

Chapter E Noncompliance

Section .0200 THE NONCOMPLIANCE GRID AND RESPONSES TO NONCOMPLIANCE

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.0201 PURPOSE

This section sets out the minimum response to offender noncompliance. The chart establishes which actions should be taken at a minimum and can be elevated upon proper review with the chief probation parole officer.

.0202 THE NONCOMPLIANCE GRID

The authorized response to offender noncompliance by offenders of each supervision level is set out in the chart below. The five types of noncompliance (S1 being the most severe, S5 being the least severe, as further discussed below) are placed vertically on the left side of the chart. The five supervision levels are placed horizontally on the top of the chart. Knowing an offender's supervision level and the type of violation(s) he or she has committed, an officer can use the grid to determine the appropriate class of response.

The four classes of officer response, A, B, C, and D are set out to the right of the grid. Particular responses within a response class are listed from highest to lowest in terms of seriousness. Each type of response is discussed below in [§E.0205, *Descriptions of Responses to Noncompliance*](#).

When an offender's supervision level and type of noncompliance direct a class A response, the officer will file a violation report with the controlling authority and obtain an order for the offender's arrest or arrest the offender using form [DCC-12, *Authority to Arrest*](#). When an offender's supervision level and type of noncompliance direct a class B, class C or class D response, the officer will choose the appropriate response from the options set out to the right of the grid, taking into account the particular facts associated with the noncompliance, the case plan, the need for control versus the need for treatment, and responses to prior noncompliance.

For all noncompliance by L1 offenders, the supervising officer will, except for emergencies, make a recommendation to the chief probation/parole officer and obtain prior approval before responding. For all other offenders, the supervising officer will obtain prior approval from the CPPO only if the response requires court involvement (or, in the case of delegated authority, potential court involvement). Those responses are marked with an asterisk on the grid.

Noncompliance by an offender whose supervision level has not yet been established will be addressed on a case-by-case basis through coordination between the supervising officer and the chief probation/parole officer.

		SUPERVISION LEVEL					MINIMUM RESPONSE HIERARCHY
		L1*	L2*	L3	L4	L5	
TYPE OF NONCOMPLIANCE	S1 (public safety)	A	A	A	A	A	A PVR + arrest*
	S2 (new crime behavior or conviction)	A/B/C	A/B/C	C	C	C	B Delegated Authority Quick Dip*
	S3 (reoccur/multiple)	A/B/C	B/C	C	D	D	C PVR + cite* Contempt* Modify/extend* Delegated authority non quick dip* Increase searches Increase drug screens Increase contacts
	S4 (nonrecurring)	C	C	D	D	D	D Refer treatment CPPO reprimand Modify pay schedule Initiate contact, PPO reprimand
	S5 (non-willful)	D	D	D	D	D	
* CPPO approval required for responses marked (*) and all responses to violations by L1 and L2 offenders							

.0203 TYPES OF NONCOMPLIANCE DEFINED

Offender noncompliance is any behavior contrary to the offender's conditions of supervision. The Division categorizes noncompliance into five types, S1 through S5, from most to least severe. Categorizing violations is not an exact science; officers are expected to use their professional judgment in determining, for example, when a new criminal act or a combination of a new criminal act and technical violations constitute imminent threat to public safety and should thus be categorized as S1 instead of S2.

- (a) **Severity 1 (S1) noncompliance.** Offender behavior that causes a current or imminent threat to public safety, including actions that cause actual or threatened physical or mental harm.

- (b) **Severity 2 (S2) noncompliance.** Offender behavior that constitutes a new crime (other than a Class 3 misdemeanor), but falls short of a actual or threatened physical or mental harm. When utilizing the 2-3 day quick-dip confinement through delegated authority, the officer should note the behavior that constitutes violations of supervision rather than the charge itself. [*Examples of behaviors that constitute a violation of probation.*](#) Convictions for new crimes should be formally reported to the court.
- (c) **Severity 3 (S3) noncompliance.** Recurring or multiple violations of supervision conditions or program rules and regulations.
- (d) **Severity 4 (S4) noncompliance.** Isolated or non-recurring violations of supervision conditions or program rules and regulations, or behavior that constitutes a Class 3 misdemeanor.
- (e) **Severity 5 (S5) noncompliance.** Noncompliance with supervision conditions or program rules and regulations attributable to circumstances beyond the offender's control.