

<p align="center"><b>GEORGIA DEPARTMENT OF JUVENILE JUSTICE</b></p>	<p align="center">Transmittal # 17-17</p>	<p align="center">Policy # 20.33</p>
<p>Applicability:  <input type="checkbox"/> All DJJ Staff  <input type="checkbox"/> Administration  <input checked="" type="checkbox"/> Community Services  <input type="checkbox"/> Secure Facilities</p>	<p>Related Standards &amp; References:  O.C.G.A. §§ 15-11-601, 15-11-605  DJJ 20.26, 20.30, 20.32</p>	
<p>Chapter 20: CASE MANAGEMENT</p>	<p>Effective Date: 12/28/17  Scheduled Review Date: 12/28/18</p>	
<p>Subject: GRADUATED SANCTIONS</p>	<p>Replaces: 7/1/12  Community Services</p>	
<p>Attachments:</p> <p>A – Secure Probation Sanctions Affidavit  B – Supervision Violations  C – High Level of Service Grid  D – Medium Level of Service Grid  E – Low Level of Service Grid</p>	<p>APPROVED:</p>  <hr/> <p>Avery D. Niles, Commissioner</p>	

**I. POLICY:**

The Department of Juvenile Justice shall use a systematic and measurable approach to the discipline of committed and probated youth being supervised in the community. A continuum of reinforcements and sanctions shall be used at each level to provide consequences for violations and to motivate youth to change their behavior. Sanctions shall be based upon the youth’s level of supervision and the seriousness of the violation.

**II. DEFINITIONS:**

**Graduated Sanctions:** A structured, decision-making process with a continuum of services and consequences for youth who are placed in the community and who violate the terms of their probation or commitment.

**The Juvenile Needs Assessment (JNA):** A tool that will evaluate the presenting strengths and needs of each youth and systematically identify critical areas of needs or problems in order to plan effective interventions.

**Pre-Dispositional Risk Assessment (PDRA):** A tool that will help identify which system-involved youth are most likely to be involved in future offending.

**Probation Management Program:** A special condition of probation ordered by a juvenile court judge that includes graduated sanctions.

**Secure Probation Sanctions Affidavit:** An affidavit requesting Secure Probation Sanctions completed by the probation officer supervising a youth following the youth having at least 3 violations that specifies:

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- The elements of the youth’s probation program;
- The youth’s failures to respond to graduated sanctions in the community; and
- The youth’s number of violations and the nature of each violation.

**Secure Probation Sanction:** Secure confinement of 7, 14, or 30 day following a hearing with a juvenile court judge or a hearing officer as provided as a component of the Probation Management Program.

**Secure Probation Sanctions Hearing:** An administrative proceeding in compliance with O.C.G.A. §15-11-605 in which an appointed Hearing Officer determines if a youth sentenced to probation with a special condition placing the youth in the Probation Management Program has violated the terms of his/her probation on 3 or more occasions and has failed to remediate his/her behavior in response to graduated sanctions.

**Secure Probation Sanctions Hearing Officer:** A DJJ employee or a county juvenile probation office employee who has been selected, trained and appointed by the Department or county juvenile probation office, to hear cases alleging violations of probation for administrative sanctioning and send youth to the Secure Probation Sanctions Program.

**Violation:** Non-compliance with a condition of probation/placement or a specified misdemeanor offense.

### III. PROCEDURES:

- A. The graduated sanctions program will be a component of the Department’s supervision model and will be used to address the public safety, accountability and the need for secure probation sanctions with youth who have violated the terms of supervision.
- B. The graduated sanctions program utilizes a standard list of minor, moderate, and serious supervision violations. (See Attachment A.)
- C. The Pre-Disposition Risk Assessment (PDRA) will be used to determine the youth’s risk and supervision level in accordance with DJJ 20.14, PDRA/SDM.
- D. Upon knowledge of a violation, the CCM will determine the sanction based upon the seriousness of the violation and the youth’s level of supervision.
  1. The High Level of Service Grid (Attachment B) will be used to determine the sanction for a youth with a high level of service.
  2. The Medium Level of Service Grid (Attachment C) will be used to determine the sanction for a youth with a medium level of supervision.

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3. The Low Level of Service Grid (Attachment D) will be used to determine the sanction for a youth with a low level of supervision.
- E. One sanction will be issued for each violation. When multiple violations occur or the CCM becomes aware of multiple violations at one time, the most serious violation will be used to determine the sanction and only one violation will be included in the violation count.
1. For continued violations, the youth will be progressively sanctioned according to the grid that corresponds to his/her level of supervision.
- F. If a youth is accused of a delinquent act and the respective District Attorney does not file a petition, the CCM may use graduated sanctions.
- G. If a petition is filed and a youth is adjudicated for a delinquent act, graduated sanctions will not be used.
- H. General Guidelines for Probated Youth:
1. Violations of probation may identify new needs of the offender. In these cases, staff will review and update the JNA and Service Plan (see DJJ 20.31, Needs Assessment and Service Planning) to address any needs, as well as address any violations through graduated sanctions.
  2. If a probated youth has been given a special condition for the Probation Management Program and has violated their terms of probation at least 3 times, the CCM may, in consultation with the Juvenile Program Manager (JPM), complete a Secure Probation Sanctions Affidavit (Attachment E) that documents the youth's violations and sanctions and will request a Secure Probation Sanctions Hearing either with the juvenile court judge or with a Secure Probation Sanctions Hearing Officer.
  3. For a youth that does not have a special condition for the Probation Management Program and has a subsequent violation, a formal violation of probation and appearance in front of the Court will be sought after all allowed sanctions have been used.
  4. Violations:
    - a. Low risk youth must receive at least 3 violations and the concurrence of the JPM before being eligible for Secure Probation Sanctions.
      - i. When the youth has had 4 violations, the CCM may consult with the JPM to determine if the youth will continue to receive graduated

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sanctions or will be referred for a Secure Probation Sanctions Hearing.

- ii. When the youth has had 6 violations, the youth will be referred for a Secure Probation Sanctions Hearing.
  - iii. When the determination is made to refer the youth for a Secure Probation Sanctions Hearing, the CCM will complete the Secure Probation Sanctions Affidavit.
- b. Medium risk youth must receive at least 3 violations and the concurrence of the JPM before being eligible for Secure Probation Sanctions.
- i. When the youth has 4 violations, the CCM may consult with the JPM to determine if the youth will continue to receive graduated sanctions or will be referred for a Secure Probation Sanctions Hearing.
  - ii. When a youth has 5 violations, the youth will be referred for a Secure Probation Sanctions Hearing.
  - iii. When the determination is made to refer the youth for a Secure Probation Sanctions Hearing, the CCM will complete the Secure Probation Sanctions Affidavit.
- c. High-risk youth must receive at least 3 violations and the concurrence of the JPM before being eligible for Secure Probation Sanctions.
- d. When the youth has 4 violations, the youth will be referred for a Secure Probation Sanctions Hearing.
- e. When the determination is made to refer the youth for a Secure Probation Sanctions Hearing, the CCM will complete the Secure Probation Sanctions Affidavit.
5. Local Procedures:
- a. Each District Director, in consultation with the judges of the judicial circuit, will develop local options within available local resources to complement the approved graduated sanction grids.
  - b. In consultation with the local Juvenile Court Judge, each community services office will develop local procedures for the use of graduated sanctions and rewards/incentives. The local procedures will include, but not be limited to:

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- i. Standards guiding the return of youth to court;
  - ii. Recognition of graduated sanctions imposed during the youth's probation; and
  - iii. A systematic, progressive and measurable rewards and incentives system.
- c. The District Director will approve the local procedures and forward copies of the approved local procedures to the Regional Administrator.

I. General Guidelines for Committed Youth:

- 1. Violations of community supervision by a committed youth may identify new needs of the offender. In these cases, staff will address any violations through graduated sanctions. The JNA and Service Plan (see DJJ 20.31, Needs Assessment and Service Planning) should be reviewed and updated every 90 days to identify and address any additional needs.
- 2. Once the sanction process with a continuum of services and consequences has been administered and the case staffed with the JPM an administrative revocation Violation Report may be filed in accordance with DJJ 20.26, Administrative Revocation.

J. Documentation:

- a. Each reward or incentive given will be documented in the Juvenile Tracking System (JTS) case notes within 72 hours.
- b. Each sanction given will be documented on the youth's sanction grid in JTS and in the JTS case notes within 72 hours. The youth and parent/guardian will be given immediate notification of the sanction, duration of the sanction, and the expected date the sanction will be completed.

- K. The JPM will monitor the graduated sanctions program for implementation and appropriateness of sanctions and rewards/incentives. Serious and/or chronic failure to implement appropriately a graduated sanctions program must be immediately addressed and reported through the chain of command. Detention, Secure Probation Sanctions or revocation of placement will not be used without the JPM thoroughly reviewing sanctioning efforts.

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**IV. LOCAL OPERATING PROCEDURES REQUIRED: YES**

- Refer to section III (H) (5).
- LOP will address the use of graduated sanctions and rewards/incentives. The local procedures will include, but not be limited to:
  - Standards guiding the return of youth to court;
  - Recognition of graduated sanctions imposed during the youth's probation; and
  - A systematic, progressive and measurable rewards and incentives system.
  - The District Director will approve the local procedures and forward copies of the approved local procedures to the Regional Administrator.