

MINNESOTA PROBATION VIOLATION MATRIX

Effective August 1, 2017

ICAOS Rule 4.101: A receiving state shall supervise offenders consistent with the supervision of similar offenders sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses and other supervision techniques.

Range of Offender Misconduct			
LOW MISCONDUCT	MEDIUM MISCONDUCT	SERIOUS MISCONDUCT	Revoke and Mandatory Retake
<i>New Convictions/Arrests</i>			
<ul style="list-style-type: none"> Conviction of misdemeanor or gross misdemeanor traffic offense (non-alcohol related and not a Crime of Violence offense as defined in statute 624.712 subd 5) 	<ul style="list-style-type: none"> Conviction of misdemeanor or gross misdemeanor offense Failure to report new arrest and/or citation within 24 hours 	<ul style="list-style-type: none"> Conviction of new DWI while on probation for DWI 	<ul style="list-style-type: none"> Conviction of a new felony offense Absconding from supervision Conviction of a Crime of Violence offense as defined in statute 624.712 subd 5 (including VOOB offenses)
<i>Treatment and Programming Misconduct</i>			
LOW MISCONDUCT	MEDIUM MISCONDUCT	SERIOUS MISCONDUCT (May Request Revocation)	
<ul style="list-style-type: none"> One positive alcohol/drug test, admission of use, or “no show” in any 60 day period First failure to complete assessment or treatment 	<ul style="list-style-type: none"> Two or three positive alcohol/drug tests, admissions of use, or “no shows” in any 60 day period Second failure to complete assessment or treatment 	<ul style="list-style-type: none"> Four or more positive/failed/refusal or no shows for alcohol/drug testing or admissions of use in any 60 day period Three or more failures to complete assessment or treatment Refusal to comply with drug/alcohol testing and/or interference with testing 	

Supervision Conditions/Misconduct

LOW MISCONDUCT	MEDIUM MISCONDUCT	SERIOUS MISCONDUCT (May Request Revocation)
<ul style="list-style-type: none"> ▪ Non-compliance with financial conditions including restitution ▪ Failure to complete GED ▪ Failure to obtain/maintain employment or attend school full-time ▪ Failure to complete community work service ▪ Entering gambling establishment or business that sale of alcohol is its primary business ▪ Failure to report contact with police which did not result in arrest within 24 hours ▪ One non-compliance with EHM/GPS ▪ Failure to report as directed one time 	<ul style="list-style-type: none"> ▪ Two to three non-compliance with EHM/GPS ▪ Refusal to sign Release of Information form as directed ▪ Affiliation with gang members ▪ Failure to report as directed two or more times in a 60 day period ▪ Failure to keep agent informed of current address, phone, and contact information but attends scheduled meetings ▪ Failure to resolve warrant (1st directive) ▪ Leaving the State without permission 	<ul style="list-style-type: none"> ▪ Acting in a financial capacity for another person or business without prior approval ▪ Refusal to admit into residence ▪ Four or more non-compliance with EHM/GPS ▪ Absconding from EHM/GPS ▪ Refusal to allow search of person or property ▪ Possession of a firearm/prohibited weapon ▪ Failure to provide DNA sample ▪ Violation of no contact order/condition ▪ Failure to report to confinement ▪ Failure to resolve warrant (2nd directive)

Criminal Sexual Misconduct Offenses

LOW MISCONDUCT	MEDIUM MISCONDUCT	SERIOUS MISCONDUCT (May Request Revocation)
<ul style="list-style-type: none"> ▪ Failing to notify the probation officer of volunteering activities, social and religious memberships 	<ul style="list-style-type: none"> ▪ First use or possession of sexually explicit materials ▪ First use of computer, cell phones, cameras or any device that has internet capability ▪ First use of social network sites ▪ First use of internet ▪ First failure to submit a polygraph ▪ Failing to inform agent of significant relationships ▪ Not maintaining a suitable residence/no address change ▪ First failure to complete psycho-sexual assessment or treatment 	<ul style="list-style-type: none"> ▪ Two or more use or possession of sexually explicit materials ▪ Having contact/unsupervised contact (direct or indirect) with minors/vulnerable adults/victims ▪ Two or more use of computer, cell phones, cameras or any device that has internet capability ▪ Two or more failures to submit a polygraph ▪ Two or more use of social network sites ▪ Two or more use of internet ▪ Loitering in areas primarily used by children ▪ Two or more failures for completing psychosexual assessment or treatment

Aggravating Factors

Aggravating factors are relevant facts and circumstances that increase the severity of the misconduct or require a response outside the presumptive range. Those factors may include, but are not limited to:

- Multiple convictions of assault, threats, weapons, stalking, or victim injury
- Level Two and Three Sex offender
- Multiple violations within 90 days of notice of arrival.
- Multiple offenses not occurring out of the same set of circumstances.
- Violation of a EHM/GPS exclusion zone
- High risk based on a validated risk assessment.
- Police reports indicate gang affiliation or weapon present.
- Seriousness of current offense(s)¹

If the behavior is already counted in the misconduct, it may not be counted again as an aggravating factor (e.g.—continued use of alcohol or drugs, if the misconduct is for repeat use of alcohol or drugs).

¹ Seriousness of current offense(s) include: Per MN Sentencing Guidelines, the offense(s) is a presumptive commitment to state imprisonment with a zero criminal history score.

Mitigating Factors

Mitigating factors are those circumstances that may tend to reduce the severity of the misconduct. Mitigating circumstances do not excuse or justify the misconduct, but may moderate the sanction. Mitigating factors may include, but are not limited to:

- Offender admits misconduct and is demonstrably willing to address previous circumstances or issues
- Low public safety concern (non-person offender and no identifiable risk/threat/danger to people)
- Otherwise successful on probation (for example, regular reporting and overall compliance)
- Working toward sobriety
- Pro-social community support network/family network available
- Low risk based on a validated risk assessment.
- Incarceration/return to sending state will result in loss of stability factors such as: employment, education, or housing
- Positive adjustment prior to misconduct (law abiding, misconduct free, constructively engaged in community)
- Alternative programming available in the community