

STATE OF CONNECTICUT JUDICIAL BRANCH



COURT SUPPORT SERVICES DIVISION

June 2014

CT PROBATION RESPONSE TO NON-COMPLIANCE GUIDELINE

Overall factors to be considered:

- Current level of supervision
- Severity of the violation
- Number/frequency of prior violations
- Threat probationer poses to the community
- Graduated sanctions used to address behavior
- Prior criminal record
- Previous probation/parole outcomes
- Attitude of probationer (willingness to comply with alternatives and motivation towards positive change)

New Misdemeanor and Felony Arrests

- (1) The Adult Probation Officer (APO) will respond to all new arrests of probationers under supervision. All new arrests, including motor vehicle violations, will be staffed with the APO's Chief Probation Officer to determine an appropriate response to the new arrest.
- (2) The APO will employ Graduated Sanctions/Responses when appropriate in accordance with the Graduated Sanctions/Response Chart.
- (3) The APO will investigate the circumstances of the new arrest and determine the appropriate response. The determined response will be based on a review of the police report, the severity of the new charges, the relationship of the new charges to the existing conditions, the probationer's risk, and the availability of alternative sanctions/responses to adequately address the probationer's risk and needs.

Technical Violations

- (1) All efforts will be made to employ Graduated Sanctions/Responses in response to technical Violations of Probation.
- (2) Responses to technical violations will be based on the risk of the probationer and the severity of the violation in accordance with the Graduated Sanctions/Response Chart.

- (3) Supervisory approval will be required for any response that is outside the Graduated Sanctions/Response Guidelines.
- (4) High severity violations consist of the following:
 - a. Deliberate pattern of multiple non-compliance incidents.
(Considerations when making this determination include: number and frequency of missed appointments; probationer availability; credibility and supervision history of the probationer; circumstances affecting compliance such as transportation issues, child care responsibilities, employment, and possible solutions).
 - b. Non-compliance with residential placement.
 - c. Failure to comply with Mental Health, Sex Offender or Domestic Violence cases evaluation and/or treatment.
 - d. Absconding – When an APO believes the probationer has absconded, the APO will follow the Absconder Protocol listed below and obtain supervisory approval prior to seeking a warrant:

Absconder Protocol:

- i. Send letter to last best address;
- ii. Telephone call to most recent number;

If no response to steps above:

- iii. Conduct database checks:
DMV, DOC, JIS CRMVS, NCIC (FLQW), COLLECT;
- iv. Telephone call to employer/school;
- v. Telephone call to other numbers provided – cell phone, beeper, etc.;
- vi. Contact closest relative, spouse, friend etc. – by phone or letter;
- vii. Send letters to alternative addresses;

If no response to all steps above:

- viii. Telephone call to probationer's attorney – if applicable;
- ix. Make home visit – leave card (speak to landlord, neighbors, etc. when appropriate and/or possible);
- x. Visit employer or school when appropriate;
- xi. Explore all other contact alternatives;

- e. Failure of sex offender to report a change of address.
 - f. A subsequent arrest for Operating a Motor Vehicle While Under the Influence, or Operating a Motor Vehicle While Right to Drive is Under Suspension while on Probation, for Operating a Motor Vehicle Under the Influence, or Misconduct or Manslaughter with a Motor Vehicle with the special condition not to operate motor vehicle.
 - g. Offender's behavior directly threatens an identifiable victim(s) (with special condition of no contact with victim or officer imposed no contact condition).
- (5) All other types of violations are low severity.
- (6) The APO may decide not to impose a specific sanction/response to a low severity violation, depending on the nature of the violation and the overall circumstances of the probationer's probation history.

DNA Non-Compliance Protocol

- (1) After continued non-compliance, the APO will determine if it qualifies as a "refusal". If it is determined to be a "refusal" the probationer will be informed that he/she may be subject to arrest for a Class A Misdemeanor. The DNA refusal clause is applicable to all eligible clients regardless of when they started their probation.
- (2) When non-compliance continues for any reason, it may constitute grounds for proceeding with a Violation of Probation, even if this is the sole condition of non-compliance.
- (3) If a probationer has not complied by a date that is 90 days prior to his/her probation end date, the APO will attempt to gain compliance by the probation end date or, in consultation with his/her Chief, will determine the appropriate course of action, including Violation of Probation.

GRADUATED SANCTIONS / RESPONSE CHART

VIOLATION RESPONSE GUIDELINES		
LEVEL	SEVERITY	RESPONSE
Sex Offender	High	High
High	High	High
Medium	High	High/Low
Administrative Monitoring	High	High/Low
Sex Offender	Low	High/Low
High	Low	High/Low
Medium	Low	Low
Administrative Monitoring	Low	Low

VIOLATION RESPONSES	
HIGH RANGE	LOW RANGE
Warrant	Reassignment to a higher supervision level
Notice to Appear	Sentence modification
Extension of probation	Non-residential Placement
Sentence modification	Curfew
Residential Placement	Community service
Zero Tolerance Program	Urinalysis
Electronic monitoring (house arrest/curfew)	Home/field visits
Non-Residential Placement	Increased contact
Increased urinalysis	Signed contract
Increased Contact	Counseling
	Reprimand

NOTE: Placement in a residential or non-residential treatment program should be based on the probationer's assessed needs.

Placement in Alternative in the Community (AIC) Transitional Housing should only occur if the probationer does not have a residence. Transitional Housing is not to be used to supplement supervision or monitoring.