



<b>POLICY TITLE: VIOLATION OF COMMUNITY SUPERVISION CONDITIONS</b>		<b>PAGE 1 OF 5</b>
<b>POLICY NUMBER: 9.16 - ACC</b>		
<b>CHAPTER 9: SUPERVISION AND CASE MANAGEMENT</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS</b>  <b>See Section VIII</b>
	<b>EFFECTIVE DATE:</b> <b>July 3, 2006</b>	<b>LATEST REVISION:</b> <b>December 7, 2021</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

Adult Community Corrections

**III. POLICY**

The Department of Corrections is committed to making every effort to assist community corrections clients in making their supervision successful. This policy sets forth the range of responses and the procedures to be used for managing behaviors.

The Department of Corrections recognizes that a strong system of graduated responses, combining sanctions for violations and incentives for continued progress, can significantly reduce the risk of violations of community supervision conditions, including new criminal behavior, ensure equity in utilization of response options across all demographics, and improve successful community supervision completion rates.

**IV. DEFINITIONS**

1. Community Supervision – community supervision includes probation, supervised release for sex offenders, parole, supervised community confinement, and conditional commutation.

**V. CONTENTS**

- Procedure A: Responses to Client Progress and Positive Behavior Change
- Procedure B: Responses to Violation Behavior
- Procedure C: Graduated Sanctions
- Procedure D: Responses to Clients Failing to Report, Absconding from Community Supervision, or Escaping from Supervised Community Confinement

## VI. ATTACHMENTS

- [Attachment A: Incentives Options Table](#)
- [Attachment B: Graduated Sanctions Grid](#)
- [Attachment C: Sanction Agreement form](#)
- [Attachment D: Violation Review form](#)

## VII. PROCEDURES

### Procedure A: Responses to Client Progress and Positive Behavior Change

1. Responses available to motivate client progress while under community supervision and recognize positive behavior changes include the positive reinforcements listed in the Incentives Options Table (Attachment A) and shall be utilized when a client has made noted positive behavior changes and/or has made progress toward meeting identified goals and/or complying with a case plan.
2. The purpose of the Incentives Options Table (Attachment A) is to provide suggested incentives and does not preclude a probation officer or probation officer assistant from utilizing additional appropriate incentives as approved by the Regional Correctional Administrator, or designee.
3. Incentives shall be utilized by probation officers and probation officer assistants any time a client shows positive progress of any type, including minor to major accomplishments. Examples of such accomplishments include, but are not limited to, the following:
  - a. reporting to probation as directed;
  - b. negative drug or alcohol test;
  - c. seeking and/or maintaining employment or an educational or vocational training program;
  - d. progress toward meeting financial obligations (e.g., supervision fee, victim restitution, fines, child support);
  - e. attending/actively participating in treatment or a required program;
  - f. successful completion of treatment or a required program;
  - g. progress toward meeting other identified goals and/or complying with a case plan;
  - h. choosing positive situations and/or associates;
  - i. avoiding negative situations and/or associates;
  - j. absence of violations or “undesired behavior” for a specified period (e.g.. 3 months, 6 months, 9 months, etc.); and
  - k. successful completion of graduated sanction(s).
4. Any incentives utilized to motivate positive behavior change and/or client progress shall be documented as a note in CORIS and, if applicable, as an outcome note in the client’s case plan.

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## **Procedure B: Responses to Violation Behavior**

1. The probation officer or probation officer assistant shall investigate all alleged violations of the conditions of supervision for a community corrections client. The results of that investigation shall be documented in CORIS.
2. Responses available to address violations, including filing a motion to revoke, are included in the Graduated Sanctions Grid (Attachment B) and shall be utilized to respond to all violation behavior. When responding to violation behavior, the following shall be considered:
  - a. the seriousness and circumstances of the violation;
  - b. the risk of harm the client presents to the community, a victim, other persons, or the client themselves;
  - c. the assessed criminogenic risk and needs of the client;
  - d. the client's criminal history and history of prior violations;
  - e. the client's attitude toward and willingness to address the violation behavior;
  - f. the progress the client has made or failed to make in meeting identified goals and/or complying with a case plan;
  - g. the client's motivation or lack of motivation to progress or succeed in supervision;
  - h. incentives and sanctions previously used and the outcomes; and
  - i. adherence to least restrictive intervention principles.

## **Procedure C: Graduated Sanctions**

1. The probation officer or probation officer assistant shall select a graduated sanction by identifying the type of violation or "undesired behavior" from the grid and selecting a sanction from the appropriate sanction level.
2. For sanctions other than a motion for revocation (for a client on probation or supervised release for sex offenders) or return to a Department facility (for a client on parole, supervised community confinement, or a conditional commutation), the probation officer or probation officer assistant shall develop, with the client, an agreement using the Sanction Agreement form (Attachment C) to address the undesired behavior. The deadline for completion of a sanction shall not exceed ninety (90) days.
3. The probation officer or probation officer assistant shall record each sanction in the violations screen in CORIS. The probation officer or probation officer assistant shall record the extent of the client's compliance with the sanction as a case note in CORIS.
4. Should the client fail to fully comply with a Sanction Agreement, the probation officer or probation officer assistant shall reinitiate the sanctioning process, taking into consideration the prior failure to comply.
5. A Violation Review form (Attachment D) shall be completed by the probation officer and shall be reviewed for approval by the Regional Correctional Administrator, or designee, if any of the following conditions exist:

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- a. the probation officer or probation officer assistant is recommending a sanction from a higher sanction level than that prescribed by the grid;
  - b. the probation officer or probation officer assistant becomes aware of newly charged criminal conduct and the probation officer does not intend to file a motion for revocation (for a client on probation or supervised release for sex offenders) or does not intend to have the client returned to a correctional facility (for a client on parole, supervised community confinement, or a conditional commutation);
  - c. the probation officer intends to request the issuance of an arrest warrant;
  - d. the probation officer arrests or requests that a client be arrested or authorizes a hold on a client and a Violation Review Form has not previously been completed and reviewed;
  - e. the probation officer delivers or request that a summons be delivered to a client; or
  - f. the probation officer intends to file a motion for revocation with a court and a Violation Review Form has not previously been completed and reviewed. (If either a previous or new form is approved, the probation officer shall file the form with the court along with the motion for revocation and any other required documentation.)
6. Any time a Violation Review form is required, it shall be submitted to the Regional Correctional Administrator, or designee, by the probation officer:
- a. prior to imposing a sanction from a higher sanction level than that prescribed by the grid;
  - b. within three (3) business days after the probation officer becomes aware of newly charged criminal conduct if the officer does not intend to file a motion for revocation with the court or have the client returned to a correctional facility, as applicable;
  - c. prior to requesting the issuance of an arrest warrant;
  - d. within three (3) business days after the probation officer arrests or causes a client to be arrested or authorizes a hold;
  - e. within three (3) business days after the probation officer delivers a summons or causes a summons to be delivered to a client; or
  - f. before a motion for revocation is filed with the court.
7. If a hold order is issued by the probation officer for any reason, it shall take effect immediately. A motion for revocation related to an arrest or a hold order, which motion must first be approved by the prosecuting attorney, shall be filed with the court within three (3) business days.
8. If the probation officer commences revocation proceedings, the commencement shall be in accordance with 17-A M.R.S.A. Sections 1809, 1810, and 1811, as applicable.

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**Procedure D: Responses to Clients Failing to Report, Absconding from Community Supervision, or Escaping from Supervised Community Confinement**

1. When a client fails to report as directed or the probation officer or probation officer assistant receives other information indicating the client may have absconded from community supervision or in the case of supervised community confinement may have escaped, the probation officer or probation officer assistant shall promptly take appropriate steps to determine whether the client has absconded or escaped.
2. The probation officer or probation officer assistant shall use due diligence to contact and locate the client and, if applicable, require them to resume reporting.
3. The probation officer shall take the following steps:
  - a. conduct a home visit to the client's last known physical address. If no contact is made with the client, a note shall be left instructing the client to report no later than a specified date or a warrant of arrest will be requested; or
  - b. a letter shall be sent to the client's last known mailing address instructing the client to report no later than a specified date or a warrant of arrest will be requested.

Other contacts, such as to family, friends, schools, and/or employers, shall also be made by the probation officer or probation officer assistant , when appropriate, in an effort to have the client resume reporting.

4. Except as set out below, if the probation officer or probation officer assistant cannot contact and locate the client, the probation officer shall request a warrant for the client's arrest no later than three (3) weeks following the missed report or receipt of information indicating that the client may have absconded. In the case of a client on supervised community confinement, the probation officer shall immediately notify the Regional Correctional Administrator, or designee, and the Regional Correctional Administrator, or designee, shall comply with the requirements of Department Policy 27.2, Supervised Community Confinement.
5. If the probation officer or probation officer assistant has cause to believe that a client who has failed to report or for whom there is other information indicating the client may have absconded presents a substantial risk of physical harm to self or to others, the probation officer shall immediately conduct due diligence and request an arrest warrant if the client cannot be located.

**VIII. PROFESSIONAL STANDARDS**

None

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