

	<p style="text-align: center;">ADMINISTRATIVE REGULATION</p> <p style="text-align: center;">Department of Correctional Services State of Nebraska</p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">410.03</p>	<p style="text-align: center;">PAGE</p> <p style="text-align: center;">1 of 3</p>
		<p>ADULT PAROLE ADMINISTRATION: RESPONSE TO PAROLEE BEHAVIOR</p>	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

- EFFECTIVE: March 1, 1980
- REVISED: May 14, 2008
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- REVISED: March 31, 2015
- REVISED: March 31, 2016

SUMMARY of REVISION/REVIEW

Major changes throughout including title change and the deletion of case conference as a response to misconduct. Added Attachment B.

APPROVED:



 Scott R. Frakes, Director
 Nebraska Department of Correctional Services

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		<p>ADULT PAROLE ADMINISTRATION: RESPONSE TO PAROLEE BEHAVIOR</p>	

PURPOSE

To provide guidelines for the administration of parolee discipline and responses to non-compliance..

GENERAL

It is the purpose of Adult Parole Administration (APA) to protect the public while providing supervision and case management to parolees and lifetime supervision sex offenders by assisting such individuals to lead sustained productive and law abiding lives. In an effort to protect the public and reduce the probability of continued criminal behavior, Adult Parole Administration addresses compliance and non-compliance issues through the use of a behavior matrix which utilizes incentives, sanctions and interventions. The matrix indicates the use of a series of graduated responses that address interventions in needs areas, sanctions for non-compliance, and incentives for compliance. All responses to violations will be documented in the Parolee Information Management System (PIMS).

PROCEDURE

I. Misconduct

Depending upon the level of parolee misconduct, different degrees of discipline may be employed.

A. Counseling Session

This is an informal meeting between the supervising Parole Officer and the parolee designed to reassess the goals and objectives outlined in the parolee's supervision case plan and increase compliance.

B. Administrative Resolution

When a parolee's behavior does not appear to be a threat to the community, the violation is technical in nature and interventions or sanctions beyond those available as the result of a counseling session are needed, the misconduct may be resolved administratively. An Administrative Resolution shall be considered an appropriate response to parole violations when adjustment continues to be anticipated if the criminogenic need is addressed sufficiently. An Administrative Resolution requires admission of responsibility/guilt by the parolee.

C. Preliminary Hearings

When non-compliance is severe and impacts public safety, involves a law(s) or absconding violation, or when a parolee has suffered two prior custodial sanctions during the parole period, a preliminary hearing will be ordered to address alleged non-compliance of the parole agreement. Additionally, when a parolee denies the allegation(s) such denial invokes due process rights and an Administrative Resolution must be advanced to the Preliminary Hearing/Review of Parole process. Such hearings shall be conducted by an impartial person. Upon waiver of the Preliminary Hearing or a finding of probable cause by the hearing officer or court, the offender will be brought before the Board of Parole. The Preliminary Hearing will be held within 14 calendar days of the arrest or lodging of the detainee. The hearing shall conform

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to the due process requirements established in Morrissey v. Brewer 408 U.S. 471 (1972) and Gagnon v. Scarpelli 411 U.S. 778 (1973) as it relates to parolees. In addition, all other applicable case law and statutes will be followed. The probable cause hearing is not required if there has been a conviction of finding of probable cause by a court on the new charge.

II. Intervention

It is the intent of Adult Parole Administration to ensure appropriate responses to mental health, substance abuse and situational stress experienced by a parolee. In situations of misconduct where community safety is not jeopardized, but where intervention may be appropriate, the parole officer will make recommendations for services by the Nebraska Department of Correctional Services Behavioral Health staff working in the parole offices, community providers or Adult Parole Administration Social Workers in lieu of, or in conjunction with discipline.

III. Accomplishment

Research indicates that recognition of accomplishment can impact a change in behavior with greater success than response to misconduct. The behavior matrix provides staff with a guide to responding to positive behavior.

REFERENCE

I. ATTACHMENTS: -

- A. Administrative Resolution Sanction Agreement
- B. Parole Violation Matrix Responses

II. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS –

- A. Adult Probation and Parole Field Services (fourth edition):
4-APPFS-2B-02; APPFS-2B-03; 4-APPFS 2B-10, 4-APPFS 2B-11; 4-APPFS 2E-01