

	DeKalb County Government DeKalb County Community Corrections	Effective Date  5/19/2025	Page 1 of  12	Number  6-002-004
<b>POLICY AND ADMINISTRATIVE PROCEDURES</b> <b>Manual of policies and procedures</b>		Annual Review Due: 3/31/2026		

Title <b>SANCTION &amp; DISCIPLINARY POLICY</b>
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### **I. Purpose**

Program participants who are in violation of program rules will be subject to this policy. Corporal punishment shall not be used. No participant shall be denied daily living functions or be subject to mental abuse by staff. Physical force shall be used only in instances of justifiable self-protection, protection of others, and prevention of property damage, and only to the degree necessary. Such action shall be immediately documented. A written notice of program rules and violations shall be posted at the DCCC office and available to staff and participants. The purpose of disciplinary action is to enforce program rules for the safety of other participants, the public, and staff, encourage respectful and pro-social behavior, and to respond to behaviors that fall outside of expectations. All participants have the right to appeal disciplinary action taken against them. All sanctions administered should be documented in the sanctions area of the Supervised Release System (SRS) to record the use of graduated sanctions and keep accurate documentation of participant behavior.

### **II. Procedure: CTP**

CTP participants shall be sanctioned in strict accordance with the Indiana Department of Corrections Disciplinary Process for Adult Offenders (02-04-101) dated March 1, 2020.

### **III. Procedure: Term of Probation**

Participants serving a sentence as a term of probation may receive intermediate sanctions via written reprimands and DHB (excluding removal of earned credit time and revocation from the program) for violations. Major violations shall be referred to the supervising probation officer for consideration for probation violation.

### **IV. Procedure: Home Detention and Residential Work Facility**

After notification of a violation, it is to be addressed within the next business day. Upon notification of a violation, the following steps are to be taken.

1. Identify Violation
2. Review Violation History
3. Staff identifies appropriate response(s)
4. Offender is notified of response(s)

#### **1. Identify Violation**

Disciplinary action is divided into five levels. Level 1 violations address behavior that do not present immediate concern, but, if left unchecked, may increase the risk to violate program rules over time. Level 2 and 3 violations

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address behavior that has been addressed by staff, yet the participant has not begun to comply with program rules. Level 2 and 3 violations also include acts that directly contribute to criminogenic risk factors. Level 4 and 5 violations address behaviors that have risen to the level of continual, repeat antisocial/maladaptive behavior, or major program violations, as well as criminal acts. Case managers and residential work facility staff may address participant behavior by the means of verbal or written reprimands. Case managers will have the responsibility of writing Reports of Conduct.

### **5. Review Violation History**

An offender's violation history is to be viewed before determining an appropriate response. Only the offender's current time period (including consecutive sentences) on Community Corrections may be considered. If an offender has already been given a verbal warning or written reprimand for a violation, the next sanction for similar behavior must be graduated to the next level.

### **6. Staff identifies appropriate responses**

Once violation history is reviewed, staff is to identify the appropriate response. Staff may discretionarily choose which response to enforce within the first three levels. Staff may choose multiple responses within the level. Level 4 and 5 responses must be staffed with a supervisor. If multiple violations occur, the decision is driven by the most severe violation.

### **7. Offender is notified of imposed responses.**

#### **Verbal Warning:**

Whenever possible, verbal warnings are to be given in person.

#### **Written Reprimand:**

A written reprimand is to be completed on the standard written reprimand form. Any additional responses at the same level are to be documented on the written reprimand form. If the offender accepts the written reprimand they waive the following rights:

- a. A hearing before an impartial Disciplinary Hearing Board
- b. Presentation of any witnesses or evidence
- c. Assistance of a lay advocate
- d. Cross-examination and confrontation with witnesses
- e. Findings of fact

The participant may appeal the responses/sanctions to the Executive Director within one (1) business day. If the offender does not agree to the written reprimand or the imposed sanction and refuses to sign the written reprimand, a Report of Conduct will be completed.

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### **Report of Conduct:**

When a Level 4 or 5 (and Level 3 at probation officer's discretion) response is imposed, an offender will be read, during screening, a Report of Conduct detailing the violation, notified of the date and time of the hearing, and read his/her rights using a Disciplinary Hearing Board (Screening Report) form, and given the opportunity to plead guilty or not guilty. If pleading not guilty, the participant will be asked during the screening if they are requesting any evidence or witnesses be present at the hearing. The participant will also be asked if they desire a lay advocate.

Multiple violations must be documented on separate Reports of Conduct, unless the violations culminated in a singular incident. Each Report of Conduct should contain only one violation behavior. If the offender pleads guilty to the offense, a disposition hearing will be held by DHB for sanction(s) to be imposed. If the offender pleads not guilty, the offender will only be allowed to go to and from work, medical services, support meetings, community service, and program-required therapeutic services pending the hearing. The case manager who has completed the Report of Conduct will remove passes and other non-essential scheduled activities.

Any Report of Conduct shall be completed within seventy-two (72) business hours after the staff member becomes aware of the offense. The staff member writing the Report of Conduct shall not be the same staff member that reads the Report of Conduct to the participant or completes the Screening Report.

The date assigned indicates the date the disciplinary hearing was scheduled. It is very important that the conduct report be written in plain language and clearly states the "who, what, when, where, and how" of the factual event. Include: Any unusual offender behavior; any known staff or offender witnesses; a description of any physical evidence (written or photographic) and the location of this evidence; any immediate action taken, including the use of force; and, the reporting staff person's signature, printed names, and date and time of the report. The reporting staff person shall be responsible for collecting the statements of those staff persons listed as witnesses and attaching the statements to the Report of Conduct. All evidence, whether drug screen results, witness statements, GPS location maps, videos, or other physical evidence, must be included in the packet provided to the Disciplinary Screening Officer and DHB members. Perishable or biological hazard evidence may be photographed with a written physical description that can be included in the Report of Conduct. That evidence can then be destroyed.

### **DHB Screening**

The Disciplinary Screening Officer (DSO) must review the Report of Conduct to make certain it is clearly self-explanatory and that it contains all of the necessary facts and evidence. The DSO has the authority to return a Report of Conduct to the original writer to make any necessary changes or ask for the inclusion of referenced evidence before presenting it to the participant.

Within four (4) days of the date of the report, the DSO shall read the Report of Conduct and present the evidence

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to the participant. If the participant is pleading not guilty, the DSO will determine if the participant has any evidence or witness information to present at the full hearing. If so, the DSO will collect the contact information of the witness(es) on the Witness/Lay Advocate Form and inform participant that any desired evidence must be turned in to DCCC at least 24 hours prior to the hearing. The DSO should collect a list of questions the participant plans to ask the witness.

The DSO will complete the Screening Report form and have the participant sign the form. The participant shall be offered copies of all written or recorded evidence that has been submitted with the Report of Conduct at least 24 hours prior to the hearing, unless release of the evidence would create a risk of substantial risk of harm to a witness, other person, or the facility. It is the screening officer's responsibility to notify the Executive Director or Residential Services Director that all the paperwork has been completed and the hearing should be scheduled with the DHB members.

Witness information will be given to the Executive Director or Residential Services Director to contact regarding the hearing. Staff will use the Notice to Witness/Lay Advocate Form to document witness attendance, if a witness cannot attend the hearing (for an approved reason on the form), or if they are providing a written/recorded statement.

Errors found on the Report of Conduct or Screening Report may be corrected at any time prior to the rendering of judgement when found or brought to the attention of the Disciplinary Screening or Hearing Officer.

- a. The staff person making such changes or corrections shall initial these changes or corrections.
- b. Failure to detect or correct such errors that do not have a substantial impact on the offender's ability to present a defense shall not be grounds for overturning a decision by the Disciplinary Hearing Board.

Generally, the Disciplinary Hearing shall be held within seven (7) days (excluding weekends and holidays) of the Screening Report. However, there may be valid reasons why the Disciplinary Hearing cannot be held within that time frame and a Postponement of Disciplinary Hearing form shall be completed. The reasons for postponement are listed on the form. Holding the Disciplinary Hearing outside this time frame is not grounds for a case to be dropped, dismissed, nor is it grounds for an appeal.

### **The Disciplinary Hearing Board (DHB)**

The Disciplinary Hearing Board will consist of at least (2) members including any combination of the following: Executive Director, Residential Services Coordinator, Probation Staff, Sheriff's Department Staff, any member of the Community Corrections Advisory Board or layperson appointed by the Executive Director. Members of the Disciplinary Hearing Board could not have been involved in the situation surrounding the violation, have written the Report of Conduct, or conducted the Screening for the Report of Conduct.

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**DUE PROCESS:** These rights consist of: • At least 24 hours written notice of the charged violation before a disciplinary hearing; • The right to lay representation. • The right to request witnesses on your behalf, subject to approval. • The right to be present at the hearing. • The right to speak on your own behalf. • The opportunity to have the disciplinary case heard before an impartial decision maker (a Disciplinary Hearing Officer); • The opportunity to call witnesses and present documentary evidence when consistent with facility safety and security; and, • A written statement by the fact-finder (a Disciplinary Hearing Officer) of the evidence relied on and the reasons for the disciplinary action. • Notification of the right to appeal.

If the participant has pled guilty in the Screening Report, DHB members will verify that they have waived their right to present evidence, witnesses, are waiving their right to 24 hours' notice of a hearing, and have pled guilty.

A participant pleading not guilty can request evidence such as GPS point documentation, drug screen results for that offender, or video evidence (if in the Work Release program) as part of their defense. This evidence will be provided to the offender, if available, and it does not create a risk of substantial risk of harm to a witness or other person. Offenders cannot be compelled to testify and their silence cannot be used against them during the disciplinary process. This policy does not impede the Director's ability to move a client to a stricter level of supervision in response to a violation. Any hearing not held within seven (7) working days of the reading of the Report of Conduct and completion of the Screening Report shall be postponed using a Postponement of Disciplinary Hearing form.

The following basic elements will be included in a Disciplinary Hearing:

1. The participant will be notified regarding timelines of the hearing process.
2. The participant must be present (unless the participant refuses to appear or becomes disruptive).
3. The participant will have the opportunity to call witnesses and present documentary evidence on their behalf except when doing so would be hazardous to program safety or goals.
4. The Disciplinary Hearing Board will make a decision.
5. A written statement by the Disciplinary Hearing Board will be completed stating evidence relied upon, the reasons for the decision, and the sanctions (if any) to be imposed.
6. The participant has the right to appeal the decision of the Disciplinary Hearing Board by addressing the Chief Probation Officer (for direct commit and term of probation referrals) or the Sheriff (for Sheriff's Work Program participants) in writing within ten (10) working days of the hearing.
7. The participant does not have the right to counsel.

The resident is allowed to have a lay advocate be present during the hearing if one was requested at screening. Lay advocates shall be a staff member of DeKalb County Community Corrections not directly involved in the

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current incident. Any witnesses may be called in to share their observations of the situation. Participants must provide a list of questions they plan to ask the witnesses at least 24 hours prior to the hearing.

If a participant refuses to appear for his/her hearing, waives the right to appear, or becomes disruptive either before or during the hearing, the hearing will be held without the participant and it will be documented on the Report of Disciplinary Hearing form.

The disciplinary hearing officer will consider all evidence obtained in the disciplinary process. The finding will be guilty, not guilty, or dismissed. A guilty or not guilty finding shall be supported by a preponderance of the evidence. The decision shall be based solely upon information obtained during the hearing process, including staff reports, statements from the charged offender, evidence derived from witnesses, documents and physical evidence, if any.

Copies of the Report of Conduct, Screening Report, and Disciplinary Hearing Report should be given to participant after all signatures have been added at the end of the hearing. If earned credit time is taken, another DCCC employee should review the new EPRD and Remaining ECT for accuracy and initial their approval before the paperwork is scanned into the record. If good time credit was removed, a Report to the Court will be filed by the Executive Director or Director of Residential Services notifying the Court of this action. Both sanction and response rationale must be documented in the Administrative Hearing area of the SRS case, and the DHB forms attached as a document.

### **Positive Test or Breath Analysis**

The application of a treatment requirement is a therapeutic adjustment and should not be considered a sanction. Treatment adjustments should be based on participants' clinical needs as determined by qualified treatment professionals, and should not be used to reward desired behaviors or to punish undesired behaviors.

A **first positive test or a positive breath analysis** will result in a major violation and possible appearance before the Disciplinary Hearing Board. If the positive drug test occurs at intake, the offender must agree to follow additional sanctions to continue onto the program. The sanctions include more frequent drug screens and no passes for at least 30 days or two clean drug screens, whichever is last. In addition, the offender will also be required to seek a Substance Abuse Evaluation by a DMHA recognized service provider and follow all recommended treatment of that evaluation. Failure to seek an evaluation or follow recommended treatment will result in possible removal from the program.

A **second positive test or breath analysis** may result in termination from the program unless the second violation occurs more than 365 days since the initial violation. A second violation more than 365 days later may result in an appearance before the Disciplinary Hearing Board at the approval of the Executive Director.

**Failure to complete community service work** within the first ninety (90) days of the program, or with ten (10) days left to serve (whichever comes first), will result in a Report of Conduct being created for the Disciplinary Hearing Board.

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### **Serious Misconduct**

Participants found to be in violation of certain rules considered Serious Misconduct may be recommended for termination from the program. Serious Misconduct consists of the following:

- Unaccountability exceeding 1 hour.
- Possession of drugs or paraphernalia.
- Assault of staff or self-injurious behavior
- Possession of a firearm, destructive device, or dangerous weapon
- Commission of a new offense while on the program
- Threats to staff or other participants
- Stated refusal to provide urine, oral fluid, or breath sample
- Damage to or theft of property belonging to DCCC
- Sexual Behavior (Exposing self, sexual contact with offender, sexual language or behavior directed at staff).
- Strap alarms/equipment tampering.

**The list is subject to change at any time without notice and at staff discretion.**

### **APPEAL**

Participants have the right to appeal disciplinary action as follows:

#### **APPEAL-MINOR RULE VIOLATIONS**

If a participant disagrees with action taken by staff resulting from a Minor Rule Violation, she/he may appeal this decision on a grievance form within one (1) business day to the Executive Director. The Executive Director will review, investigate if necessary, and respond to the participant within three (3) business days. The final decision will be that of the Executive Director and will be documented in a confidential manner or as required for changes in a sanction.

#### **APPEAL-MAJOR RULE VIOLATIONS/SERIOUS MISCONDUCT**

All appeals must be submitted in writing to the Chief Probation Officer (for direct commit and term of probation referrals) or the Sheriff (for Sheriff's Work Program participants) in writing within ten (10) working days of the hearing.

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In the appeal, the offender shall state the specific reasons such a review is requested. A disciplinary action may only be appealed for failure of the facility to follow the due process requirements in this policy and administrative procedure, where there is a question regarding the sufficiency of the evidence relied upon, or in cases where the sanctions given are outside the sanctioning guidelines in these procedures. An offender may not appeal minor errors in the disciplinary reports unless the offender can show that the error resulted in a due process error. Offenders who have entered a guilty plea may appeal only the sanctions imposed.

### Sanction Matrix

Level	Behavior	Sanction
1	Failure to Turn in Schedule by Noon on Friday	If it is a written reprimand, the following are possible sanctions:  1 Week Loss of Passes  Activity restriction/removal of non-ordered activities from schedule  1 Week Bunk Restriction  Compliance plan with case manager  Charge/payment agreement  Rewrite rules
Verbal	Failure to Answer Phone or Door	
Warning or	Failure to Follow Case Plan	
Written	Failure to Complete Assigned Homework for Case Management Meeting	
Reprimand	Failure to Follow Schedule	
	Failure to Charge Bracelet as Instructed	
	1st Dilute Urine Screen	
	Home Curfew Violation	
	Failure to Be Paid One Week Ahead	
	Failure to Provide Verification Documents	
	Failure to Inform Community Corrections When Required	
	Failure to Provide Urine Sample in 60 Minutes	
	Possession of Items not allowed on the program	
	Being unsanitary or untidy, failing to keep one's person or one's quarters in accordance with standards	
	Inappropriate behavior	
	Gambling/bribery activity	
	Failure to Follow RWF Guidelines/Rules	



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2 Written Reprimand	2 <sup>nd</sup> Occurrence of Any Level 1 Violation Unauthorized Location Dishonesty Towards Staff Member Failure to Follow a Staff Directive Associating with Non-Law Abiding Persons Failure to complete prior sanction Failure to schedule or complete weekly CSW Failure to report LE contact	2 Week Loss of Passes 5 Hours Additional Community Service Increased Field Visits BIT Assigned 2 Week Bunk Restriction Contact Restrictions
3 Written Reprimand or DHB	3 <sup>rd</sup> Occurrence of Any Level 1 Violation 2 <sup>nd</sup> Occurrence of Level 2 Violation Loss of Employment Battery Violation on Bracelet Refusing to work or accept work assignment Failure to follow program rules/procedures Failure to complete prior sanction Failure to follow court order Failure to complete referral services on multiple occasions 1 <sup>st</sup> Alcohol Positive with Admittance	4 Week Loss of Passes 10 Hours of Additional Community Service 3 Week Bunk Restriction Increased Office Visits "Carey Guide: Responding to Violations" Assigned Disciplinary Hearing Board Sanctioning chart options below
4 DHB	1 <sup>st</sup> Positive Drug/Alcohol Screen Without Admittance 2 <sup>nd</sup> Dilute Screen Repeated Level 2 or 3 Violation Failure to Complete Community Service by due date 2 <sup>nd</sup> Positive Drug Screen with Admittance at Least 365 Days from Initial Positive Screen Behind \$150 in home detention fees or \$350 in residential work program fees	IRAS Reassessment Obtain a substance abuse evaluation from a DMHA approved provider and follow the provider's recommendations. Move from HD to RWF Phase demotion Disciplinary Hearing Board Sanctioning chart guides: <ul style="list-style-type: none"><li>Up to 20 hours CSW</li></ul>

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	Possession of facility-designated contraband other than drugs/paraphernalia/weapons  Unauthorized possession or improper use of medication- use other than as prescribed by a qualified medical provider or the recommended dosage per the OTC instructions.  Tampering with/damaging facilities	<ul style="list-style-type: none"><li>• Up to 60 days loss of pass</li><li>• Up to 90 days loss of earned credit time</li><li>• 4 Week Bunk Restriction</li></ul>
4a DHB	1 <sup>st</sup> Positive Drug Screen with Admittance	Loss of Passes until 2 negative drug screens have been received, with a minimum of 30 days required sanction  Obtain a substance abuse evaluation from a DMHA approved provider and follow the provider's recommendations.  Increased Drug Screens IRAS Re-Assessment Phase demotion  Disciplinary Hearing Board Sanctioning chart guides (same as 4 above)
5 DHB	2 <sup>nd</sup> Positive Drug Screen Within 365 Days Repeated Level 1, 2, or 3 Violations Unaccountability exceeding 1 hour Possessions of drugs or paraphernalia Possession of Level 3 Contraband Assault of staff or self-injurious behaviors Possession of a firearm, destructive device, dangerous weapon, or device capable of being used as a weapon  Threats to Staff  Stated refusal to provide urine, oral fluid, or breath sample/tampering with a sample	Removal from Program  Disciplinary Hearing Board Sanctioning chart guides: <ul style="list-style-type: none"><li>• Up to 30 hours CSW</li><li>• Up to 75 days loss of pass</li><li>• Up to 180 days loss of earned credit time</li><li>• 4 Week Bunk Restriction</li></ul>

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	Damage to or theft of property belonging to (or leased by) DCCC or another resident  Sexual Behavior (Exposing self, sexual contact with participant, sexual language or behavior directed at staff/other participants)  Rioting or inciting others to riot.  Loss of residence  Commission of new criminal offense  Strap alarms/equipment tampering	
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These sanctions are advisory guides and final sanctions will be decided by DHB members at each hearing.

<b>DHB SANCTIONS</b>	<b>Maximums- to be applied in a graduated manner up to these amounts/periods</b>
<b>Community Service Work</b> <small>*Baseline of 1 hour/day</small>	<b>30 hours</b>
<b>Loss of Pass</b> <small>*Permanent Loss of Pass can be considered for multiple major violations</small>	<b>75 days</b>
<b>Bunk Restriction</b> <small>*RWF</small>	<b>4 weeks</b>
<b>Random DS/Alcohol monitoring call line</b> <small>*Use as an add-on sanction, suggested for 60 days, and not eligible for free drug screen incentive</small>	<b>60 days</b>
<b>Daily report to supervising officer</b> <small>*can be in person or by telephone at supervising officer's discretion</small>	<b>30 days</b>
<b>Refer to Substance Abuse or Mental Health Evaluation</b>	<b>As needed</b>
<b>Loss of Earned Credit Time –Active or Suspended</b> <small>*for major offenses only. Requires approval of new EPRD and ECT remaining by another DCCC staff member and filing of Report to the Court.</small>	<b>6 months</b>
<b>Restitution</b>	<b>Amount of loss</b>
<b>Phase Demotion/Remain in Phase</b>	<b>Case-by-case</b>
<b>Other sanctions as found in the facility sanctions matrix above</b>	<b>Case-by-case</b>

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**Formal Violation Reports (direct commitment and term of probation participants)**

If a program participant has committed a substantial program violation, including Level 5 violations, or repeatedly commits Level 1-4 violations, Community Corrections case managers/probation officers will consult with a supervisor about filing a formal violation with the court. Formal violation reports should include only major program violations and be reported on the violation report provided in SRS. Confidential information regarding alcohol and drug use, substance testing results, and treatment services must be filed on a separate confidential attachment. Probation officers should follow the violation policy in the probation department policy and procedure manual.

Formal violation reports filed with the court shall contain a summary of the sentence, participant's employment status, a description of the rules violated, any fees owed, a narrative of the defendant's performance on supervision and progress in rehabilitation, and an advisement of the participant's current whereabouts (DeKalb County Jail, Residential Work Program, or home detention with address). Community Corrections staff shall attend all hearings set by the court regarding these violations.

If a warrant is issued by the Court regarding major program violations, timeframes and guidelines should be followed as described in IC 35-38-2.7.