



# RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	<b>POLICY NUMBER:</b> 28.07-1 DOC	<b>EFFECTIVE DATE:</b> 05/13/19	<b>PAGE 1 OF 9</b>
	<b>SUPERSEDES:</b> 28.07 DOC	<b>DIRECTOR:</b> <span style="float: right;">Please use BLUE ink.</span> 	
<b>SECTION:</b> PROBATION AND PAROLE FIELD SERVICES		<b>SUBJECT:</b> RESPONDING TO PAROLE VIOLATIONS	
<b>AUTHORITY:</b> Rhode Island General Laws (RIGL) § 42-56-7, Probation and Parole; § 42-56-10 (22), Powers of the director;			
<b>REFERENCES:</b> the most recent version of RIDOC Policy 28.17 DOC: <a href="#">Probation Case Management: Probation Violation Requests</a>			
<b>INMATE / PUBLIC ACCESS?</b>		<input checked="" type="checkbox"/> YES	
<b>AVAILABLE IN SPANISH?</b>		<input checked="" type="checkbox"/> NO	

I. **PURPOSE:**

To provide guidelines for systematic, consistent and individualized decision-making by Parole Unit staff regarding offenders who have been non-compliant with the terms and conditions of their parole. The policy is designed to assist staff in differentiating low, medium, or high levels of severity of specific violation behaviors, of individual offender factors related to community risk and status, and of appropriate and proportional sanctions. Observing outcomes and documenting interventions promote consistent record keeping, evaluation of impact, and aggregation of data for outcome measures.

II. **POLICY:**

The Rhode Island Department of Corrections (RIDOC) and Rhode Island Parole Board have identified a shared goal of the parole system: betterment of the community. This goal incorporates recognition that we are jointly responsible to give priority to public safety, as well as to promote the successful integration of offenders into the community. Stringent conditions of release, close supervision and appropriate response to non-compliance are strategies designed to contain the risk represented by parolees. In addition, these strategies are components of rehabilitation, services and support that contribute to functional integration of offenders into the community.

III. DEFINITIONS:

NOTE: For the purposes of this policy, terminology that can apply to probation as well as to parole is defined only in the context of parole. For information on probation violations, which may be handled differently, refer to the most recent version of policy 28.17 DOC, [Probation Case Management: Probation Violation Requests](#).

1. Compliance - Offender behavior and conduct in conformity with the terms and conditions of parole. Standard conditions of parole and special conditions established for specific parolees include restrictions and prohibitions, accountability requirements, and participation in rehabilitation and treatment programs. All conditions are delineated on the parole permit, which is issued and enforced by the Parole Board.
2. Non-Compliance (also Violation Behaviors) - A general term referring to offender behavior and conduct not in conformity with the terms and conditions of parole; includes new criminal behavior (new charge) and/or non-criminal (technical) violations of a parolee's standard and/or special conditions of parole. Non-compliance can range from relatively minor (low level of severity) to chronic or severe violation behavior (medium or high level of severity). All non-compliance requires a documented response by the Parole Officer, with the exception of minor lapses (see below).

Sample non-compliance or violation behaviors:

- a. New Charge Violations - Incurring new felony and/or misdemeanor criminal charge(s).
- b. Technical Violations (non-criminal violations of parole conditions):
  - (1) Technical violations of standard conditions (i.e., those requirements and restrictions imposed by the Parole Board that apply to every parolee), such as failure to report to the Parole Officer as required, I will carry out the instructions of my Parole Officer, I will not associate with persons, male or female, who have criminal records without permission from my Parole Officer.

- (2) Technical violation of special conditions [i.e., those requirements and/or restrictions imposed by the Parole Board that are specific to a particular parolee (e.g., domestic violence counseling)], such as unsuccessful termination from mandated treatment, violation of a No Contact Order, failure to submit to mandated drug testing, etc.
3. Minor Lapses in Cooperation – Occasional, inconsequential shortfalls in parolee behavior that do not materially affect a significant element of the parolee’s rehabilitation or risk to the community. Minor lapses are subject to **low level informal sanctions**, imposed at the discretion of the Parole Officer and documented in the affected parolee’s records. Minor lapses rise to the level of non-compliance/violation behavior if they serve to obscure vital information about parolee activity; or if they are repeated, chronic, patterned, or deliberate; or if the parolee does not respond positively to the Parole Officer’s informal intervention.

Sample minor lapses:

- a. Arriving late for an appointment;
  - b. Neglecting to provide timely documentation of some activity;
  - c. Delay in reporting a change in non-crucial circumstances.
4. Sample Informal Sanctions in Response to Minor Violations:
  - a. Counseling and engagement to address issues of resistance, obstacles to full compliance, or other;
  - b. Firm reminders, informal reprimands or warnings;
  - c. Maintaining stricter reporting requirements;
  - d. Delaying easing restrictions.
5. Sanction (also Violation Response or Intervention) – An action or intervention by the Parole Officer and/or Parole Board in response to parolee behavior; may be warning, restrictive, punitive and/or rehabilitative in response to violation behaviors, and may be low, medium or high-level sanction. (In the context of supervision and responding to

compliance and achievement, positive sanctions provided by the Parole Officer and/or Parole Board may be affirmative, rewarding and/or rehabilitative.)

6. Informal Sanction - A low level sanction imposed by the Parole Officer that does not require action or authorization by the Parole Board; and/or that the offender voluntarily agrees to accept, often in advance of or in lieu of formal action by the Parole Board.
7. Formal Sanction - A medium or high-level sanction that is imposed by authority of the Parole Board; and/or formal adoption by the Parole Board of a sanction initially accepted voluntarily by the offender.
8. Threat Risk - Offender risk can be categorized in terms of likelihood of reoffending and/or in terms of level of threat to community safety (or risk of harm, dangerousness, violence, assaultiveness, etc.) While all risk is important to consider, RIDOC gives priority to threat risk or risk of harm, where that is apparent.

#### IV. PROCEDURES:

##### A. Principles:

1. Parolees must be held accountable for non-compliance with the terms and conditions of their release as established by the Parole Board in order for such conditions to be effective.
2. Behaviors that violate the terms and conditions of parole (non-compliance) require a documented response (sanction) that is timely, clear, appropriate and proportional to the situation.
3. It is important to recognize that violation behavior does not necessarily require revocation of parole. A range of levels and types of sanction enables provision of suitable, individualized rehabilitative services within the context of the level of restriction needed for public safety.
4. Parole Unit staff are guided through procedural steps to determine how to respond to violation behavior:

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- a. Identifying the severity of the non-compliance/ violation behavior (high, medium, or low level of severity);
  - b. Assessing offender threat risk/risk of harm to the community (high, medium, or low level of risk);
  - c. Determining the appropriate level(s) of sanction (high, medium, or low level of sanction); and
  - d. Selecting one or more sanctions from the appropriate level(s).
5. Parolee non-compliance and the resulting sanction(s) shall be documented in case records.
    - a. Sanctions can be informal (a low-level sanction imposed by the Parole Officer<sup>1</sup> that does not require action or authorization by the Parole Board); or formal (a sanction imposed by authority of the Parole Board).
    - b. The Parole Board shall be notified for any formal sanction and in circumstances identified in the standard operating procedures supplementing this policy, which are maintained by the Associate Director of Community Corrections. Any action taken by the Parole Board shall also become part of the offender record. This documentation will assist Parole Unit staff in decision making in individual cases; assist supervisory and administrative staff in assuring consistency and effectiveness of such decision making; and assist the Department in evaluating the success of the parole system and its components.

**NOTE:** Effective interventions also depend on the parolee being recognized for substantial compliance, achievements, and improvements in functioning through positive reinforcement, rewards, and lessening of restrictions. These issues are to be addressed in separate policies.

B. Responding to Non-Compliance/Violation Behavior:

1. The Parole Officer shall respond explicitly to every known instance of an offender's behavior that is in violation of the terms and conditions of parole.

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<sup>1</sup> In this policy, Probation and Parole Officers are referred to as Parole Officers.

2. It is important to recognize, however, that non-compliance or violation behavior does not necessarily require revocation of parole.
  - a. The nature and intensity of the response depend upon the severity of the violation behavior, as well as the parolee's status and risk to the community.
  - b. Informal and/or formal sanctions shall be selected and implemented with due consideration of public safety, offender needs for and responsivity to restrictions and rehabilitative services, and the range of available options.
3. Decisions concerning how to respond to offender violation behavior shall be made in accordance with the guidelines herein and the supplementing standard operating procedures, and in consultation with the Supervisor and/or Assistant Administrator, as appropriate.

- a. Identify the severity of violation behavior.

The Parole Officer shall identify the severity of non-compliance based upon low, medium and high categories of violation behaviors, as described in standard operating procedures. The Parole Officer shall select the most serious level if more than one category applies.

- b. Assess offender risk to the community.

The Parole Officer shall evaluate the level of potential risk of harm to the community (threat risk) believed to be presented by the individual offender through guided review of current and past status factors, parole risk assessment or other validated risk assessment tools, criminal history and responsivity. The Parole Officer shall select the most serious level (low, medium or high) if more than one category applies.

- c. Determine the appropriate level of sanction.

A matrix based upon the level of severity of violation behavior and the level of risk to the community shall indicate the appropriate level of sanction.

- d. Select one or more sanctions.

The Parole Officer shall select one or more sanction(s) from the appropriate level and may also select one or more sanction(s) from lower level options. The Parole Officer may select as many warning, punitive, restrictive and/or rehabilitative sanctions as are appropriate.

- e. Confer regarding deviation from identified sanction level.

The Parole Officer may identify mitigating, aggravating, or unaccounted factors specific to individual offenders that may suggest deviation from a specific recommended sanction level in order to provide for community safety and enhance the parolee's likelihood to achieve success.

- (1) An increase in level of sanction is permitted with reasonable explanation and suitable documentation in the case record. Consultation with the Supervisor is recommended.
- (2) A reduction of sanction level is permitted with approval of the Supervisor and with justifying documentation in the case record, except in situations identified in the supplementing standard operating procedures.

- f. Impose sanctions.

- (1) Sanctions requiring action or authorization by the Parole Board shall be recommended to the Parole Board by means of a written sanction report or other recognized format.
- (2) The Parole Officer may impose low level or voluntary sanctions that do not require action or authorization by the Parole Board (as described in the standard operating procedures). The Parole Officer shall provide an explicit explanation to the parolee (and documentation in the case record) of the violation behavior and the purpose of the sanction(s).

C. Observing Outcomes:

1. Staff shall record in the individual case file any notable behavioral response by the parolee following the imposition of sanction(s). Such

responses and outcomes (or the lack thereof) may be important considerations in determining future interventions with this parolee.

2. Staff shall contribute case information as requested for aggregate data collection and evaluation by other unit(s) of the department, as such measures are developed. Over time, evaluation of data on violation behaviors, sanctions imposed, and outcomes may be important in developing and refining options for interventions, incorporation of more sophisticated risk assessment, and judging the relative effectiveness of various violation responses and programs.

D. Documenting Offender Violation Behavior and Sanctions:

All violation behavior and sanctions shall be documented as detailed in the supplementing standard operating procedures. The nature of the documentation follows a continuum that is similar to matching the level of sanction to the level of violation and community risk.

1. Recording in the case file Narrative.

Information regarding every known instance of non-compliance with the conditions of parole shall be recorded in the case file Narrative. Notes shall describe the violation behavior, the sanction(s) imposed, their purpose and the response of the offender to sanction(s). Brief notations may suffice for low level violations and informal sanctions. Reference shall be made in the Narrative to additional documentation, such as a written sanction report, when applicable.

2. Written sanction reports.

Every instance in which the Parole Officer is seeking action and/or authorization by the Parole Board shall be documented in a written sanction report to the Parole Board. The sanction report shall include the nature and severity of the violation behavior; the level of risk to the community; the level of sanction indicated; and the sanction(s) or recommended sanction(s) to be imposed.

Sanction reports are optional for those low-level violations and informal sanctions that do not require the authorization of the Parole Board, within guidelines provided in the supplementing standard operating procedures.



3. Deviations from the recommended sanction level.

Documentation of any sanctions that deviate from the recommended level as indicated in the supplementing standard operating procedures shall include the mitigating or aggravating circumstances, factors or reasons. Reduction of sanction level, where permitted, shall be reviewed and approved by the Supervisor and/or Assistant Administrator, and such approval shall be documented in the case record.

4. Action by the Parole Board.

Every action of the Parole Board taken in response to violation behavior shall be documented in the case file.

5. Aggregate information.

In accordance with standard operating procedures, Parole Unit staff shall record and provide information as needed concerning violation behavior and sanctions for the purposes of aggregating data and measuring.