

 <b>DIRECTIVE</b>	<b>Corrections and Community Supervision</b> <b>Case Conference</b>		NO. 9504
			DATE 09/17/2019
SUPERSEDES DIR# 9504 Dtd. 07/05/16	DISTRIBUTION A	PAGES PAGE 1 OF 5	DATE LAST REVISED
REFERENCES (Include but are not limited to) ACA Expected Practices 4-APPFS-2A-11, 4-APPFS-3A-27; Directives #9050, #9051, #9210		APPROVING AUTHORITY 	

- I. **PURPOSE:** To provide Department of Corrections and Community Supervision staff with standards for conducting case conferences, that are an integral component of Community Supervision, which provide for public safety and assist the releasee towards a successful completion of their sentence.
- II. **POLICY**
  - A. Case conferences are a required function between a Parole Officer and a supervisor to evaluate a releasee's adjustment, address supervision needs, and ensure a Parole Officer's compliance with Community Supervision regulations and the completion of the Department's administrative tasks and duties.
  - B. Case conferences are a required function of a Parole Revocation Specialist, designed to elicit information from the Bureau Chief, Senior Parole Officer, and/or Parole Officer that will enhance the Parole Revocation Specialist's ability to represent the best interests of the Department during the parole revocation process.
  - C. Case conferences are a required function of a Re-Entry Services Specialist/Parole Officer, designed to elicit information from the Bureau Chief, Senior Parole Officer, and/or Parole Officer that will enhance the Re-Entry Services Specialist's/Parole Officer's ability to seek the most appropriate services to meet the needs of the releasee.
  - D. Case conferences are a required function of the Bureau Chief, Senior Parole Officer, and Parole Officer with service providers working with the inmate/releasee. This will allow for exchange of information, Department input on the inmate/releasee supervision plan, and case management team participation, including the releasee.
- III. **DEFINITIONS**
  - A. Supervision Standards Conference (SSC): A regularly scheduled formal meeting, between a Senior Parole Officer and a Parole Officer, 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.
  - B. Unscheduled Case Conference: A meeting between the Parole Officer and the Senior Parole Officer immediately upon suspecting that a releasee may be a danger to the community, staff, or self, and/or when any other relevant supervision matter arises.
  - C. Case Conference with Releasee: A meeting between the Bureau Chief or Senior Parole Officer and Parole Officer that includes the releasee. This conference is used to include the releasee in the development of supervision plans, to address the releasee's conduct, or to acknowledge the releasee's positive adjustment.



- D. Case Conference Involving the Parole Revocation Specialist: A meeting between the Parole Revocation Specialist and the Bureau Chief, Senior Parole Officer, and/or Parole Officer to exchange information about a releasee's supervision that will enhance the Parole Revocation Specialist's ability to address public safety considerations and to effectively represent the Department during the revocation proceedings. Case conferences involving the Parole Revocation Specialist and the Deputy Chief of the Parole Violation Unit shall focus on caseload management, investigations, hearing preparation, and post-disposition responsibilities.
- E. Case Conference Involving the Re-Entry Services Specialist/Parole Officer: A meeting between the Re-Entry Services Specialist/Parole Officer, Bureau Chief, Senior Parole Officer, and/or Parole Officer to exchange information about an inmate/releasee that will enhance the Re-Entry Services Specialist's/Parole Officer's ability to seek the most appropriate services to meet the needs of the inmate/releasee.
- F. Case Conference Involving the Service Providers: A meeting between the Bureau Chief, Senior Parole Officer, Re-Entry Services staff, or supervising Parole Officer that allows for exchange of information about an inmate/releasee, the Department's participation in developing supervision plans, and staff participation in case management team meetings.

#### IV. PROCEDURE

- A. Parole Officer Responsibilities: The Parole Officer must be prepared for a case conference with knowledge of:
  - 1. Case History: (1) prominent social/family history events that affected development and pattern of criminal history; (2) past correctional adjustments, sanctions, and responses; (3) education and employment history; (4) psychological/psychiatric and chemical dependency history; (5) history of violent behavior; (6) present situation regarding residence, significant relationships, victims in the community, and/or active Orders of Protection.
  - 2. Case Planning: Initial assessment of needs and interventions required to address circumstances influencing criminogenic thinking or any matters related to officer/public safety.
  - 3. Pro-Active Supervision: (1) implementation of primary and alternative plans developed to address criminality; (2) follow-up assessment of plan; (3) special conditions imposed to enforce plan; (4) prioritization of individual cases that need greater or immediate intervention.
  - 4. Case Coverage: (1) is supervision level appropriate based upon risk, treatment needs, plan implementation, and progress or lack thereof in adjustment; (2) special conditions imposed and how have they been enforced; (3) treatment and employment referrals; (4) timely Failure to Report (FTR) follow up; (5) sufficiency of contact compliance (case appropriate); (6) employment/program verification and method; (7) quality of contacts recorded in the Case Management System (CMS); (8) media alerts required.
  - 5. Developing Issues: (1) method of assessment, how addressed and followed up; (2) determination of needs for further investigation; (3) milestones and progress in the releasee's life for which positive responses can be employed; (4) review for inappropriate and/or violative behaviors that require graduated responses or a warrant.



**B. Senior Parole Officer Responsibilities**

1. The Senior Parole Officer will prepare prior to the SSC by reviewing the following reports/controls relative to the Parole Officer's caseload:
  - a. Failures to Report: Was follow up done, when was it done, and what was the outcome;
  - b. 40/60 Day Alerts: Provide a due date by which these must be completed;
  - c. Overdue Reports - Mandatory, Merits, and Three-Year Discharges: Provide a due date by which these must be completed;
  - d. Community Preparation Investigations: Was it timely; if disapproved, were alternatives investigated; has Facility/Re-Entry been contacted; what will be the final approved placement; and if approved, what was learned about the approved program and the releasee;
  - e. Certificate and Interstate Investigations: Provide a due date by which these must be completed;
  - f. Out of Area Cases: Discuss these case transfers and provide a due date by which they must be completed;
  - g. Content and Quality of CMS Chronological Reports: Review chronological notes for thoroughness, appropriate use of the batch entry process, timeliness, and completion of all necessary screens;
  - h. Point of Information (POI): Were any due; review of submitted alert; follow up of outstanding issues not addressed in POI; and changes to supervision plan; and
  - i. Review of Cases in Violation Status: Was [Form #CS9011](#), "Notice of Violation," properly served; were hearings scheduled; is the Parole Officer prepared to testify; has all necessary evidence been gathered; are witnesses ready; and has there been a case conference with the Parole Revocation Specialist.
2. During the SSC, the Senior Parole Officer must enter Contact Detail and Action Plan into CMS using the Group Contact Create screen and then detail the case conference contact on each case discussed.
3. Sufficient time should be allotted for the conference and all reasonable efforts taken to avoid distractions other than emergencies.
4. The focus of the conference, aside from discussing administrative performance issues, should center on developments within each specific case and the manner in which supervision is or should be addressing those developments.

**C. Bureau Chief Responsibilities**

1. The Bureau Chief will meet with the Senior Parole Officer on a monthly basis and as needed. The Bureau Chief will ensure that the Senior Parole Officer is having regularly scheduled case conferences with the Parole Officers, relative to Parole Officers' case management, compliance with standards of supervision, possible media cases, and compliance with administrative duties.
2. The Bureau Chief will discuss cases with the Senior Parole Officer in possible pre-delinquent/violation status to ensure that all appropriate alternatives were considered.



3. The Bureau Chief will update the Regional Director of all cases requiring a full case review.
4. The Bureau Chief will update the Regional Director of the Parole Officer's failure to comply with standards of supervision or required administrative tasks and duties.
5. The Bureau Chief will routinely perform compliance audits of all staff to ensure Agency directives and standards are being met. Staff found to not be in compliance are to be addressed using training, counseling, or disciplinary as deemed appropriate by the Bureau Chief, after consultation with the Regional Director.

D. Parole Revocation Specialist Responsibilities

1. Upon completion of the transfer and assignment of the case to the Parole Violation Unit, the assigned Parole Revocation Specialist will initiate contact with the Parole Officer and Senior Parole Officer of record and take appropriate action to ensure that a case conference is completed as soon as practicable. The case conference is to concentrate on preparation for the Parole Revocation Hearing. The case conference will address the nature of the behavior, recommendations of supervising field staff, examination of the Violation of Release Report, evidence and required documentation, witnesses for the Department, the hearing schedule, and alternatives to re-incarceration, where appropriate.
2. In response to requests received from the Parole Officer/Senior Parole Officer, or Bureau Chief, the Parole Revocation Specialist will participate in case conferences involving alleged parole and post-release supervision violators.  
It will be the responsibility of the Parole Revocation Specialist to enter the details of the case conference in the CMS record of the alleged violator.
3. Parole Revocation Specialists must routinely review each of their "K Calendar" cases and make a case-specific entry in the CMS record of the locally incarcerated individual. The case-specific entry requirement is intended to document the Parole Revocation Specialist's assessment of the current circumstances of the case and to also document the Parole Revocation Specialist's efforts to monitor the status of the pending felony charges. The expectation is that the CMS chronological entry shall reflect the current status of the case and this review shall be performed by the assigned Parole Revocation Specialist, at a minimum, on a bi-weekly basis. The case-specific entry is to include a brief update regarding the pending felony matter to include the indictment number(s), identification of the court of jurisdiction, next court date information, and the method and source of the verification by the Parole Revocation Specialist (e.g., telephone call, letter, or email to the Assistant District Attorney, Court Clerk, Judge's Chambers, etc.). If the case is returned to the final revocation hearing calendar, the CMS entry must note such action.
4. If the Parole Revocation Specialist or Parole Violation Unit personnel receive a request for removal of a case from the K Calendar, staff must be proactive in response to these requests by immediately confirming the details with the attorney and alleged violator. Staff shall expedite the return of the case to the final hearing revocation calendar and enter the case-specific details in the alleged violator's CMS record.



5. The Parole Violation Unit Deputy Chief shall conduct a case conference with the Parole Revocation Specialist on a monthly basis to monitor performance and compliance with regard to case preparation, investigations, management of the K Calendar cases, and post-disposition case action requirements and responsibilities.

E. Re-Entry Services Specialist/Parole Officer Responsibilities

1. Upon receiving a Re-Entry Services Alert, referral from staff, or request from a service provider, the Re-Entry Services Specialist/Parole Officer will ask to case conference with the Parole Officer, Senior Parole Officer, and/or Bureau Chief to discuss the individual case needs and how to best address them. The Re-Entry Services Specialist/Parole Officer will ask for background information, consent to release of information forms, and any entitlement applications pending or required. During this case conference, facility/field staff and the Re-Entry Services Specialist/Parole Officer will develop an agreed upon plan that will address the needs of the releasee and distribute the necessary tasks required in finalizing the most appropriate program for the releasee.
2. The Re-Entry Services Specialist/Parole Officer will make themselves available to the Area Offices/Bureaus they cover at least one day per week to allow supervision staff to meet with them on pre-release cases needing services, active cases needing services, discuss providers available in the area, discuss issues of consent to release of information forms, and exchange information regarding any upcoming training sessions, forums, and provider meetings/presentations.
3. The Re-Entry Services Specialist/Parole Officer will enter all case specific discussions with staff into CMS.

F. Regional Director Responsibilities

1. The Regional Director will ensure that case conferences are being conducted within the region by performing random audits of cases each month.
2. The Regional Director will ensure that staff not conducting case conferences are addressed, trained, counseled, or disciplined.

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS)  
NOTICE OF VIOLATION

TO: \_\_\_\_\_ INST.# \_\_\_\_\_

WARRANT# \_\_\_\_\_ NYSID# \_\_\_\_\_

You are charged with violating the conditions of your release in the manner specified on the attached violation of release report.

A preliminary hearing on these charges has been scheduled on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_  
Date Time Place

Should you waive a preliminary hearing or should probable cause be found at this hearing that you have violated any condition of your release in an important respect, a

final hearing on these charges will be held on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_  
Date Time Place

In the event that your return to the State of New York cannot be effected for the hearing as scheduled above due to circumstances beyond the Department's control, you will be afforded a preliminary hearing and final revocation hearing at such time as you may become available for return on the Department's warrant.

You have the right to a preliminary and final revocation hearing. A preliminary hearing may be held to determine whether there is probable cause to believe that you violated one or more of the conditions of your release in an important respect. At this hearing you are entitled to appear and speak on your own behalf; introduce letters and documents; present witnesses who can give relevant information; and confront and cross-examine adverse witnesses. Proof of your conviction of a crime committed after your release shall constitute probable cause for the purpose of the preliminary hearing. You may be represented by counsel. It is your responsibility to obtain counsel. Your waiver of this preliminary hearing is the equivalent to a finding of probable cause.

In the event you are convicted of either a misdemeanor or a felony offense committed while under community supervision and a preliminary hearing has not been completed, you will not be entitled to the preliminary hearing on the basis of the new conviction. Any preliminary hearing which may have been scheduled may therefore be cancelled upon your conviction for such misdemeanor or felony.

Following the establishment of probable cause, the Board of Parole or its designee will review your case and may order that you be held for a final revocation hearing.

At the final revocation hearing, the presiding officer will determine whether there is a preponderance of evidence to support each of the charged violations. At this hearing, you have the right to be represented by counsel; to speak on your own behalf; have the right to introduce letters and documents; present witnesses who can give relevant information; and confront and cross-examine adverse witnesses against you. At this hearing, you also have the right to present mitigating evidence relevant to your restoration to community supervision.

In the event you are convicted of a felony offense committed while under community supervision and you receive a new indeterminate or determinate sentence, any final revocation hearing which has been scheduled for you may be cancelled. In such instances, the Board of Parole may issue a final declaration of delinquency based upon that conviction and sentence.

In the event the Board of Parole issues a final declaration of delinquency, you will be served with a copy of that determination together with a copy of the commitment.

Should you be convicted of a crime committed after your release, it is the intention of the Department of Corrections and Community Supervision to introduce evidence of your conviction at the time of your revocation hearing.

A request to adjourn either scheduled hearing should be made in the case of a preliminary hearing, at least three (3) days, and in the case of a final hearing, at least seven (7) days prior to the hearing, in writing, to the local area office. Requests for adjournments made at the hearing will only be granted for good cause shown.

Violation of Release Report received:

\_\_\_\_\_  
Signature Date

All persons charged with a violation are required to be present at all proceedings regarding that violation of community supervision which are authorized by the Board of Parole. Any voluntary failure on your part to be present at any of these proceedings may result in a finding that your failure to appear was a voluntary, knowing and intelligent waiver of your right to appear. Should such a finding be made, a hearing in absentia can be held and a final determination be made regarding the charges pending against you, including, if necessary, a time assessment because of the violation of community supervision.

☐ I **DO** wish to have a preliminary hearing ☐ I do **NOT** wish to have a preliminary hearing

\_\_\_\_\_  
Date Signature of Releasee  
\_\_\_\_\_  
Date Signature of Witness

If you cannot afford an attorney and wish to have counsel at your preliminary hearing, sign and detach this form. It is your responsibility to mail the form to the address shown on the form. If you request counsel at your preliminary hearing, you must mail this form **IMMEDIATELY**.

TO: \_\_\_\_\_ RE: \_\_\_\_\_  
\_\_\_\_\_  
Name  
\_\_\_\_\_  
WARRANT # \_\_\_\_\_

I am an alleged community supervision violator being held at: \_\_\_\_\_

I am scheduled for a preliminary hearing to be held on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_  
Date Time Place

I have waived my preliminary hearing. A final hearing has been scheduled for \_\_\_\_\_  
Date

at \_\_\_\_\_ at \_\_\_\_\_  
Time Place

I cannot afford an attorney and request that I be assigned counsel.  
Releasee \_\_\_\_\_  
Name