

ADMINISTRATIVE ORDER NO. 2018-11
22nd JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

WHEREAS, the Twenty-Second Judicial Circuit has previously adopted Administrative Sanctions Program pursuant to Administrative Order No. 2006-11; and

WHEREAS, the Illinois Compiled Statutes, 730 ILCS 5/5-6-1 and 730 ILCS 5/5-6-4(i), establish that if ordered, a probation agency may invoke any sanction from the list of intermediate sanctions adopted by the Chief Judge or the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 730 ILCS 5/5-6-4 of this Act; and

WHEREAS, Court Services has thoroughly reviewed and modified the existing Adult Division Administrative Sanctions Program to include the use of Evidence Based Practices (i.e. Effective Practices in Community Supervision, Cary Guides, etc.); and

WHEREAS, the modified Administrative Sanctions Program has been reviewed and tentatively approved by the Administrative Office of Illinois Courts (pending formal adoption by Administrative Order) and is attached as Exhibit "A".

THEREFORE, IT IS ORDERED, effective June 19, 2018, the Administrative Sanctions Program (Adult) of McHenry County Probation and Court Services, which has been tentatively approved by the AOIC, be adopted as set forth in Exhibit "A".

DATED: June 19, 2018



MICHAEL J. SULLIVAN
CHIEF JUDGE



MCHENRY COUNTY DEPARTMENT OF PROBATION
AND COURT SERVICES

Subject: Administrative Sanctions Program

Applicability: All Adult Probation Officers/All caseloads.

Purpose: The purpose of the Administrative Sanctions Program (ASP) is to address technical violations instead of returning the offender to the Court on a petition for revocation. This increases chances for a successful probation outcome which contributes to reduced criminal activity, reduced Court time, and conservation of tax payer dollars. ASP provides additional leverage for officers to employ case management techniques such as EPICS II and other effective Evidence-Based interventions.

Authority: 730 ILCS 5/5-6-1; 730 ILCS 5/5-6 -4(i); AOIC Operational Standards for Illinois Probation and Court Services; Administrative Order 96-34; Administrative Order 2006-12

Policy: It is the policy of the Department of Court Services to address technical violations of probation with administrative sanctions and supporting interventions whenever possible. Sanctions should be swift, certain, and be perceived as fair. Supporting interventions should be evidence-based and responsive to the offender's risks and needs. All reporting probation, reporting supervision, and reporting conditional discharge cases are subject to the ASP unless ordered otherwise by the Court and indicated as such on the sentencing order.

Procedure: During the intake process probationers are required to read and sign the **Administrative Sanctions Program Notice of Right and Program Election Form**, which explains the administrative sanctions program. This form will be maintained in the probationer's file for future reference. If the probationer has an active warrant or a petition to revoke pending, they are not eligible for the administrative sanctions program until the warrant or PTR is resolved.

Once the probation officer determines that a probation violation has occurred:

1. Refer to the violation schedule and determine the level of violation. Select the appropriate sanction(s) for the defendant's risk level. Officers may with cause upgrade the level of violation by one. At no time will a violation level be down-graded.
 - a. Sanctions are administrative punishment for a behavior.

- b. The Supervisor and Officer should keep in mind the nature of proximal and distal goals when sanctioning for substance use or behaviors tied to diagnosed conditions.
2. Identify an intervention to be used. Interventions should address the thinking that led to the behavior. Always lead with the sanction then end with the intervention. Never use an intervention as a sanction.
3. Meet with the supervisor to staff and approve the Sanction(s) and Intervention. At that time, a deadline will be set for the sanction to be completed.
4. Upon approval an **Administrative Sanctions Program Technical Violation Conference Notice** will be served in person if possible or sent to the defendant's last known address with the date and time of the conference or provided to the defendant at the next available contact with the probation officer. This conference will be conducted no later than 10 days after the notice but can occur immediately upon a face to face contact if appropriate. If the defendant fails to report for the conference, the officer may contact the defendant through other means or send another conference notice by certified mail. If the defendant fails to report for a second conference, the defendant will no longer be eligible for the Administrative Sanction Program for the current violation(s). The probation officer shall file a violation of probation according to established departmental practices.
5. An **Administrative Sanctions Program Formal Reprimand and Court Notification** form will be completed prior to the conference and presented to the defendant indicating the sanction(s) being imposed. At that time, the defendant will decide if they will accept the administrative sanction by checking the appropriate boxes and signing the **Administrative Sanction Program Formal Reprimand and Court Notification** form. The probation officer will then sign the form as well as a supervisor. A copy of this signed form will be sent to the States Attorney's Office designee. If the defendant chooses not to participate in the program, then the officer shall request a PTR according to established departmental practices. Intrastate cases are subject to administrative sanctions unless the sending county's court order prohibits it. Utilize the progress report process per intrastate guidelines to keep the sending county advised of the offender's status. In the case of Interstate transfers, offenders are subject to administrative sanctions and communications should follow compact rules for notice.
6. Upon electing to participate in the program, the sanction(s) becomes effective immediately and the defendant's case plan is adjusted accordingly.
7. If the defendant completes the prescribed sanction(s), the violation(s) shall not subsequently be used as a basis for any future petitions to revoke. If the defendant fails to complete the

prescribed sanction(s), the probation officer shall file a violation of probation according to established departmental practices.

SAO POC -- John Gibbons—JTGibbons@co.mchenry.il.us



TECHNICAL VIOLATIONS BY SEVERITY LEVEL

Low Level of Violation Severity

- FTR change of residence
- Positive test for drugs or alcohol(if prohibited from use)
- FTC PSW as directed
- FTA at scheduled home visit
- Willful FTC with financial responsibility
- Ordinance Violation, Traffic offense (not subject to jail), conservation violation (not subject to jail) (not firearm related)
- FTR as directed
- FTR law-enforcement contact(non-arrest)
- Possession of contraband

Moderate Level of Violation Severity

- Positive test for drugs or alcohol(if prohibited from use) subsequent violations
- FTC PSW as directed- subsequent violations
- FTA at scheduled home visit-subsequent violations
- FTC with general conditions of probation as stated on probation order
- FTR as directed-subsequent violations
- FTR change of residence-subsequent violations
- Willful FTC with financial responsibility-continued
- FTA Court –ordered counseling/CBT program.
- Leaving the State without authorization or violating terms of travel permit
- Violation of EM curfew-subsequent violations
- Possession of contraband-continued
- Failure to comply with no-contact directive
- Refusal of drug or alcohol test.

High Level of Violation Severity

- FTC with general conditions of probation as stated on probation order- continued violations
- FTA Court –ordered counseling/CBT program-continued
- Violation of GPS restrictions
- GPS/EM tamper

- Possession of contraband Sex-Offender
- Failure to comply with no-contact directive- continued or Sex-Offender
- Possession of a weapon other than firearm.

CAREY GUIDE CHART



GROUP A

DON'T WANT TO CHANGE

- Your Guide to Success
- Antisocial Peers
- Antisocial Thinking
- Substance Abuse
- Emotional Regulation
- Empathy
- Moral Reasoning
- Prosocial Leisure
- Case Planning
- Maximizing Strengths
- Motivating Offenders to Change
- Responding to Violations
- Responsivity
- Rewards and Sanctions
- Dosage and Intensity
- Behavioral Techniques
- Female Offenders
- Re-entry
- Drug Dealers
- Impaired Driving
- Intimate Partner Violence
- Meth Users (can be used with Heroin also)

GROUP B

DON'T KNOW HOW TO CHANGE

- Anger
- Antisocial Peers
- Antisocial Thinking
- Overcoming Family Challenges
- Substance Abuse
- Emotional Regulation
- Empathy
- Interpersonal Skills
- Moral Reasoning
- Problem Solving
- Prosocial Leisure
- Co-Occurring Disorders
- Managing Sex Offenders
- Mental Health
- Re-entry
- Involving Families
- Behavioral Techniques
- Violence and Lethality
- Case Planning
- Maximizing Strengths
- Responding to Violations
- Rewards and Sanctions
- Dosage and Intensity
- Drug Dealers
- Impaired Driving
- Intimate Partner Violence
- Meth Users (can be used with Heroin also)



PROBATION AND COURT SERVICES DEPARTMENT
 22ND JUDICIAL CIRCUIT COURT
 McHENRY COUNTY, ILLINOIS



ADMINISTRATIVE SANCTIONS PROGRAM
FORMAL REPRIMAND AND COURT NOTIFICATION

Director Court Services
 Walt J. Pesterfield

Date:

Chief Managing Officer
 Adult
 Roger A. Bacon

Name:

Risk Level: Select

Chief Managing Officer
 Juvenile
 Seth A. Krause

Level of Technical Violation: Select

Operations Manager
 Susan I. Payton

Prior Reprimands:

Supervisor - Adult
 Lori J. Danczyk

Judge: Select

Supervisor - Adult
 Deborah D. Jenkins

Case #:

Supervisor - Adult
 Steven A. Wisniewski

Original Probation Charge:

Supervisor - Juvenile
 Nicholas C. Chapman

Date of Violation:

Description of Violation:

Supervisor - Juvenile
 Lori R. Trout

Supervisor - Evidence
 Based Programs
 Becky E. Self

In accepting the administrative sanction you are stipulating to the alleged violation(s) and you will also be waiving your right to a hearing on the alleged violation(s). You will not be allowed to present evidence, call witnesses, or cross examine the state's witnesses. You must be in full compliance with the administrative sanction. In the event you are not in full compliance the current technical violation can be used as an allegation in any future petitions to revoke probation.

The mission of the Probation and Court Services Department is to provide the Court with quality investigations, reports and community supervision of offenders through the use of evidence-based programming and strategies.

Administrative Sanction to be imposed: Select sanction

Intervention to be employed:

Stage of Change: Select

Intervention: Select

Carey Guides: Select

Rationale and Supervisor Review:

Supervisor Signature:

Date:

Completion Deadline:

I understand the rights described in this notice and:

- I want a hearing with the judge on the alleged violation.
- I do not want a hearing with the judge on the alleged violation and choose to accept the administrative sanction. I consent to the modification of the conditions and/or the sanction to be imposed by Court Services.
- I have read or have had read to me the above document. I have signed this document to show that I understand these rights and my decision about the use the Administration Sanctions Program.

Offender's Signature:

Date:

Officer's Signature:

Date:

Supervisor's Signature:

Date:

Sanction Review and Follow-up: Compliance

Non-compliance

Date:

[Click here to enter text.](#)

The mission of the Probation and Court Services Department is to provide the Court with quality investigations, reports and community supervision of offenders through the use of evidence-based programming and strategies.

CC: Court Services file; McHenry County State's Attorney's Office

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McHenry County Government Center
2200 North Seminary Avenue, Woodstock IL 60098
Office: 815/334-4400 Fax: 815/338-8895



**PROBATION AND COURT SERVICES DEPARTMENT
STATE OF ILLINOIS
CIRCUIT COURT
22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS**



Director
Court Services
Seth Krause

**ADMINISTRATIVE SANCTIONS PROGRAM
NOTICE OF RIGHTS AND PROGRAM ELECTION FORM**

**Chief Managing
Officer Adult**
Roger A. Bacon

You are hereby notified by McHenry County Probation and Court Services that in the event you violate one or more conditions of your probation, the courts may choose to file a petition to revoke your probation.

Operations Manager
Susan I. Payton

You have the right to have the alleged violation heard by a judge in court during a hearing on a petition to revoke your probation. At that hearing a judge would decide if you violated your probation. You would be allowed to present evidence, witnesses, ask questions of the state's witnesses, and have an attorney present. At that hearing, the judge has the authority to modify the terms of your probation or revoke your probation and resentence you to what you could have been sentenced to originally.

Supervisor - Adult
Lori J. Danczyk

Supervisor - Adult
Deborah D. Jenkins

Supervisor - Adult
Steven A. Wisniewski

Supervisor - Juvenile
Nicholas C. Chapman

Supervisor - Juvenile
Lori R. Trout

**Supervisor - Evidence
Based Programs**
Becky E. Self

As an alternative to filing a petition with the Courts to modify or revoke your probation, McHenry County Probation and Court Services may offer you a chance to have an alleged technical violation dealt with by the Administrative Sanctions Program. Under the Administrative Sanctions Program, your sentence of probation will continue and the sanction would be based on your violation and your level of supervision. An administrative sanction may not be used for any violation that is a criminal charge.

Administrative Sanctions Program participation requires that you successfully complete all of the sanctions imposed by McHenry County Probation and Court Services. If you successfully complete the terms of the sanction, no further action would be taken on the violation. If you fail to successfully complete the sanction, an additional sanction may be imposed or the courts may be notified of the violation.

Offender's Signature

Date

The mission of the department is to enhance public safety by assisting the court in holding offenders accountable for their behavior, responsible for restoring the victim, and providing evidence-based opportunities for them to become responsible, productive and crime free.



ADMINISTRATIVE SANCTIONS BY LEVEL OF SEVERITY

Level 1

- Documented (case notes) verbal reprimand
- Suspension of Out of State travel
- Increased reporting
- Association/Behavioral restrictions
- Site specific PSW assignment less than 8 hours

Level 2

- curfew
- Written reprimand
- increased random drug and alcohol testing
- Complete up to 15 hours of public service work at no less than 3 hours a week
- Weekly reporting

Level 3

- Weekend lockdown
- Daily reporting
- Complete up to 30 hours of public service work at no less than 4 hours a week.

Level 4

- Complete up to 50 hours of public service work at no less than 4 hours a week.
- Require probationer to serve a period of electronic monitoring at their expense
- Home confinement
- GPS monitoring



ADMINISTRATIVE SANCITONS INTERVENTIONS

BY OFFENDER TYPE

DOESN'T WANT TO CHANGE

Cog Model

EUD

EUA

PROBLEM SOLVING

CAREY GUIDE GROUP A*

COST BENEFIT ANALYSIS

REMEIDAL EDUCATION/ONLINE PROGRAMMING (DOSAGE PRINCIPLE AT WORK)

CBT GROUPS (MRT/DBT/COG) THIS IS IN ADDITION TO THE ORIGINAL GROUP COMPLETED

BEHAVIORAL REPORT

DOESN'T KNOW HOW TO CHANGE

COG MODEL

PROBLEM SOLVING

EUD

CARY GUIDE GROUP B*

NIC SKILL CARDS

RACE (SITUATIONAL RISK SCENARIO ID AND ROLE PLAY)

OTHER SKILL BUILDING INTERVENTION _____

REMEIDAL EDUCATION/ONLINE PROGRAMMING

TRADITIONAL SUBSTANCE ABUSE EVAL AND TREATMENT (NOT ORIGIANLLY ORDERED BY COURT)

CBT GROUPS (MRT/DBT/COG) THIS IS IN ADDITION TO THE ORIGINAL GROUP COMPLETED

BEHAVIORAL REPORT

BUDGETING AND FINANCIAL COMPLIANCE CONTRACT

*See CARY GUIDE CHART