

FREQUENTLY ASKED QUESTIONS (FAQ) FOR GRADUATED RESPONSES

Question #1: Can the Violations Levels Report, Incentives Grid or Response Grid be altered?

Answer #1: *All the forms have been approved and are a permanent regulation and cannot be altered. All permanent regulations are filed in the Secretary of State's Office and published in the Kansas Administrative Regulations (K.A.R.) Guidance can be included in policy and procedure to reflect local needs.*

Question #2: On the incentives grid one option is to reduce the level of supervision, does a YLS/CMI have to be done to lower the level of supervision?

Answer #2: *No. The YLS/CMI directs the level of supervision; however, movement to increase/decrease the supervision level and number of supervision meetings is up to each Supervision Agency's discretion. Please reference Community Supervision Standard (CSS) 041-102. "A YLS/CMI assessment is not required for juveniles changing supervision type (i.e. JISP to CM) or for changing supervision levels."*

Question #3: On the response grid, a youth proposed response is an option. What happens if a youth proposes a response that is not located in their matching box for violation level and YLS/CMI score?

Answer #3: *All responses should be proportional to the violation. The response grid was developed taking that into account. We would recommend the officer redirect the youth to a proportional response that is within their grid range/box.*

Question #4: Should the Violation Level Report be filled out in front of the youth?

Answer #4: *It is suggested that the form not be completed in front of the youth. During the initial meeting with the youth when the officer is providing "role clarification", the officer should discuss the Violations Levels Report form and the Response and Incentives Grids. If the officer discovers a violation during a supervision meeting, the officer can take a break and excuse the youth from the office while he/she completes the form and determines the appropriate response.*

Question #5: When will the Judges and Court Services Officers be trained in Graduated Responses?

Answer #5: *Training for Judges and Court Services is the responsibility of the Office for Judicial Administration. KDOC is not aware of any training at this time.*

Question #6: Can house arrest and community service be administered to youth as a response without Court approval?

Answer #6: *Yes, all Kansas Administrative Regulations are reviewed and signed off on by the Attorney General. There were no concerns regarding legality of any of the responses listed as options in the response grid.*

Question #7: Does the youth sign the Violation Level Report?

Answer #7: *No.*

Question #8: One of the options on the incentives grid is to “public display work”, isn’t that a violation of confidentiality?

Answer #8: *If an officer would like to display the work of a youth, it is suggested that the youth’s name be removed from the work and/or the work be posted in an area not accessible to the general public or sign a release of information to have their name posted with the work. If the youth is under 18 years of age, a parent/guardian would need to sign the release.*

Question #9: Where is the money coming from to purchase incentives?

Answer #9: *Many of the incentives do not require money to deliver. Money for incentives is included in the grant funds currently provided to each Judicial District. There is no separate funding source for incentives.*

Question #10: How do supervision agencies track incentives?

Answer #10: *At this time KDOC does not have a form or location in a computer database to track incentives. Locally developed methods would be encouraged to track incentives at this time. The data will need to be available for review upon request (i.e. during a site visit). KDOC may require the tracking of incentives in the future.*

Question #11: Is a Violation Level Report completed on a youth that absconds or goes AWOL?

Answer #11: *K.S.A. 38-2392 states that, “Absconding from supervision shall not be considered a technical violation of probation and, after reasonable efforts to locate a juvenile that has absconded are unsuccessful, the court may issue a warrant for the juvenile pursuant to K.S.A. 2016 Supp. 38-2342, and amendments thereto.”*

Question #12: On the Violation Level Report in Section 5 “Community Safety” there are two items listed in violation box so does this mean it is “one and the other” or “one or the other”?

Answer #12: *A toolkit issued by the Center for Children’s Law and Policy was referenced when developing the Violation Level Report so they were contacted about their interpretation of the and/or aspect of the “Community Safety” section. Their direction was as follows: For a “minor violation” the options are an “and”; for a moderate or serious infraction, the options are an “or”.*

Question #13: Do I complete a Violation Level Report for a youth who has been suspended from school?

Answer #13: *Yes. Remember that the purpose of the VLR is to make sure that the responses to behaviors are swift, certain and proportional. If a youth has been kicked out the school, the school has already addressed the situation, therefore, the officer may not need to administer any additional responses (other than the required cognitive behavioral intervention). It is important to remember that each level allows for a specific number of responses. For example, in the case of a minor violation (Cognitive Behavioral Intervention + 1 response) the officer may respond with verbal disapproval. In the case of a moderate violation (Cognitive Behavioral Intervention + 2 responses) the officer may respond with verbal disapproval and one other response (verbal apology). In the case of a serious violation (Cognitive Behavioral Intervention + 3 responses) the officer may respond with verbal disapproval, require the youth to make a verbal apology, and attend a meeting with the youth, family, officer and school personnel.*