

Evidence-based Practices and Programming Subgroup: Graduated Responses

Overview

Several states use graduated responses (sanctions and incentives) to address community supervision violations. These scaled responses provide community supervision officers with a continuum of readily-available options to effectively hold youth accountable and reduce reoffending.

- “Sanctions” are used to swiftly and proportionately respond to violation behaviors.
- “Incentives” are used to encourage positive behavior and reward compliance with terms and conditions.

Kansas Specific Findings

- Overall, limited standards, structure, or statutory guidance on supervision practices and revocation decisions from Court Services, ISP, and Case Management
 - No requirement for system-wide use of graduated responses
- Court Services revocations represent ¼ of new KDOC custody admissions
 - 17% of JO youth released from Court Services supervision are revoked to ISP, detention, or KDOC custody
- Greater proportion of youth spending time on all types of KDOC supervision than a decade ago

Research

- **Research Principle: Use objective structured assessment and decision-making tools to reduce reoffending**
 - Routine, consistent use of structured decision-making tools allows staff to implement optimal sanctions and place appropriately in programming
 - A structured system of graduated sanctions and incentives encourages youth compliance with supervision
- ***Graduated sanctions grids for technical violations reduce detention admissions¹***
 - After Union County, NC implemented its grid in 2008, “officials have seen a 67% drop in the number of youth admitted to secure detention for probation violations and a 50% drop in the number of youth of color detained for that reason”
- ***Incentives are important—not only sanctions²***
 - Incentives promote the development of internal motivation for pro-social conduct, so youth are not motivated simply by the fear of being caught
 - When the major motivation for law abidance is “avoiding punishment, the major lesson learned is not to get caught”
 - Research shows that sanctions without positive reinforcement are less effective

¹ http://www.cclp.org/documents/DMC/DMC_eNews_021.pdf

² Altschuler, David M. 2008. “Rehabilitating and Reintegrating Youth Offenders: Are Residential and Community Aftercare Colliding Worlds and What Can Be Done About It?” *Justice Policy Journal*; Lipsey, Mark W. 1999. Can rehabilitative programs reduce the recidivism of juvenile offenders? An inquiry into the effectiveness of practical programs. *The Virginia Journal of Social Policy & the Law* 6(3), pp. 611-641.

- ***Routine risk reassessment improves accuracy and effectiveness of graduated sanctions and incentives***³
 - Research has shown that utilizing risk assessment to target the use of sanctioning resources, with higher levels of sanctions targeted to higher risk offenders, allows the most efficient and effective use of limited resources.
 - Using intensive resources with low risk juveniles has not been found to improve outcomes and at times actually worsens outcomes for low risk offenders.
- ***Graduated sanctions and incentives should be developmentally appropriate***⁴
 - Researchers recommend using developmentally appropriate techniques and not directly importing techniques from adult systems.

State Examples

- Florida
 - Florida's [DJJ Effective Response Matrix](#) considers the seriousness of the violation (determined by victim impact, community impact, relation to underlying offense, frequency of violation, duration of violation, and compliance) combined with the risk to reoffend. The matrix also has an Incentive Plan, with qualifiers and incentives.
- Georgia
 - Georgia's statute⁵ defines graduate sanctions as: "Verbal and written warnings; increased restrictions and reporting requirements; community service; referral to treatment and counseling programs in the community; weekend programming; electronic monitoring...; curfew; an intensive supervision program; or home confinement"; DJJ "shall be authorized to establish rules and regulations for graduated sanctions as an alternative to judicial modifications or revocations for probationers who violate the terms and conditions of a probation management program". As a result of this statute, Georgia developed a [DJJ Graduated Sanctions Grid](#).
- Hawaii⁶
 - Hawaii requires that the judiciary adopt guidelines and procedures for statewide graduated sanctions and incentives, with presumptive sanctions for the most common violations. It also gives probation officers the authority to respond to violations with sanctions and to award positive behavior with incentives (including termination of probation).
- Kentucky⁷
 - Kentucky requires swift, certain, proportionate, and graduated sanctions for probation officers to respond to violations of terms or condition of probation with a continuum of sanctions, including positive reinforcements, and requires that the less-restrictive graduated sanctions be utilized prior to requesting judicial review. Youth may not be committed or recommitted to DJJ for a violation of probation.

³ [National Council of Juvenile and Family Court Judges Juvenile Sanctions Center- Graduated Sanctions for Juvenile Offenders Volume II](#)

⁴ Brannigan, Shackman, Falco, Millman. 2004. "The Quality of Highly Regarded Adolescent Substance Abuse Treatment Programs." *JAMA Pediatrics*.

⁵ <http://www.legis.ga.gov/Legislation/20132014/135887.pdf>

⁶ http://www.capitol.hawaii.gov/session2014/bills/HB2490_CD2_.HTM

⁷ <http://www.lrc.ky.gov/record/14RS/sb200.htm>

- Missouri
 - The [Missouri Classification Matrix](#) allows juvenile justice professionals to use risk scores to appropriately link offenders to a set of graduated sanctions intended to reduce the likelihood of re-offending.
- Oregon
 - Since 2008, Oregon has used a [Graduated System of Incentives, Interventions and Sanctions](#) for youth offenders on probation, broken down by minor, moderate, and serious violations and responses. The Oregon system states that “research strongly suggests that detention should not be used for low risk youth offenders because it can actually increase risk to re-offend, due to the low risk youth’s contact and interaction with high risk youth in detention. Detention for medium risk youth should be considered after other available interventions and sanctions have been tried and were not effective in reducing risk to re-offend and/or changing the youth’s negative behavior.”

Step 3 – Graduated Sanction Examples for MODERATE Violations per Risk to Re-Offend Levels

| MODERATE Probation Violations | | Graduated Sanction Examples per Risk to Re-Offend Levels | | |
|--|--|---|--|--|
| | | Low Risk | Medium Risk | High Risk |
| Victim Impact | There was an attempt to have unauthorized contact with victim(s). | <ul style="list-style-type: none"> • Motivational interviewing and problem-solving session(s). • Reassessment of risk/ needs and level of supervision. | <ul style="list-style-type: none"> • Motivational interviewing and problem-solving session(s). • Reassessment of risk/ needs and level of supervision. | <ul style="list-style-type: none"> • Motivational interviewing and problem-solving session(s). • Reassessment of risk/ needs and level of supervision. |
| | Aspects of the violation are similar to the underlying and/or past offense(s), such as youth is engaging in similar risky behavior or situations. | <ul style="list-style-type: none"> • Increased frequency of drug screens. • Increased treatment services. • Community service hours. • Curfew restrictions. • Home confinement monitored by parent or guardian. • Cognitive behavioral class/worksheet. • Warning (verbal or written). | <ul style="list-style-type: none"> • Increased frequency of drug screens. • Increased treatment services. • Community service hours. • Curfew restrictions. • Home confinement monitored by PO. • Driving restrictions. • Day reporting. • Detention days. • Judicial review hearing. | <ul style="list-style-type: none"> • Increased frequency of drug screens. • Increased treatment services. • Community service hours. • Curfew restrictions. • Telephonic/electronic monitoring. • Driving restrictions. • Day reporting. • Detention days. • Additional monitoring and higher level of supervision. • Judicial review hearing. |
| Underlying Offense | <ul style="list-style-type: none"> • New Class B or C misdemeanor, or non-person Class A misdemeanor. • A single incident of school suspension for behavior problems. • Pattern of absences from required treatment. • Pattern of absences from school or work. • Pattern of non-compliance with treatment goals and/or expectations. • Pattern of absences from community service requirements. • More than one violation of alcohol or drug possession and/or use. • Pattern of violations of other conditions of probation. | | | |
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| Some Examples of MODERATE Violation Behavior | | | | |