

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES	
Subject: Graduated Responses	Policy Number: 42
Number of Pages: 12	Section: XIV
Attachments: A. Violation Complaint Questionnaire B. Graduated Sanctions Matrix C. Graduated Incentive Matrix	Related Standards & References:
Effective Date: Revised April 15, 2018 Revised November 1, 2018 Reviewed March 1, 2019 Revised December 1, 2019	Approved: <i>James Maccarone</i> <hr/> James Maccarone, Director

I. POLICY:

The Mississippi Department of Human Services, Division of Youth Services will guide the behavior of youth in the community using a system of graduated responses, including both sanctions and incentives. Youth Services Counselors will apply swift, certain, and appropriate sanctions to youth who violate the terms of their probation. Sanctions will correspond with the severity of the violation and the youth's risk level. Youth Services Counselors will provide incentives to encourage and support positive behavior and attainment of short-term and long-term goals set forth in youths' Case Supervision Plans.

II. PURPOSE:

A system of graduated responses gives Youth Services Counselors a wide array of tools to direct the behavior of youth receiving community supervision. Responses will be based upon the youth's level of supervision (which is based on the criminogenic risks and needs of the youth) and the seriousness of the violation or the type of positive behavior. Graduated responses will be tailored to the individual youth's circumstances.

III. DEFINITIONS:

A. **Case Supervision Plan:** A plan that Youth Services Counselors utilize with youth and families to facilitate youth in meeting established goals while on probation or parole.

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- B. **Custody Order:** A legal document issued by a judge or designee authorizing the 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.
- C. **Graduated Response:** A system of sanctions and incentives implemented by Youth Services Counselors (YSCs). Depending on the jurisdiction, the YSC will consult with the Youth Court judge and/or the youth's parent before making use of some incentives or sanctions in accordance with the juvenile's behavior while on probation, supervision, or pre-dispositional orders.
- D. **Incentive:** An award provided to youth for meeting short or long term goals as a way of helping them develop positive skills and/or given in the area where a youth is struggling to be effective.
- E. **Mississippi Youth Court Information Delivery (MYCIDS) System:** MYCIDS is a system for the real time management of the activities of the Mississippi Youth Court System. It is a web-based application that provides support for the intake of youths into the court system, scheduling of youth cases, management of court dockets, tracking of custody situations, necessary document generation and also provides a base dataset for statistical reporting purposes.
- F. **Probation:** A disposition which allows a youth under the court's jurisdiction to remain in his/her community under the supervision of a Youth Services Counselor, under certain terms and conditions set forth by the court.
- G. **Risk/Needs Assessment:** The assessment instrument and process used to classify youth and to determine risk, placement, and level of supervision. The Risk/Needs 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. There are three levels of risks to re-offend: Low Risk, Moderate Risk, and High Risk.
- H. **Revocation Hearing/Post Dispositional Review Hearing:** A hearing for noncompliance with a condition of probation/parole or placement. Post Dispositional Review Hearing is the term used in the Mississippi Youth Court Information Delivery System (MYCIDS).
- I. **Sanction:** A measure imposed for a violation(s) of probation or parole conditions.
- J. **Violation:** An act of non-compliance with a condition of probation/parole.
- K. **Violation Complaint Questionnaire:** A written statement of the violation of the probation or parole. (*See Attachment A*)

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IV. PROCEDURES:

A. Development of Local Incentives and Sanctions Grids

1. Youth Services Counselors, in consultation with the judges and referees in the jurisdiction(s) where the counselors are assigned, shall develop local incentives and sanctions grids and procedures for their use, taking into consideration available local resources. They should partner with local stakeholders, inasmuch as possible, to develop incentives.
2. These grids will provide guidance for the appropriate use of graduated sanctions for youth alleged to have committed technical violations of probation (not new crimes). The incentives grids will provide guidance for the use of incentives when youth exhibit positive behaviors while on probation or parole.
3. The local procedures will include, but not be limited to:
 - Standards guiding the return of youth to court; and
 - A systematic, progressive, and measurable incentives and sanctions system, based on the templates included in this policy.

B. General Guidelines for Youth on Probation/Parole

1. The Youth Services Counselor will administer the Structured Assessment of Violence Risk in Youth (SAVRY), the Risk/Needs Assessment that has been adopted by DYS. The Risk/Needs assessment will assist in determining the youth's risk level as low, moderate, or high. This information shall be used for the purpose of guiding supervision and for determining the appropriate level of graduated responses as provided in this policy.
2. If a youth on probation or parole is alleged to have violated the terms of probation or parole, the Youth Services Counselor shall complete (or see that a witness completes) a Violation Complaint Questionnaire (*See Attachment A*) that documents the youth's violation(s) and sanction(s) in instances where judges require a return to court and in instances where the Youth Services Counselor has exhausted all available sanctions provided in the jurisdiction's sanctions grid that allow for safety of the public and the child. The Violation Complaint Questionnaire will be used as the basis for a request for Revocation and/or Post Dispositional Review.
3. The Youth Services Counselor may request a Custody Order for detention due to a probation violation only when the Counselor has exhausted all available sanctions provided in the jurisdiction's sanctions grid that allow for safety of the public and the child and when, as required by MS Code Sec. 43-21-301:
 - i.) A child is endangered or any person would be endangered by the child; or
 - ii) To ensure the child's attendance in court at such time as attendance is required; or
 - iii) When a parent, guardian or custodian is not available to provide for the care and supervision of the child; and there is no reasonable alternative to custody.

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

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C. Implementing Graduated Incentives

1. To encourage and support youth to comply with the terms of their community supervision and meet their goals established in their Case Supervision Plans (*See Policy 44 with attachment*), Youth Services Counselors will provide youth Graduated Incentives (*See Attachment C*).
2. Youth Services counselors will meet with the youth and family members to identify short-and long-terms goals that youth can work toward in the community.
3. Youth Services Counselors will explain and document these goals in youths' Case Supervision Plans. Counselors will also identify incentives the youth can earn if the youth completes the agreed-upon goals, in consultation with the youth and the youth's parent or guardian.
4. Youth Services Counselors will document progress and administer Graduated Incentives for incremental progress and when youth achieve these goals.

D. Violations, Request for Detention and/or Post Dispositional Review Hearing

1. When determining the seriousness of a violation, there are three levels of severity used:
 - Minor Probation Violations
 - Moderate Probation Violations
 - Serious Probation Violations
2. The Youth Services Counselor shall choose a sanction from the box on the grid that corresponds with the youth's SAVRY risk level and the severity of the violation. The "Violations by Severity" chart defines the level of severity of many common probation violations. In order to determine the level of severity of a violation not listed in the "Violations by Severity" chart, the Youth Services Counselor shall look for a comparable violation in the chart. If there is no comparable violation, the Youth Services Counselor shall consider the following factors in assessing the severity of the probation violation:
 - The nature of the youth's violation, offense and history
 - When aspects of the violation behavior are similar to the youth's offense history, the violation is MODERATE. When the violation behavior is clearly the same as the underlying and/or past history, the violation is SERIOUS.
 - Victim impact
 - Contact with the victim should be considered either a MODERATE Violation for indirect contact, or a HIGH violation for direct contact, especially if the victim felt intimidated or threatened.
 - Community impact/safety

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- Frequency and/or duration of violations
 - Overall Compliance with court-ordered conditions of probation
3. When the determination is made to refer the youth to the Youth Court for detention and/or post disposition review hearing as provided in Section IV(B) above, the following steps must be taken:
 - The Youth Services Counselor will complete a violation complaint questionnaire (*See Attachment A*), or
 - The Youth Services Counselor will ask the parent, guardian, and/or any other officers of the court to submit a violation complaint questionnaire with the court.
 4. The prosecutor will make the final decision as to whether a petition to revoke probation or parole will be filed.
 5. If the petition to revoke is filed, the Youth Services Counselor shall take the following steps after considering the circumstances surrounding the violation:
 - The Youth Services Counselor will complete a social summary report with recommended sanctions for the disposition.
 - The recommendation of the Youth Services Counselor shall be guided by the youth's level of supervision and the severity of the violations, following the local probation violation sanctions grid (*See Attachment B*).
 - Youth Services Counselors may submit oral recommendations to the court, instead of written recommendations, in situations such as when the youth and the youth's family fail to meet with the Youth Services Counselor prior to court, or the judge proceeds forward with disposition when it was not scheduled and set on the docket in advance. The youth Services Counselor shall document his/her recommendations and the reasons for the recommendations in the youth's file and/or in MYCIDS as soon as practical after the court hearing.

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Overview of Implementing Graduated Responses

Process for Implementing Graduated Incentives

Encourage and Support Youth Step 1

- Meet with youth and family members
- Identify short and long term goals.



Step 2

- Explain and document goals in Case Supervision Plan



Step 3

- Identify Graduated Incentives for specific accomplishments/ youth parents approval



Step 4

- Document progress
- Administer Graduated Incentives when youth achieve goals

Process for Implementing Graduated Sanctions

Determine the Seriousness of Violation Step 1

Level of Violation Seriousness

- Minor
- Moderate
- Serious



Step 2

Identify Risk to Re-Offend From Risk/Needs Assessment

- Low Risk
- Moderate Risk
- High Risk



Step 3

- Determine appropriate graduated sanction based on Step 1 and Step 2



Step 4

- Document violations/sanctions
- Complete Risk Re-Assessment, if needed



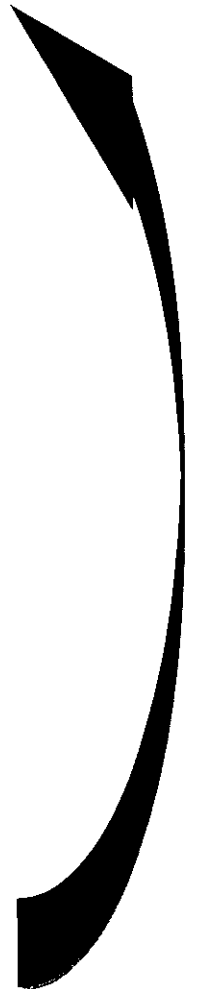
Violation occurs again

Yes



No

Case Supervision Plan is appropriate



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E. Documentation

1. The Youth Services Counselor shall document each Graduated Response in the Mississippi Youth Court Information Delivery System (MYCIDS) and in the youth's case notes within 3 business days.
2. The Youth Services Counselor shall notify the youth and parent/guardian of the response and duration of the response.
3. The Youth Services Counselor shall record incentives in the youth's Case Supervision Plan (*See Policy 44 with attachment*).

F. Staff Training

1. The Regional Director shall train Youth Services Counselors on the graduated response policy which includes both the sanctions and incentives. The Training Committee shall incorporate graduated responses into the Core Training Curriculum.
2. The Youth Services Counselor will follow this policy and local court procedures related to implementing this policy.
3. The Regional Director will conduct periodic reviews of case files to monitor the implementation and appropriateness of the use of graduated sanctions and incentives.
4. Failure of a Youth Services Counselor to implement graduated responses appropriately must be immediately addressed by Regional Director.
6. **LOCAL OPERATING PROCEDURES REQUIRED: Yes**
7. **THIS POLICY WILL BE USED BY ALL MISSISSIPPI DEPARTMENT OF HUMAN SERVICES YOUTH SERVICES COUNSELORS**