
 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Supervision Standards for Community Supervision</b>		NO. 9210
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SUPERSEDES DIR# 9210 Dtd. 2/12/18	DISTRIBUTION A B	PAGES PAGE 1 OF 8	DATE LAST REVISED
REFERENCES (Include but are not limited to) ACA Expected Practices 4-APPFS-2A-04, 4-APPFS-2A-07, 4-APPFS-2E-01; Directives #8500, #9025, #9030, #9301, #9432, #9504;	APPROVING AUTHORITY 		

- I. PURPOSE:** The purpose of this directive is to establish a system of supervision standards for parolees under supervision based on risk assessment, re-assessment, and the case plan. The assessment tools utilized by the Department of Corrections and Community Supervision (DOCCS) determine the case management requirements by developing case plans and establishing contact standards.
- II. POLICY:** Supervision standards have been established as guidelines for Parole Officers (PO) and Senior Parole Officers (SPO) in an effort to ensure the effective supervision of individuals released on parole, conditional release, presumptive release, or release to a period of post-release supervision. Supervision standards are intended to establish compliance requirements for Community Supervision (CS) personnel based on assessed risk of re-offending, supervision intensity, and the case-specific factors delineated in the case plan. Contacts with parolees must be relevant, consistent with the case plan, and responsive to criminogenic needs. Supervision standards provide the PO with a structured approach to monitoring behavior in the community setting, and enable the PO to immediately respond to public safety concerns and non-compliant behavior. The supervision standards defined in this directive are minimum standards. POs are authorized to increase the number of contacts with a parolee in response to public safety considerations, reintegration efforts, and needs such as housing, treatment, and employment. The primary goal of the supervision standards and case contacts are to encourage and support law-abiding behavior, as well as compliance with the conditions of release.
- POs must document all contacts related to the parolee in accordance with Directive #9025, "Case Management System (CMS) Operational Guidelines," and include sufficient details to fully describe what occurred during the contact, as well as any supervision needs identified.
- III. DEFINITIONS**
- A. **Contact:** Any communication, interaction, or observation made by or on behalf of the assigned PO during the supervision of the parolee, including telephone calls, written correspondence, surveillance, and electronic information transmissions.
  - B. **Office Report:** A face-to-face office interview with a parolee at the Area Office or report station for the purpose of evaluating adjustment in the community.
  - C. **Positive Contact:** A face-to-face contact where a parolee is personally observed by a PO in a location that would serve case-specific supervision needs.
  - D. **Home Visit:** A visit to the approved or proposed residence by a PO.

- E. Verification: Any contact, or communication with trusted sources, that establishes the compliance or non-compliance of the parolee with the conditions of supervision. Examples of trusted sources are police agencies, service providers, and official documents.
- F. Case Conference: A case conference is a meeting or communication between a CS staff member and a supervisor to discuss a parolee's behavior, supervision adjustment, and/or level of compliance with conditions of release. Other types of case conferences can occur between CS staff and the Parole Violation Unit (PVU), Re-Entry Services, or service providers as outlined in Directive #9504, "Case Conference."
- NOTE: CS staff shall utilize the "Supervision Standards Conference (SSC)" CMS code for purposes of monitoring compliance with the requirements of this directive (see Section IV-A-7 of this directive).
- G. Supervision Standards Conference (SSC): A regularly scheduled formal meeting, between an SPO and a PO, to discuss administrative responsibilities and case management issues. An SSC permits case review, personal instruction, and the ability to provide feedback to staff. SSCs shall be held in accordance with standards issued for COMPAS-based supervision.
- H. Curfew Visit: An unannounced home visit by a PO to verify parolee compliance with a curfew.
- I. Curfew Verification: An unannounced verification utilizing telephone or other electronic methods (e.g., GPS Tracking, FaceTime, Skype) by a PO to verify parolee compliance with a curfew.
- J. Supervision Status Level: Supervision Status is the outcome of the assessment tool which assists in determining the intensity of supervision and managing the criminogenic and stabilization needs. There are four COMPAS Supervision Status Levels: Status 1 - Highest Risk; Status 2 - High Risk; Status 3 - Moderate Risk; Status 4 - Low Risk. All UBER, GPS, Mental Health, Sex Offender, and SIST cases are to be supervised as per their required standards as delineated in the respective directive or procedural memorandum.
- K. eJusticeNY Portal: The Integrated Justice Portal provides a highly secure, single point of entry for authorized users to access a variety of NYS criminal justice data systems, including Assessment Instrument, NYSPIN, the Pre-Sentence Investigation Repository, and numerous other public safety related applications.
- L. Failure to Report: An unexcused failure by the parolee to keep a scheduled office report with a PO.
- M. Employment Verification: Information received which verifies the employment status of a parolee. Acceptable methods of verification shall include a review of pay stubs, salary payments, or other verifiable wage or payroll statements issued by the employer. Where an employer (e.g. business owner, manager, or supervisor) is aware of the parolee's supervision status and the employer is amenable to an on-site visit by the PO, an employment visit may be conducted and such visit may include face-to-face contact with the parolee and the employer. Where the employer is not aware of the parolee's supervision status, the PO may observe the parolee working at the place of employment provided such observation does not compromise the parolee's employment.

- N. Program Verification: Acceptable methods of verification include an on-site program visit, a telephone call to/from program, program discharge letter/certificate, or receipt of a program status report.
- O. Bi-Monthly Contact: A contact that occurs once every two months; not to take place in the same month.
- P. Quarterly Contact: A contact that occurs every three months.
- Q. Place-Based Supervision: A positive contact between the PO and the parolee within an agency or community-based organization in the neighborhood where a parolee resides, that offers natural and informal supports. Examples are service providers, employers, faith-based institutions, and police agencies.
- R. Collateral Contact: A qualitative contact made by or on behalf of the assigned PO with an entity that provides information pertinent to the management, supervision, and/or treatment of the parolee, including but not limited to, law enforcement, treatment providers, family members and/or significant others, SPO and other DOCCS staff, service providers, and education or vocational programs, etc.
- S. Pre-Delinquent Behavior: Any delinquent behavior that could result in the issuance of a NYS DOCCS violation warrant as a result of the PO having a reasonable cause to believe that such person has violated one or more of the conditions of their release in an important respect.

#### IV. PROCEDURE

##### A. Parole Officer Responsibility

1. New Releases, Newly Restored, and Newly Transferred Cases
  - a. POs must conduct a home visit on all new releases within eight business days of release to supervision. This includes releases from State prison, Willard Correctional Facility, and local jail; and
  - b. POs must conduct a home visit on all cases newly transferred to their caseloads within eight business days of the parolee's first report to the receiving PO.
2. Supervision Status I (25:1) - POs must conduct contacts as follows (see Attachment A):
  - a. POs will conduct a minimum of two office reports each month;
  - b. POs will conduct a minimum of one home visit positive each month;
  - c. POs will conduct a minimum of two other contacts each month, one of which must be positive;
  - d. If a curfew special condition is imposed, one curfew visit will be conducted each month. A curfew visit may also count as a mandated monthly home visit;
  - e. If the parolee is participating in a residential treatment program, a residential program visit may also count as a mandated monthly home visit;
  - f. If the parolee is participating in a treatment program(s), one program verification must be conducted each month. If attending multiple treatment programs, all program participation shall be verified on a monthly basis;

- g. If the parolee is employed, employment verification will be conducted each month,
    - h. The case plan must address the criminogenic or stabilization needs as identified by the COMPAS Assessment Instrument, the PO, and the parolee. The Supervision Plan will first prioritize the parolee's need for a stable residence;
    - i. When addressing a criminogenic and/or stabilization need, staff will use the designated activity codes and provide detail in the contact narrative of CMS;
    - j. The PO will refer cases to Re-Entry staff in the event of an outstanding service need; and
    - k. POs must verify that all registered level three sex offenders have made their required 90-day in-person report to local law enforcement.
  3. Supervision Status II (40:1) - POs must conduct contacts as follows (see Attachment A):
    - a. POs will conduct a minimum of one office report each month;
    - b. POs will conduct a minimum of one home visit positive each month;
    - c. POs will conduct a minimum of one other positive contact each month;
    - d. If a curfew special condition is imposed, one curfew visit will be conducted each month. A curfew visit may also count as the mandated monthly home visit;
    - e. If the parolee is participating in a treatment program(s), one program verification must be conducted each month. If attending multiple treatment programs, all program participation shall be verified on a monthly basis;
    - f. If the parolee is employed, employment verification will be conducted each month;
    - g. The case plan must address the criminogenic and/or stabilization needs as identified by the COMPAS Assessment Instrument, the PO, and the parolee. The Supervision Plan will first prioritize the parolee's need for a stable residence;
    - h. When addressing criminogenic and/or stabilization needs, staff will use the designated activity codes and provide detail in the contact narrative of CMS; and
    - i. The PO will refer cases to Re-Entry staff in the event of an outstanding service need.
  4. Supervision Status III (80:1) - POs must conduct contacts as follows (see Attachment A):
    - a. POs will conduct a minimum of one office report bi-monthly;
    - b. POs will conduct a minimum of one home visit positive bi-monthly;
    - c. POs will conduct a minimum of one other positive contact bi-monthly;
    - d. The office report and mandated other positive contact should not occur during the same month, unless dictated by supervisory needs;

- e. If the parolee is participating in a treatment program(s), one verification must be conducted bi-monthly. All program participation shall be verified on a bi-monthly basis;
  - f. If the parolee is employed, employment verification will be conducted on a bi-monthly basis;
  - g. If a curfew special condition is imposed, the PO must conduct one curfew verification bi-monthly;
  - h. The case plan must address the criminogenic and/or stabilization needs as identified by the COMPAS Assessment Instrument, the PO, and the parolee. The Supervision Plan will first prioritize the parolee's need for a stable residence;
  - i. When addressing criminogenic and/or stabilization needs, staff will use the designated activity codes and provide detail in the contact narrative of CMS; and
  - j. The PO will refer cases to Re-Entry staff in the event of an outstanding service need.
5. Supervision Status IV (160:1) - POs must conduct contacts as follows (see Attachment A):
- a. POs will conduct a minimum of one office report every four months;
  - b. POs will conduct a minimum of one home visit positive every four months;
  - c. If the parolee is participating in a treatment program(s), one verification must be conducted every four months;
  - d. If the parolee is employed, employment verification will be conducted every four months;
  - e. The case plan must address the criminogenic and/or stabilization needs as identified by the COMPAS Assessment Instrument, the PO, and the parolee. The Supervision Plan will first prioritize the parolee's need for a stable residence;
  - f. When addressing a criminogenic and/or stabilization need, staff will use the designated activity codes and provide detail in the contact narrative of CMS; and
  - g. The PO will refer cases to Re-Entry staff in the event of an outstanding service need.
6. Failure to Report: Upon the parolee's failure to report as directed, the PO must attempt to re-engage the parolee within 24 hours. Failing to make contact with the parolee by any means within 24 hours will necessitate a home visit conducted by the PO to the approved residence within 48 hours.
7. Supervision Standards Conference (SSC): The SPO will meet with the PO to conference on a regular basis no less than the schedule below.

SSCs will occur minimally as follows:

- Supervision Status I Monthly
- Supervision Status II Monthly
- Supervision Status III Once every three months
- Supervision Status IV Once every four months

SSCs will be entered in CMS using Contact Code "SSC."

8. Pre-Delinquent Behavior Mandatory Case Conference: For all supervision levels, in the event an individual exhibits any pre-delinquent behavior, such as, but not limited to, a failure to report, a positive drug test, or curfew violation, the PO must case conference with the SPO or higher rank within 24 hours of the pre-delinquent behavior. The case conference must be entered in CMS using Contact Code "CC."
9. The SPO will review the CMS contacts of assigned cases to assess risks, needs, and details to ensure appropriate supervision and compliance with the supervision standards for the designated COMPAS Supervision Level. The SPO will ensure during the SSC that any identified criminogenic and/or stabilization needs are being addressed adequately. Upon completion of the review and assessment, the SPO will advise the assigned PO of any issues in need of attention and document accordingly in CMS.
10. Substance Abuse Testing: In all cases where there is a COMPAS identified substance abuse need, the PO will administer Department approved substance abuse testing in compliance with the testing frequency as outlined in Directive #9432, "Substance Abuse Testing by Community Supervision Staff," and the Supervision Standards grid (see Attachment A).
11. COMPAS Level Override: Not to include SIST, Registered Sex Offenders, OMH 1, 1S, 1SY, 2, 2S, SMI-V, and UBER cases, which are to be overridden to COMPAS Level 1 without the need for approval from the Assistant Regional Director (ARD).
  - a. For any case where the PO, SPO, or Bureau Chief (BC) wish to change the current supervision level prior to the parolee completing 12 months of unrevoked supervision, a recommendation with rationale must be submitted by the BC to the ARD. Upon reviewing the provided recommendation and rationale, the ARD will approve or reject the recommendation. If the override is approved by the ARD, the BC shall access the most recent COMPAS Re-Entry Assessment on the Person Summary screen located on the eJusticeNY Portal, and then enter the Actual Recommended Supervision Level in the Supervision Recommendation section;
  - b. For any case where an override is approved by the ARD, and where the parolee is in the Community Preparation process, the Case Supervision Review (CSR) instrument will be utilized by the PO six months from the date of the parolee's release from the correctional facility to determine whether the Supervision Level should be raised, lowered, or maintained;

- c. Additionally, for any case where an override is approved by the ARD during the first four weeks of supervision after a parolee's release from a correctional facility, the CSR instrument will be utilized by the PO six months from the date of the override to determine whether the Supervision Level should be raised, lowered, or maintained;
  - d. After reviewing the CSR recommendation and CMS, the BC will enter the COMPAS Level in the Actual Recommended Supervision Level section of the CSR (see Directive #9030, "COMPAS Case Supervision Review"). Absent any serious mitigating or aggravating factors to the contrary, the BC is expected to abide by the CSR recommendation;
  - e. In the event an override is requested during a parolee's supervision after 12 months of supervision, but before the next CSR is due, staff are to utilize the CSR instrument. ARD approval is not required for overrides after 12 months of supervision; and
  - f. All efforts must be documented in CMS.
- B. Senior Parole Officer Responsibility: The SPO is responsible for ensuring that the Parole Officer provides the necessary level of supervision to foster public safety and assist the parolee to successful completion of Community Supervision.
1. SPOs will meet with the PO to conference cases, to ensure compliance with the standards of supervision, or as needed. Cases will be reviewed to determine if the PO has developed and addressed the criminogenic and/or stabilization needs identified within the case Supervision Plan, and is adequately managing their caseload;
  2. SPOs will observe the PO and parolee interaction both in the field and in the office. This type of observation affords the SPO an opportunity to personally assess a parolee's adjustment; and
  3. SPOs will routinely review CMS to ensure that the PO is providing the case-specific level of supervision required.
- C. Bureau Chief Responsibility: BCs will ensure that the SPOs and POs are assisting parolees to ensure successful completion of Community Supervision.
- D. Regional Director/Assistant Regional Director Responsibility:
1. The Regional Director (RD)/ARD will ensure that all cases in their region are supervised at all times, focusing on assisting parolees towards successful completion of Community Supervision;
  2. The RD/ARD or authorized designee has the discretion to adjust the standards accordingly, if needed, to assist parolees to the successful completion of Community Supervision;
  3. All adjustments to the standards must be documented and detailed in CMS by the approving supervisor; and
  4. The ARD will complete random caseload audits for quality control or as needed on a case-by-case basis.

<p><b>Level 1</b></p> <p>Monthly (4 Face-to-Face Contacts Required)</p> <ul style="list-style-type: none"> <li>2 Office Reports</li> <li>1 Home Visit Positive</li> <li>2 Other Contacts (1 must be positive)</li> <li>1 Program Verification</li> <li>1 Employment Verification</li> <li>1 Curfew Visit Required (if Curfew Imposed)</li> <li>1 Supervision Standards Conference</li> </ul>	
<p><b>Level 2</b></p> <p>Monthly (3 Face-to-Face Contacts Required)</p> <ul style="list-style-type: none"> <li>1 Office Report</li> <li>1 Home Visit Positive</li> <li>1 Other Positive Contact</li> <li>1 Program Verification</li> <li>1 Employment Verification</li> <li>1 Curfew Visit Required (if Curfew Imposed)</li> <li>1 Supervision Standards Conference</li> </ul>	<p><b>DRUG TESTING STANDARDS</b></p> <p><i>Based on the COM/PAS Identified Substance Abuse Need</i></p> <p><i>(Minimum Frequency)</i></p> <p>HIGH = BI-MONTHLY</p>
<p><b>Level 3</b></p> <p>Bi-Monthly (3 Face-to-Face Contacts Required)</p> <ul style="list-style-type: none"> <li>1 Office Report</li> <li>1 Home Visit Positive</li> <li>1 Other Positive Contact (Cannot be the same month as Office Report)</li> <li>1 Program Verification</li> <li>1 Employment Verification</li> <li>1 Curfew Verification (if Curfew imposed)</li> <li>1 Supervision Standards Conference Every 3 Months</li> </ul>	<p>MEDIUM = QUARTERLY</p>
<p><b>Level 4</b></p> <p>Every Four Months (2 Face-to-Face Contacts Required)</p> <ul style="list-style-type: none"> <li>1 Office Report</li> <li>1 Home Visit Positive</li> <li>1 Program Verification</li> <li>1 Employment Verification</li> <li>1 Supervision Standards Conference Every 4 Months</li> </ul>	<p>LOW = SEMI-ANNUALLY</p>

**NOTE:** All UBER/SIST/GPS/Mental Health/RESET/Sex Offender cases are to be supervised as per established standards. For all supervision levels, all pre-delinquent behavior will require a Case Conference (CC) with an SPO or higher rank within 24 hours and must be documented in CMS.