

Tool 5 – Graduated Responses & Sanctions

These are guidelines only. Except as provided in Utah Code § 77-18-105(7) and 77-27-11(6), they do not create any right or expectation on behalf of any individual. This is a non-exhaustive list of options which may or may not be available dependent upon resources. Any lower response is always available to the Court or BOPP. A behavioral intervention response targeting an individual's non-compliant behavior should be administered where appropriate.

Prior versions of the guidelines included graduated incarceration caps for first, second, third and subsequent revocations. These graduated steps have been removed in order to grant the sentencing, release, and supervision authorities more flexibility in tailoring a response to fit the individual case. A first revocation may require a more intensive response, or a third revocation a less intensive response, depending on the risk and response dynamics involved. The sentencing, release, or supervision authority should focus on the goals for correcting the behavior and whether the response serves those goals. Maximum incarceration caps for any single revocation, subject to exceptions outlined in Tool 6, were left in place to promote consistent and equitable sentencing, release, and supervision practices statewide.

Tool 3 may be used to increase or decrease the magnitude of the response within the guideline range, for the indicated decision making authority (court/ BOPP, P.O. w/Supervisor, or P.O.), and should be reviewed for each violation. Tool 6 should be used for any time period imposed beyond the caps listed herein. 72 hour holds are not to be used as a means to avoid the sanction process listed herein. Any booking into the county jail for sanction days should be clearly designated as such and should include the signed order of the Court/BOPP approving the sanction days.

INCARCERATION CAPS	
PROBATION REVOCATION	PAROLE REVOCATION
90* (0-90)	180* (0-180)
P.O. with Superv. & Court / BOPP Approval	- Hearing Before Court/BOPP - Community Correctional Center 1-3 Days Jail Per Sanction (Maximum of 5 days/30 Days) 90+ Days GPS/EM or at individual's cost
P.O. with Supervisor Approval	- Any Lower Level Response - Request Court/BOPP Sanction <90 day Curfew <90 Day GPS/EM or no individual cost <72 Hours Home Restriction - Treatment Resource Center <16 Hours Community Service
Probation/Parole Officer Sanctions & Responses	- Up to 60 Day Curfew - Travel Restriction - Structured Living - Increased Supervision - Require Change in Residence - Revision of Case Action Plan - Increased Reporting/Testing - Community Accountability Board - Workshops - Assignments - Family Meeting - Intervention Assignment - Mentoring Program - Develop Risk Avoidance Plan - Letter of Apology - Verbal Warning

**Parole and probation caps do not apply to fourth and subsequent revocations.*