

# YOUTH SERVICES POLICY

<b>Title:</b> Probation and Parole Violations <b>Next Annual Review Date:</b> 10/19/2017	<b>Type:</b> D. Community Based Services <b>Sub Type:</b> 10. Supervision <b>Number:</b> D.10.17
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<b>References:</b> La. Children's Code, Art. 913; ACA Standards 2-7153, 2-7154, 2-7155, 2-7156, 2-7157, 2-7158, 2-7159 (Juvenile Probation and Aftercare Services); YS Policy Nos.B.2.1 "Assignment, Reassignment, Release and Discharge of Youth", B.2.11 "Modification of Disposition", B.2.14 "Secure Care SAVRY", D.9.3 "Case Assessment Process for Non-Secure Placement", D.9.13 "Case Assessment Process for Secure Care Placement", D.10.4 "Community Supervision Classification System", D.10.7 "Probation and Parole Supervision", D.10.32 "SAVRY – Community Based Services", and D.11.1 "Predisposition Investigation and Social History"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> James Bueche, Deputy Secretary	<b>Date of Approval:</b> 10/19/2016

**I. AUTHORITY:**

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

**II. PURPOSE:**

To establish the Deputy Secretary's policy regarding probation and parole violations.

**III. APPLICABILITY:**

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, Regional Directors, and Regional Managers.

Regional Managers are responsible for ensuring all necessary procedures are in place to comply with this policy.

**IV. DEFINITIONS:**

***Disposition (also known as Judgment of Disposition)*** – The written order of the court following adjudication which assigns custody/supervision and the terms thereof.

***Disposition Matrix*** – The “OJJ Disposition Matrix” is a tool based on a model of structured decision-making regarding the most appropriate level of supervision and custody for adjudicated youth at the time of the initial case disposition and/or modification of disposition (refer to YS Policy No. B.2.11). It focuses on the intersection of the current offense and the youth’s risk level based on the SAVRY assessment. The Disposition Matrix is organized by SAVRY risk and offense

severity and places youth along a continuum of disposition options, typically including probation, intensive supervision, and out-of-home non-secure or secure placement.

***Graduated Sanctions*** - An accountability-based, graduated series of sanctions applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions. The graduated response grid is a tool used to ensure that sanctions are consistently applied and that youth offenders under supervision will face uniform, immediate, and consistent consequences that correspond to the SAVRY risk seriousness of the probation/parole violation to prevent their subsequent involvement with the juvenile justice system.

***Predisposition Investigation (PDI)*** - A report prepared for the court by a PPO/J or intern that contains the circumstances surrounding commission of the offense, prior offenses committed by the child, impact on victim, etc., as outlined in Ch. C. Art. 890, and a recommendation for the care, treatment, rehabilitation, and placement of the youth.

***Probation and Parole Officer/Juvenile (PPO/J)*** – PPO/J’s assist youth and families in locating, accessing and coordinating networks of support to address needs. PPO/J’s shall coordinate case management services in accordance with need assessments, as well as monitor, compliance with the services provided and court ordered requirement while the youth is in the custody or under the supervision of YS.

***Service Referral Matrix*** - An inventory of community services specific to a region used to identify and match proper services based on the individual youth’s risk/need factors. This proper matching between risk/needs and services has been shown to be critical in reducing re-offending and likewise improving public safety.

***Structured Assessment of Violence Risk in Youth (SAVRY)*** – The Structured Assessment of Violence Risk in Youth is an evidence-based assessment designed to assist professionals in making judgments about a youth's needs for case planning. This assessment comprises 24 risk/need items which were identified in existing research on adolescent development and on delinquency and aggression in youth. Six protective factors are included in the SAVRY which have also been identified by current research as potentially mitigating the risk of future violence and delinquent activity. The SAVRY utilizes a structured, professional judgment method of assessment, meaning the individual completing the assessment rates the youth on a number of evidence based risk factors and then weighs all the information to come to a final judgment that the youth is Low, Moderate or High Risk for future violence and/or general reoffending. (Refer to YS Policy No. B.2.14)

***Social History*** - A report prepared by CBS staff which includes a youth's historical information that is collected by staff questioning the youth, his parents / guardians and others who may know, have served or had contact with the youth. The information obtained includes court information, demographics, living

demographics, living arrangements, leisure activities, educational history, substance use, peers, mental health, individual traits, and history of abuse or neglect that is used to formulate a recommendation to the court and develop an IIP to meet the youth's needs.

**Supplemental Social History** - A report to update the information obtained after an initial social history is completed.

**V. POLICY:**

In order to protect public safety and maintain respect for the court, all arrest reports and violations of the court's imposed conditions of supervision shall be verified as soon as possible, but not later than five (5) working days of receipt of the reported violation.

An alleged violation based on a delinquent act shall be referred to the District Attorney and/or court in the jurisdiction where the act occurred.

Each court in the Region shall be contacted by the Regional Manager/designee to determine how it wishes YS to handle technical violations such as curfew, truancy, school related discipline problems, positive drug screens, associating with other delinquents, failure to report when ordered, and similar court ordered conditions of supervision.

It is the Deputy Secretary's policy that prior to field services staff filing a Modification of Disposition to revoke a youth's probation with the court and recommend custody, that to the extent public safety is protected and the youth is not a threat to himself/herself or others, all available community resources shall be utilized and exhausted to prevent the removal of the youth from his/her home.

**VI. PROCEDURES:**

A. The assigned Probation and Parole Officer/Juvenile (PPO/J) shall verify any arrests and/or alleged probation violations as soon as possible, but no later than five (5) working days of receipt of reported violation. Following investigation, the results shall be reviewed with the assigned Probation and Parole Supervisor/Juvenile (PPS/J). The nature of the violation shall be documented in a JETS narrative, and any supporting documentation shall be placed in the youth's case record within five (5) working days.

If the assigned PPO/J is not available, the PPS/J shall assign another PPO/J to investigate the alleged violation.

B. Graduated Sanctions

The PPO/J shall encourage parents/guardians to impose parental sanctions when appropriate.

The Graduated Response Grid (see attachment) is developed to provide a framework and guidelines for handling probation violations and probation compliance; and should be used in conjunction with the OJJ policy while addressing the interventions/treatment needs identified by the SAVRY assessment. Probation conditions not specifically listed on the Grid should be monitored through supervision guidelines.

For a graduated-response system to be effective, probation must also ensure that the juveniles most likely to benefit are linked to a broad range of effective programs that address their specific needs, which are outlined in the Service Referral Matrix.

The purpose of the Graduated Response Grid is to provide a continuum of sanction options while assisting YS in achieving consistent and reasonable responses for youth under supervision to the extent possible. When the PPO recognizes a potential problem or potential violation of probation, the initial action should be an immediate discussion with the youth to correct or prevent the potential violation. The purpose is to redirect the behavior before it becomes a violation and subject to a graduated response.

1. Instructions for the Graduated Response Grid

Identify the youth's level of risk (low, moderate, high) using the SAVRY assessment.

- a. Identify the level of violation committed by the youth (minor, moderate, serious);
- b. Locate the area that intersects between the level of risk and the level of violation; and
- c. Review the responses provided in the appropriate block.

Responses are listed in the order of priority; however, sanctions should be administered to the extent necessary to address and redirect the youth's behavior and to increase compliance with conditions of probation. If applicable, the responses listed in the block on the level above (refer to the direction of the arrows) can also be selected in an effort to redirect the youth's behavior.

If the level of risk is high and the level of the violation is serious, the use of responses listed in the block on the level above is not appropriate unless authorized by supervisory staff. Confinement to detention should always be considered when there is a threat to public safety. (Refer to the Graduated Response Grid)

Different community services and sanctions will be available and accessible in different Regions of the state.

YS will implement, to the degree possible, any court ordered sanctions as imposed by the judge as well.

2. Level of Probation Violation

- a. Minor Probation Violation: Occasional or isolated incidents unrelated to the offense behavior for which the youth is on probation and where there is no victim impact. Youth is still responding to probation expectations and is otherwise engaged in positive activities.
- b. Moderate Probation Violation: An emerging pattern of violations of probation conditions that is interfering with success in school, home, treatment, and the community. Violation(s) may be related to the underlying probation offense behavior or may involve a secondary offense. Moderate violations indicate an increased risk that the youth may re-offend.
- c. Serious Probation Violation: Youth has demonstrated a significant pattern of violation(s) involving victim impact, the violations are directly related to the probation/parole offense, the violation(s) pose a risk to public safety and/or involve other serious behavior, and the youth has failed to respond to multiple interventions. Minor probation violations followed by repetitive sanctions will not be considered serious violations.

Immediate consequences are essential to the effectiveness of sanctions. Sanctions should be imposed within three (3) working days from verification of the violation.

The PPO/J shall staff the case with the PPS to determine the appropriate sanction.

There should be clear documentation in the narratives of the specifics of the violation and what sanction is being imposed. Each case record shall include the Graduated Response Grid Client Tracking Form (see attachment) to track imposed sanctions.

3. Modification of Disposition Recommending Youth Services Custody

- a. In all cases, YS staff recommendations to the court regarding a youth being considered for revocation of probation and placement in the custody of YS shall be preceded by a case staffing.

A thorough consideration of options outlined on the “OJJ Disposition Matrix” not requiring removal from the home shall be given prior to recommending custody disposition and placement to the court.

All cases being considered for probation revocation must be submitted for review to the appropriate PPS, and must receive final approval by the Regional Manager prior to the PPO/J filing a Motion to Modify with the court.

Cases shall not be approved for Revocation/Modification of Disposition to be filed with the court unless thorough efforts have been made to implement and utilize graduated sanctions and community programs. Supervision of the client in the highest level should strongly be considered prior to probation revocation.

A case staffing in which custody is being considered shall follow the guidelines outlined in YS Policy Nos. D.9.3 and D.9.13.

Parents may be notified of the outcome of the staffing at the discretion of the staffing committee.

- b. The case staffing shall include a thorough discussion of the detailed information outlined on the Case Staffing Report Form. Prior to the case staffing, the PPO/J and the PPS shall discuss the issues with the youth and the parent in order to allow them an opportunity to provide input and explore alternative options. The Case Staffing Report Form shall include: 1) current SAVRY risk for violence and general delinquency; 2) history of violent behavior; 3) current offense(s); 4) prior legal involvement; 5) current need areas identified by the SAVRY and the services used to address them, including outcomes; 6) any history of mental health services; 7) history of previous services and outcomes; and 8) probation/parole violations and graduated sanctions used to address them.

All participants must sign the “Case Staffing Report Form” documenting attendance and agreement with the consensus recommendation. The form shall be filed in the youth’s case record.

- c. The “OJJ Disposition Matrix” shall be utilized in considering an appropriate disposition recommendation to the court. OJJ shall not make a recommendation to place a youth in YS custody unless his/her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal. (Refer to YS Policy No. D.9.13)

When a youth’s placement outside of the home is necessary, he/she shall be placed in a program which is most appropriate to meet their needs, in the least restrictive environment, and in close proximity to his/her home.

The philosophy of OJJ is to match youth with the most appropriate supervision, level of care and services based on his/her risks and needs which provides the best opportunity to abate future reoffending behavior. Therefore, any recommendation for placement in YS secure custody that deviates from the “OJJ Disposition Matrix” must be approved through an override/exception request made to the Regional Director and the Deputy Secretary. (Refer to YS Policy No. D.9.13).

- C. All revocation hearings shall be conducted pursuant to Article 913 of the La. Children’s Code, which requires the following actions:
  - 1. That a motion for revocation be filed, stating the basis for the revocation;
  - 2. The youth and parents are given a copy of the motion; and
  - 3. At the revocation hearing, the PPO/J shall be available to testify and to make a recommendation based on the outcome of the agency staffing.
  
- D. If a youth is placed in YS custody as a result of probation revocation, the Supplemental Social Form shall be completed within 14 days of receiving notification of the case. The Supplemental Social shall provide details of the instant offense(s), any significant changes in the home, and the youth’s behavior since his last appearance in court. (Refer to YS Policy No. D.11.1)

**VI. IMPLEMENTATION DATE:**

The revised procedures associated with this policy shall become effective November 30, 2016.

**Previous Regulation/Policy Number:** D.10.17

**Previous Effective Date:** 09/082014

**Attachments/References:**

Graduated Response Grid  
Graduated Response Grid Client Tracking Form