
 Department of Corrections and Community Supervision DIRECTIVE	TITLE Criminal Prosecution of Releasees for Offenses Against Staff		NO. 9060
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SUPERSEDES DIR #9060 Dtd. 09/29/23	DISTRIBUTION A B	PAGES PAGE 1 OF 2	DATE LAST REVISED
REFERENCES (Include but are not limited to) New York State Penal Law; Directives #4960, #9430	APPROVING AUTHORITY 		

- I. **BACKGROUND:** The fundamental purpose of New York Penal Law is to ensure public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized. Individuals supervised by the Department of Corrections and Community Supervision (DOCCS) who engage in further criminal behavior against DOCCS staff must be held accountable for their actions. This directive is intended to provide guidance to Community Supervision area offices with initiating and monitoring criminal prosecutions of releasees.

- II. **POLICY:** With the objectives of providing a safe and secure working environment at Community Supervision area offices, sub-area offices, and satellite work locations for all staff and releasees and preventing acts of workplace violence, it is DOCCS policy to seek the criminal prosecution of releasees who, while under community supervision, commit crimes against staff. In furtherance of this policy, each Bureau Chief (BC) shall endeavor to develop and maintain a positive working relationship with local law enforcement and the Offices of the District Attorney in those counties covered by the respective area office, in order to fully support their investigative and prosecutorial functions.

 Community Supervision staff shall cooperate fully with the New York State Police, local District Attorneys, the Attorney General's Office, U.S. Attorneys, and all other federal, state, and local police or investigative officials who may be instrumental in bringing a criminal case to successful prosecution and conviction.

- III. **RESPONSIBILITIES OF THE BUREAU CHIEF**
 - A. Criminal Prosecution Liaison: Whenever it becomes known that a releasee has committed a criminal offense against staff, the BC shall designate a Senior Parole Officer to serve as the Criminal Prosecution Liaison (CPL), who shall monitor and help facilitate the prosecution of the releasee with law enforcement and prosecutors.
 - B. Incident Evaluation: The BC shall evaluate all reported criminal acts by releasees against staff and ensure that an Unusual Incident Report is completed and submitted in accordance with Directive #9430, "Unusual Incident – Community Supervision." All other additional relevant documents and information shall also be reviewed by the BC. The BC shall ensure that the CPL is notified of all incidents that will be referred for outside prosecution.
 - C. Confidentiality Advisory: Should any concerns arise regarding the confidentiality of any evidentiary or investigative materials to be turned over to a police or prosecuting authority, the BC should confer with Department Counsel.

It must be emphasized that ultimately, any records initially turned over to a police or prosecuting authority might, as a part of the criminal discovery process, subsequently be reproduced to the defense attorney who represents the releasee in the criminal prosecution. As such, the releasees themselves might have direct access to the records in question. Therefore, extreme care must be taken to first redact any sensitive information that is not relevant to the criminal matter on records to be handed over, such as any personal identifying information regarding any Department employees (e.g., Social Security numbers, home addresses, etc.).

IV. RESPONSIBILITIES OF THE CRIMINAL PROSECUTION LIAISON (CPL): The following procedures shall occur for any criminal act perpetrated by a releasee against staff:

- A. Information/Evidence Gathering: The CPL shall ensure that all required information as listed below is collected and provided to the District Attorney:
1. Unusual Incident Report.
 2. Violation of Release Report.
 3. All investigation reports and correspondence.
 4. Use of Force Reports (if applicable).
 5. Certificate of Conviction of the releasee.
 6. Photo(s) of releasee.
 7. Photo(s) or video recording(s) regarding any aspect of the incident or crime scene (if applicable).
 8. Any miscellaneous related statements or documents.
 9. Notice of Confidential Information.

NOTE: All evidence shall be reviewed in advance of the disclosure and all confidential or security sensitive information shall be flagged for the District Attorney.

- B. Information/Evidence Submission: When submitting any copies of documents to the District Attorney or appropriate police agency, the CPL shall maintain the original documents in a confidential file to be maintained by the BC.
- C. Case Monitoring: The CPL shall contact the arresting agency, District Attorney, or other involved agencies on a monthly basis to note the status of every pending case.
- D. Case Reporting: On a regular basis, the CPL shall submit an update by way of an email to the BC to report the status of each pending case. The CPL shall notify the BC if they experience any difficulties in obtaining case status information from the police or District Attorney's Office.