

STATE OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
Probation and Parole

Policy
No. SUP633



March 5, 2013
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Probation and Parole Supervision
Performance Grid and Administrative Sanctions

1. **AUTHORITY:** Director of the Division of Probation & Parole
2. **REFERENCES:** Act 104 of the 2011 Louisiana Regular Legislative Session;
Department Regulation E-02-008
3. **PURPOSE:** To establish policy for addressing the behavior of an offender through the use of the Performance Grid, which includes the Administrative Sanctions enacted by Act 104 of the 2011 Louisiana Regular Legislative Session. This ensures consistent and timely actions shall be imposed in response to violations enumerated on the Performance Grid. This works to achieve public safety by holding offenders accountable for their behavior and reinforcing positive behavior, while assisting the offender in the successful completion of their sentence.
4. **APPLICABILITY:** All personnel of the Division of Probation and Parole involved in the supervision of adult offenders.

5. **DEFINITIONS:**

PERFORMANCE GRID . A four level instrument used to register any violation enumerated on the Performance Grid by an offender and the actions taken by an officer in response to those violations. Each level is graduated to address the seriousness of the violations that occur.

VIOLATIONS . Any behavior, action, or inaction, which is contrary to the conditions of probation or parole supervision which may or may not be enumerated on the Performance Grid.

ACTIONS . Added conditions or requirements placed on the offender either by the Officer, the Courts, or the Parole Board in an effort to prevent any further violations by an offender.

ADMINISTRATIVE SANCTIONS . Sanctions imposed by the Officer to address technical violations as enacted by Act 104 of the 2011 Louisiana Regular Legislative Session to include, but not limited to, jail, non-custodial treatment, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day reporting centers, or other local sanctions not already imposed as special conditions of supervision.

PAROLE TECHNICAL VIOLATIONS . For purposes of this policy, violations of the conditions of parole, except those resulting in a new arrest, charge, conviction of a felony or an intentional misdemeanor directly affecting the person or being in possession of a firearm or other prohibited weapon.

PROBATION TECHNICAL VIOLATIONS . For purposes of this policy, violations of probation, except those resulting in an arrest for a subsequent criminal act.

SEX OFFENDER - For the purposes of this policy, a sex offender is one who has a deferred adjudication, adjudication withheld, or a conviction for the perpetration or attempted perpetration of, or conspiracy to commit a sex offense as defined by Louisiana Revised Statutes or equivalent offenses from jurisdictions outside of the state.

6. POLICY:

It is the policy of this Division to address violations in a timely, consistent, and reasonable manner by use of the Performance Grid, which may include Administrative Sanctions as enacted by Act 104 of the 2011 Louisiana Regular Legislative Session. Absent significant risk to public safety, these sanctions would be graduated and proportional with the level of violations. The needs of the offender will also be considered to assist in the successful completion of their sentence. The Performance Grid is a tool to guide the application of administrative sanctions. It is not a contract.

7. PROCEDURES:

- A.** Timely and appropriate actions shall be taken when the officer becomes aware of the violation.
- B.** The officer will utilize the Performance Grid for enumerated violations specific to the offender and their violations. The absence of any other technical violation from the Performance Grid does not prohibit the officer from addressing these violations in an appropriate manner.
- C.** The Performance Grid will not be utilized when addressing violations on Not Guilty by Reason of Insanity (NGRI)-
- D.** The Sex Offender Performance Grid will be utilized to address violations of sex offenders, with the exception of Supervised Release and SOAP cases.

E. When using the Performance Grid the officer will locate the Performance Grid specific to the offender, select the enumerated violation(s), and choose the appropriate coinciding Action(s) and /or Administrative Sanctions. When imposing sanction(s) for violations, all appropriate actions should be selected to fully address violations, especially when selecting Act 104 Administrative Jail Sanctions. (i.e., needed substance abuse treatment after jail sanction is imposed).

1. Although a wide range of Actions and Administrative Sanctions are available for response to certain violations, an officer may determine a departure from the recommended actions may be a more appropriate response to a violation(s). The reason(s) for the departure shall be explained in the narratives.
2. It should be noted that any Actions taken for a positive drug screen shall also include mandatory retesting within 45 days.
3. When the offender completes the last Action directed, the offender returns to a compliant status. Any subsequent positive drug screen that occurs after the offender has returned to compliant status for six months or longer will be addressed as a Level 1 Violation.

F. Administrative Sanctions

When using the Performance Grid, officers may opt to utilize Administrative Sanctions as authorized by Act 104 of the 2011 Louisiana Regular Legislative Session when authorized by the Courts or Parole Board. These Administrative Sanctions are located in the Actions column of the Performance Grid. The violation(s) and subsequent sanction(s) will be noted on the Performance Grid when completing case narratives as described above.

1. Any offender who is in jail, detained by us or not, cannot be offered Administrative Jail Sanctions.
2. Administrative Jail Sanctions cannot be offered to Interstate Compact Probation Cases without the approval of the sentencing Court.
3. When imposing Administrative Sanctions (including jail sanctions) that are not already conditions of supervision (i.e., electronic monitoring, substance abuse treatment, etc.) the officer will complete the Notification of Administrative Sanctions form located in Case Management. This Notification of Administrative Sanctions shall require prior supervisor approval.

4. For the offenders to accept the Administrative Sanction, the offender must be given notice of the violations, must waive his right to a hearing and counsel, consent to the Administrative Sanction being imposed, and must admit the violation.
5. All offenders who are offered Administrative Sanction(s) shall receive the following process:
 - a) The Notification of Administrative Sanctions form will be printed, read and thoroughly explained to the offender. The offender will then be given the option of accepting or refusing the imposed Administrative Sanction(s).
 - b) When the offender agrees to the Administrative Sanction(s), the offender will sign and date the Notification of Administrative Sanctions and the form will be signed by the supervising officer and a supervisor. The offender will be provided a copy of the completed Notification of Administrative Sanctions.
 - c) If jail sanction(s) are being imposed CAJUN and Case Management will be updated by appropriate personnel to show correct location and transfer dates. The jail will also be provided a completed Notification of Administrative Sanctions for their records.
 - d) The number of total jail days an offender serves cannot exceed 60 days in a twelve month period. This twelve month period begins upon the imposition of the first jail sanction.
 - e) Deviations from the number of jail days for a specific level will be allowed only when offering the offender fewer jail days than required for the level. As with any other departure from the grid, the reason for the departure will be explained in the narratives
 - f) The supervising authority, District Attorney and defense counsel of record will be provided a copy of the Notification of Administrative Sanctions as required by Act 104 of the 2011 Louisiana Regular Legislative Session.
 - g) If the offender refuses the Administrative Sanction(s), he/she will be given the opportunity to explain in writing on the Notification of Administrative Sanctions why he/she is choosing to refuse the Administrative Sanction. The refusal must be witnessed and dated. This information will be provided to the appropriate authority for further action.