing crime and increasing community safety.

### 402.5.2 VIOLATION PROCEEDINGS

Once the officer has determined a formal response is warranted in response to violation(s) not managed through the administrative process, the officer must schedule a violation hearing with the appropriate court. The report and subsequent recommendation summarizing the offender's

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conduct under supervision shall embrace the Balanced Approach and the principles of Incentives and Sanctions. Officers shall also highlight their use of IBIS skills to enhance the offender's motivation to participate in appropriate treatment intervention services.

If the administrative process proves effective in assisting the offender back into compliance, the officer may still provide an informational report to the court outlining offender's conduct while under supervision without requesting any further action by the court. These reports are usually handled through the ex-parte process and do not require an appearance in court by the offender.