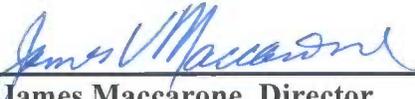


**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES**

<b>Subject:</b> <b>Graduated Response</b>	<b>Policy Number: 42</b>
<b>Number of Pages:</b> <b>6</b>	<b>Section:</b>
<p style="text-align: center;"><b>Attachments:</b></p> <p><b>A. Violation Complaint Questionnaire</b>  <b>B. Graduated Response Matrix</b>  <b>C. Court Imposed Response Matrix</b>  <b>D. Continuum of Incentives and Positive Recognition Matrix</b></p>	<p style="text-align: center;"><b>Related Standards &amp; References:</b></p>
<b>Effective Date:</b>  September 1, 2014	<b>Approved:</b>   <hr/> <b>James Maccarone, Director</b>

**I. POLICY:**

The Mississippi Department of Human Services, Division of Youth Services shall use a systematic and measurable approach to rehabilitate youth being supervised on probation or parole. A continuum of reinforcements and responses shall be used at each level to provide consequences for violations and to motivate youth to change their behavior. Responses shall be based upon the youth's level of supervision based on the criminogenic risks and needs of the youth and the seriousness of the violation.

**II. DEFINITIONS:**

**Risk/Needs Assessment:** The assessment instrument used to classify youth and to determine risk, placement, and level of supervision. The assessment is used to ensure that youth are served in the least restrictive placement appropriate to the identified risks and needs. The assessment is periodically used to reassess the youth to determine changes in risk and needs.

**Response:** A measure set forth for a violation(s) of probation or parole condition.

**Incentive/Reward:** A reward that serves as a motivation for a desired behavior.

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**Graduated Response:** A structured, decision-making process, with a continuum of services and/or consequences for youth being supervised in the community who violate the terms/conditions of their probation and/or parole. These responses are also used for youth that commit law violations.

**Custody Order/Pick-Up Order/Preliminary Order of Custody:** A legal document issued by a judge or designee authorizing the detaining or detention of a youth. The court must be given probable cause to believe that the warrant/custody order is necessary before it issues a warrant/custody order.

**Detention:** The care of children in secure facilities.

**Detention Hearing:** A judicial hearing held within 48 hours of a youth being taken into custody to determine the interim custody of a minor pending an adjudication hearing.

**Youth Services Counselor:** A MDHS employee who has been selected, trained and appointed by MDHS. Where there are county youth court counselors assigned, they may choose to use this graduated response policy and the attached matrices.

**Violation:** An act of non-compliance with a condition of probation/parole or placement.

**Violation Complaint Questionnaire:** A written statement of the violations of the probation or parole. (See Attachment A)

**Affidavit:** A written sworn statement of fact voluntarily made by complainant or by the affiant under an oath or affirmation administered by a person authorized to do so by law.

**Positive Reinforcement:** Privileges, praise and/or tangible rewards as a result of desired behaviors.

**Negative Reinforcement:** Restrictions and/or tangible rewards as a result of undesired behaviors.

**Positive Consequences:** Restrictions and/or tangibles reduced and/or removed as a result of desired behaviors.

**Negative Consequences:** Restrictions and/or responses applied or increased as a result of undesired behaviors.

**Diversion Contract/Informal Adjustment Agreement:** This voluntary agreement is not considered adjudication; however the judge must approve the proposal to offer the youth an informal adjustment. This agreement is between the Court through the Division of Youth Services Counselor, the child, his/her parent(s), guardian, custodian, and/or attorney. It is in effect for a period up to six (6) months and outlines the terms and conditions of the Informal Adjustment.

**Note:** The Youth Court Judge/Referee is the ultimate authority of his or her court.

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**Probation:** A disposition which allows, a youth under the court's jurisdiction, to remain in his/her community under the supervision of a probation officer, under certain terms and conditions set forth by the court.

**PROCEDURES:**

- A. The graduated response program will be a component of the Mississippi Department of Human Services, Youth Services Division's supervision model. This program will be used to address the public safety, accountability and the need for probation/parole responses for youth who violate the terms of probation/parole. The response for a violation should move from limited interventions to more restrictive responses according to the severity and nature of the violation and/or offense. An example of responses from least restrictive to most restrictive is as follows: diversion/informal adjustment agreement, probation, probation with special conditions, detention, residential and Oakley Youth Development Center. (Also see Attachments B and C)
  
- B. General Guidelines for Youth on Probation/Parole:
  - 1. Youth will receive the Risk/Need Assessment. The assessment will classify the youth as low, moderate, or high risk for the purpose of supervision.
  - 2. The youth's risk level as determined by the assessment will be used to determine the youth's level of supervision.
  - 3. Violations of probation/parole may identify new criminogenic needs of the youth. In these cases, staff will update the youth's case supervision plan to address the need(s), as well as address the violation(s) through graduated responses.
  - 4. If a youth on probation/parole has been given a special condition as a requirement of probation/parole and has violated their terms of probation, the Youth Services Counselor may complete a violation complaint questionnaire (See Attachment A) that documents the youth's violations and responses and may request a custody order or revocation hearing. (See Attachments B and C) For a youth that does not have a special condition of probation but committed a subsequent violation, formal proceedings may be sought. The Youth Services Counselor has an option to pursue a post dispositional review hearing or revocation hearing after all allowed responses have been used.

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C. Community Procedures:

1. Each Youth Services Counselor, in consultation with the judges/referees will develop local options within available local resources to complement the approved graduated responses.
2. In consultation with the local Youth Court Judge/Referee, each Youth Services Office will develop local procedures for the use of graduated responses and rewards/incentives (For example, see Attachment B, Graduated Response Responses Matrix or Attachment C, Court Imposed Response Matrix). The local procedures will include, but not limited to:
  - Standards guiding the return of youth to court;
  - Recognition of graduated responses imposed during the youth's probation; and
  - A systematic, progressive and measurable rewards and incentives system.

The Regional Director will review the local procedures submitted by the Youth Services Counselor and forward copies of the reviewed local procedures to the Community Services Director of the Division of Youth Services. (For example, see Attachment B)

D. Violations, Request for Detention and/or Revocation:

When making a determination for a graduated response for a violation of probation or parole, the following should be considered:

- The youth's current supervision level (low, moderate, high)
- The youth's offense history
- The nature of the youth's violation or offense

The Youth Services Counselor will determine if the youth will continue to receive graduated responses or will be referred to the Court for detention and/or revocation.

When the determination is made to refer the youth to the Court for detention and/or revocation, the Youth Services Counselor will complete a violation complaint questionnaire. (See Attachment A)

When multiple violations occur or the Youth Services Counselor becomes aware of multiple violations at one time, the most serious violation will be used to determine the response; however the Youth Services Counselor will list all the violations.

If a petition is filed and a youth is adjudicated to be a delinquent, graduated responses will be imposed by the Court. The Youth Services Counselor will make an appropriate recommendation of a graduated response to the court.

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- E. Upon knowledge of a violation, the Youth Services Counselor will determine the response based upon the seriousness of the violation and the youth's level of supervision. If the youth's level of supervision based on the assessment differs from the court-ordered level of supervision, the court-ordered level of supervision will apply to supervision. The level of supervision based on assessment will apply to all other supervision requirements outlined.

When determining the seriousness of a violation, there are three levels used:

- Minor probation violations
- Moderate probation violations
- Serious probation violations

Factors to consider in assessing the seriousness of the probation violation are:

- Did the youth's violation/behavior have a significant impact on victim(s) and/or witnesses or underlying offense (s)?

Contact with the victim, that the Court had previously ordered the youth to stay away from, should be considered either a MODERATE violation for indirect contact, or a SERIOUS violation for direct contact, especially if the victim felt intimidated or threatened.

- Did the youth's violation/behavior have a significant impact on the community?

Significant community impact moves the violation into the MODERATE or SERIOUS categories:

- How was the violation/behavior related to the behavior that led to underlying and/or past offenses(s)?
- When aspects of the violation/behavior are similar to the youth's offense history, the violation is SERIOUS.

Additional factors to consider in determining the seriousness of probation violation(s) are:

- Frequency of probation violations
- Duration of the violations
- Overall compliance with court-ordered conditions of probation

- F. Generally, one response will be issued for each violation. For continuous violations, the response will progress to the youth's level of supervision.

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G. Documentation:

1. Each reward or incentive given will be documented in the Mississippi Youth Court Information Delivery System (MYCIDS) and in the youth's case notes within 3 business days.
  2. Each response given will be documented in the youth's case notes in MYCIDS and in the youth's case notes in the file within 3 business days. The youth and parent/guardian will be notified of the response, duration of the response, and completion of the response.
- H. The Youth Services Counselor will be trained on the graduated response policy and the local rewards and incentives during on-the-job training followed by Youth Services Core Orientation Training and yearly refresher training.
- I. The Youth Services Counselor will follow this policy and local court procedures related to implementing this policy.
- J. The Regional Director will monitor the graduated response for implementation and appropriateness of responses and rewards/incentives. Serious and/or chronic failure to implement graduated responses appropriately must be immediately addressed and reported through the chain of command. The Youth Services Counselor must complete a thorough review of detention, probation, revocation or placement responses prior to implementation.

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