

Utah County Alternative Probation

SANCTIONS MATRIX



March 2021

MISSION STATEMENT

Utah County Alternative Probation strives to improve public safety and reduce recidivism; focused on supporting a drug free, mentally stable lifestyle, to improve the lives of each participant.

This document provides an overview of the key procedures for the application of a Sanctions Model. New criminal matters are addressed directly by the court. The Sanctions Model does not create any right, expectation, or liberty interest for the participant.

The Utah County Alternative Probation (UCAP), in-community supervision, is a targeted intervention program centered on helping participants learn to make positive life changes, and when appropriate, take action to protect the public. A Sanctions Model is applied to all participants supervised by UCAP.

The Sanctions Model is based on research that swift, certain, and proportional responses to participant behavior is effective in producing positive change. The participants score, from a validated risk and assessment instrument, places each participant into one of three Assessment Categories: Low, Moderate, and High. The Assessment Category provides a starting point when progressively sanctioning technical violations.

Research suggests that participants are more likely to succeed when their individual needs and differences are considered. High risk participants require more intensive services while low risk populations require few to none. When selecting responses or treatment options, it is important to consider factors that may present barriers for the participant's ability to successfully move forward.

Violations and Sanctions

Technical violations in Table 1, generally listed from least to most severe, correspond to the participant's Assessment Category (Low, Moderate, High) and identifies the sanction level, which is ranked from 1 to 5. Table 2 contains a list of possible sanctions that tie in with the sanction level found in Table 1.

For a **first** violation, Table 1 is used to obtain the starting sanction level. The Deputy may then select from the sanction options listed in Table 2, that matches the sanction level. Each level may only be used twice. After a sanction level is used twice, the level must increase for the next violation of the same type.

However, if a participant then commits a different type of violation, the Deputy shall treat that violation as a "first violation", to determine the appropriate sanction level (Table 1) and the corresponding sanction option (Table 2).

Additionally, where a single event results in multiple violations, the Deputy should administer a single sanction based on the most severe violation.

**** If circumstances indicate a threat to public safety (i.e., distribution, DUI, any crime involving weapons/violence) the sanctions may not be used, the case must be immediately staffed with a supervisor, and a violation report must be filed with the court. ****

TABLE 1

	POTENTIAL CONDITION VIOLATIONS	LOW	MOD	HIGH
1	Failure to pay fees (court fines, probation fees, special program fees)	1	1	1
2	Failure to complete community service hours	1	1	1
3	Failure to enroll, attend and/or complete education (GED) and/or vocational training	1	1	1
4	Failure to obtain and/or maintain suitable employment	1	1	1
5	Failure to enroll in, attend, or complete classes and/or treatment	1	2	3
6	Failure to enroll in, attend, or complete aftercare	1	2	3
7	Failure to pay restitution	1	2	3
8	Unauthorized self-employment or obtaining and/or maintaining unauthorized employment	1	2	3
9	Possessing, consuming, and/or testing positive for a prohibited alcoholic beverage or any illegal substance	1	2	3
10	Failure to notify healthcare provider of drug abuse history and program participation	1	2	3
11	Failure to provide UCAP with letter from healthcare provider for prescriptions	1	2	3
12	Failure to obtain approval from UCAP for prescribed controlled substances	1	2	3
13	Failure to comply with curfew, electronic monitoring, or GPS	1	2	2
14	Failure to submit to breath analysis or urinalysis	1	2	3
15	Failure to comply with Case Plan	1	2	3
16	Failure to be truthful with Deputy	2	2	3
17	Failure to comply with structured living requirements as directed	2	2	3
18	Association with known criminals or co-defendants	2	3	3
19	Non-Alcohol Monitoring Device violations (lockouts, circumvention, retest refusals, skipped tests)	3	3	3
20	Driving without Court ordered Alcohol Monitoring Device (within 1 st 30 days)	3	3	3
21	Travel violation	3	3	4
22	Failure to report or cooperate during field visits	3	3	4
23	Failure to allow and/or cooperate with search of electronic device(s)	3	3	4
24	Failure to report current or change of address within 24 hours	3	3	4
25	Frequenting an alcohol establishment or location where alcohol is the chief item of order	3	3	4
26	Testing positive for on a body alcohol monitoring device	3	3	4
27	Possession of a dangerous weapon other than a firearm	3	3	4
28	Tampering with breath analysis, urinalysis, alcohol monitoring, GPS, or another electronic monitor	3	3	4
29	Failure to report as directed	3	3	4
30	Failure to notify Deputy of any criminal police interaction within 24 hours	3	4	4
31	Association with known gang members	3	4	4
32	Failure to take medications as prescribed	3	4	5
33	Driving without Court ordered Alcohol Monitoring Device (after the 1 st 30 days)	4	4	4
34	Failure to install an alcohol monitoring device or surveillance monitoring within the prescribed time period	4	4	4
35	Failure to schedule, attend, or complete assessments	2	2	3
36	Failure to comply with GPS exclusion zone	4	4	5
37	5 or more violations within any 5-month period	4	4	5
38	Abscond for 3 months or less with a self-surrender (1 sanction opportunity before level adjustment)	4	4	5
39	Failure to report for jail commitment or community correctional facility	5	5	5
40	Failure to avoid contact with the victim or other no contact	5	5	5
41	Criminal conduct	5	5	5

TABLE 4

Level 1	Level 2	Level 3	Level 4	Level 5
Verbal Warning	Increased Substance Testing	Require a Change in Residence	Violation Report Sent to the Court	Order to Show Cause Sent to the Court
Thinking Report	Emotional Regulation Class	Travel Restriction	Up to 16 hours Community Service	More Frequent Court Reviews
Letter of Apology	Increased Reporting	Structured Living (Scheduled Call-ins, E/M, Curfew)	Additional Substance Abuse Evaluations	Short Jail Stays Greater than 48 Hours as Determined by the Court
Develop a Risk Avoidance Plan	Problem Solving Workshop and/or Risk Appropriate Class	Cognitive Restructuring Completion (MRT)	48 Hours Home Restriction	Long Term Incarceration as Determined by the Court
7-day Curfew	14-day Curfew	30-day Curfew	45-day Curfew	Jail & Terminate
Problem Solving Report or Other "Thinking Report"	Appropriate Classes or Workshop Referral	8 Hours of Community Service	Up to 72 Hours in Jail	Extend Supervision Up to the Maximum Range for the Offense
Mentoring Program	Financial Management Class	Increased Supervision	Work Diversion	Revocation & Imposition of Sentence
Rearrange Payment Schedules	Life Skills Class	Life Skills Class	Participant's Weekend Jail	Referral to Intensive Treatment

Treatment issues should be addressed at Step 5 before a sanction is selected. Imposing or increasing treatment should never be used as a sanction. However, it may be appropriate to be used for behavioral modification.

Re-evaluation of risk assessment can be completed at any time, when deemed necessary due to additional information received or new violation.

Level 1: Selected by probation Deputy

Level 2: Selected by probation Deputy

Level 3: Selected by probation Deputy

Level 4: Selected by probation Deputy with approval of supervisor, and a Violation Report submitted to the court.

Level 5: Recommendation by probation Deputy with review and approval of supervisor, and Order to Show Cause submitted to court.

FREQUENTLY ASKED QUESTIONS REGARDING RISK-BASED PROGRESSIVE SANCTIONS FOR TECHNICAL VIOLATIONS

I. When will the Sanction Matrix Be Used?

The sanctions model will be used only for technical violations of supervision conditions.

II. Does it address new offenses?

No. If a participant commits a new offense, the Deputy must submit a standard violation report in accordance with department policy.

III. Does it take into consideration the circumstances of the case?

If there is an incident resulting in multiple related violations, the Deputy should choose the most severe violation as the response category.

IV. What about subsequent violations of the same condition?

When a participant commits subsequent violation(s) of the same condition, the Deputy may select two options from the original level. After two options have been used in a particular level, the Deputy must move to the next level to select a proper sanction from the increased sanction category. Deputies may complete a violation report with approval of the supervisor where exigent circumstances exist or where this action is determined to be more reasonable.

V. When is the Sanction Matrix bypassed, and an Order to Show Cause is submitted instead?

If circumstances indicate a threat to public safety, then progressive sanctions may not be used, the case must be immediately staffed with a supervisor, and an Order to Show Cause must be filed with the court. Case examples include, but are not limited to:

- Domestic violence
- DUI (impairment)
- Distribution (or possession w/intent)
- Aggravating circumstances, (weapons / assault)