

STATE OF ALASKA DEPARTMENT OF CORRECTIONS  POLICIES & PROCEDURES	SECTION: Pretrial, Probation and Parole		PAGE: Page 1 of 5
	CHAPTER: 902	NUMBER: 902.16	P&P TYPE: Public
	TITLE: Responses to Conduct on Supervision		
	APPROVED BY:  Nancy A. Dahlstrom, Commissioner		DATE: 12/20/2019
ATTACHMENTS / FORMS: A. Administrative Sanction Review B. Petition to Revoke Probation C. Parole Violation Report		AUTHORITY / REFERENCES: 22 AAC 05.155 AS 33.30.011 AS 33.05.010 AS 33.05.020 AS 33.05.070	

POLICY:

- I. It is the policy of the Department of Corrections (DOC) that Probation / Parole Officers (POs) shall investigate and respond to positive and negative behaviors displayed by offenders both swiftly and in proportion to the offender's behavior.
- II. In responding to positive and negative behaviors, POs shall use best practices and respond in a manner that is both ethical and responsible.
- III. Violations of conditions of supervision will be addressed by a PO based on the criminogenic needs of the offender and the totality of the circumstances.

APPLICATION:

- I. This policy and procedure will apply to all Department employees and all offenders.
- II. POs supervising specialized caseloads (i.e. PACE, sex offender) shall respond to positive and negative behavior as explained in this policy, to the extent possible. However, specialized caseload program guidelines shall take precedence where a conflict with this policy occurs.

DEFINITIONS:

As used in this policy the following definitions shall apply:

Administrative Sanctions:

Administrative Sanction are those sanctions imposed by a PO for a violation of conditions of probation or parole, which are less than a revocation action (i.e. increased reporting, curfew, written warning, change in residence).

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Confidential Informant:

A person who provides information about criminal activity or wrong doing to law enforcement officers, including Probation / Parole Officers (POs), and requests to be confidential. The identities of those individuals are usually kept confidential and, in a manner, to protect the informant against retribution from those involved in the criminal activity or wrong-doing.

Dual Supervision:

An offender serving a term of probation concurrently with a term of parole is on dual supervision.

Enhanced Sanctions / Revocation Actions:

Enhanced sanctions are revocation actions taken by POs in response to negative behavior that are elevated due to the offender's behavior and totality of the circumstances.

Incentives:

Responses to positive behaviors that promote ongoing prosocial changes for an offender.

Interventions:

Interventions are actions by POs designed to address problematic behavior and support the offender's move towards prosocial behavior (i.e. referral to substance abuse treatment).

Criminogenic Risk / Needs: A dynamic risk factor that when changed (either in a positive or negative direction) can change the probability of recidivism. Examples include criminal attitude, mental health, companions, housing and substance abuse.

PROCEDURES:

I. Responding to Positive Behaviors:

- A. When responding to positive behaviors and compliance with supervision, POs shall reinforce that behavior with incentives that encourage further prosocial behavior. The following incentives may be utilized by staff when appropriate:
1. Verbal Praise;
 2. Letter of recognition / certificate;
 3. Positive reports to community providers;
 4. Supervisor recognition / certificate;
 5. Transportation vouchers / bus tokens;
 6. Reduction or elimination of curfew;

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7. Expansion of social supports;
8. Reduction in supervision level or reduction in reporting;
9. Enhanced travel flexibility;
10. Requesting early termination of supervision; or
11. Other incentives as available and appropriate.

II. Interventions:

Interventions shall be used by POs to assist offenders in addressing their antisocial behavior. Each district office shall maintain a list of available services and programs that address offender criminogenic needs and provide referrals for those services as necessary.

A. Interventions should not be viewed as a sanction however they may be used in conjunction with sanctions. They are dependent on district resource availability and PO discretion.

B. Types of interventions may include:

1. Substance abuse treatment;
2. Cognitive based therapy;
3. Mental health treatment;
4. Community-Based Re-Entry Services;
5. Housing voucher program;
6. Job-service referral;
7. Domestic violence programming;
8. Sex offender treatment; or
9. Other treatment services and programs.

III. Responding to Negative Behaviors:

A. POs shall investigate all allegations of violations of conditions of supervision and respond to all in a way that interrupts negative behaviors with certainty and in a manner that is both swift and proportionate. In responding to violations of conditions of supervision, the PO shall consider the following:

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1. The severity of the offender's current conduct,
2. Review the potential impact the offender's behavior has on their community and, or victim(s),
3. Review the offender's prior conduct (including criminal history, violations and previously imposed sanctions),
4. Review the criminogenic needs of the offender, and
5. Review any interventions currently or previously in place by the offender.

B. Considering the totality of the circumstances listed in III. B above, following an offender's violation of a condition of supervision, the officer shall impose either an administrative sanction or an enhanced sanction / revocation action.

1. Administrative Sanctions may include the following:

- a. Verbal warning;
- b. Written warning;
- c. Meeting with Supervisor, PO and Offender;
- d. Activity or travel restrictions;
- e. Curfew;
- f. Increased reporting / contacts;
- g. Increased drug or alcohol testing;
- h. Required change of residence;
- i. Change of region of residence;
- j. Restrict contact with associates;
- k. Increase home / field visits; or

l. Other sanctions as determined appropriate by the PO and their supervisor.

2. When imposing an administrative sanction, the PO shall advise the defendant of the conduct that is being addressed, the administrative sanction to be imposed and if applicable the length of time the sanction will be in effect. The PO shall document the behavior and sanction in the offender

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management system. If an offender disputes the violation or the sanction, the offender may request an Administrative Sanction Review.

- a. The offender's request shall be in writing on the Administrative Sanction Review form (Attachment A) and detail the sanction and / or violation they disagree with.
 - b. The offender's request shall be submitted to the Department within three (3) business days of the imposition of a sanction or from the date they were notified that they violated the conditions of their supervision.
 - c. A Probation Supervisor or Probation Officer IV shall review the request and provide a written determination within five (5) business days to the offender. The Probation Supervisor or PO IV shall provide reasons for their decision. The decisions of a Probation Supervisor or PO IV are final. Administrative sanction review requests and responses shall be maintained in the offender's file.
 - d. While an Administrative Sanction Review is pending, any sanctions imposed on an offender remain in effect.
3. Enhanced Sanctions / Revocation Actions
- When the totality of an offender's circumstances and behaviors (see Section III. A above) indicate that an elevated response is necessary, a PO may file a revocation with the Court or Parole Board.
- a. The PO shall file either a Petition to Revoke Probation (Attachment B) or Parole Violation Report (Attachment C) to address the violation of supervision.
 - b. When an offender is on dual supervision, and the offender commits a violation of both probation and parole supervision, the PO has discretion as to whether to file a probation or parole violation. However, if listed in i, ii, or iii below, the PO shall file both a probation and parole violation.
 - i. The offender commits a new criminal offense,
 - ii. The offender has absconded, or
 - iii. As otherwise directed by a probation supervisor.
 - c. The PO may consider requesting the Court or Parole Board to impose additional interventions, or programming that may assist the offender when making a recommendation to the Court or Parole Board.
 - d. The PO shall document the filing of a probation or parole violation in the offender management system
4. If an allegation of a violation of supervision conditions is made by a confidential informant, the PO shall make every effort to protect the confidentiality of the informant.

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