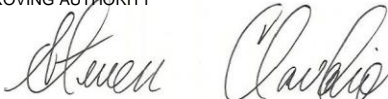
 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE		NO. 9401
	Supervision of Domestic Violence Offenders		DATE 02/26/2018
SUPERSEDES DIR# 9401 Dtd. 02/02/2017	DISTRIBUTION A	PAGES PAGE 1 OF 14	DATE LAST REVISED
REFERENCES (Include but are not limited to) Family Court Act; Penal Law; Family Protection & Domestic Intervention Act; Parole Manual Item 9201.01; General Provisions Section 8000.6	APPROVING AUTHORITY 		

- I. PURPOSE:** To provide guidance to field and facility staff regarding community preparation planning and the supervision of individuals identified as domestic violence offenders. This directive provides directions and procedures in the identification, classification, and development of individualized case plans for inmate/parolees with domestic violence history/allegations. This directive also provides guidance in employing available supervision strategies in order to protect the community, reduce further victimization, decrease the opportunities for domestic violence incidents to occur, and to facilitate successful re-entry.
- II. POLICY:** It is the policy of the Department of Corrections and Community Supervision (DOCCS) to provide the most effective supervision of parolees, in order to protect the community, reduce further victimization, decrease the opportunities for domestic violence incidents to occur, and facilitate the successful re-entry of parolees released to community supervision. DOCCS staff will identify, investigate, document, classify, and respond expeditiously to domestic violence incidents/cases involving an individual under community supervision. Department staff shall take into consideration input received from victims of domestic violence, family members, and victim advocates. The appropriateness of family reunification shall also be taken into consideration, where this can safely be accomplished.
- III. DEFINITIONS**
- A. **Domestic Violence (DV):** A pattern of coercive tactics which can include physical, psychological, sexual, economic, and/or emotional abuse, perpetrated by one person against an intimate partner, family, or household member with the goal of establishing and maintaining power and control over the victim. Domestic violence can happen to anyone of any gender, age, race, class, education level, or religion, and it also occurs in same-sex relationships. Examples of such behavior are when an intimate partner, family, or household member commits, or attempts to commit, one or more of the following: Harassment 1 or 2; Aggravated Harassment 2; Assault 1, 2, or 3; Disorderly Conduct (including not in a public place); Attempted Assault; Reckless Endangerment 1 or 2; Menacing 1, 2, or 3; or Stalking 1, 2, 3, or 4. Offenses such as Attempted Murder, Kidnapping, Rape, Sodomy, Sexual Assault, Unlawful Imprisonment, Coercion, Arson, Aggravated Criminal Contempt 1 or 2, or Criminal Mischief and Strangulation (P.L. § 121.11, P.L. § 121.12, and P.L. § 121.13) can also be acts of domestic violence, as can: threats against the victim or others (e.g., children, other family members, family pets); threats of damage to property; repeated coercive acts that instill fear of physical injury or harm, including abusive language and verbal threats used to manipulate and control an intimate partner or household member; and acts that violate an Order of Protection (OOP).

- B. Domestic Relationship: Members of same family or household; persons who are legally married to one another; persons formerly married to one another; persons related by blood; persons related by marriage; persons who have a child in common; unrelated persons who have a continuing relationship; unrelated persons who continually, or at regular intervals, live in the same household or have done so in the past; unrelated persons who have had intimate or continuous social contact; and persons who have or had a dating relationship, including same-sex couples. It is not necessary for persons to have resided together in order for the relationship to be considered a domestic relationship. Violence within a domestic relationship can also be known as: Partner Abuse, Familial Abuse, Elder Abuse, and Child Abuse.
- C. Domestic Incident Report (DIR): An official record of what happened when the police respond to any calls or reports about violence within a domestic relationship. Every time the police respond to a domestic violence call, they are required to fill out and give the victim a copy of the DIR, even if an arrest is not made. Part of the DIR is based on the victim's statement regarding the incident. The DIR is then filed in Department of Criminal Justice (DCJS) DIR Repository System. The DIR should include the following information:
1. A Victim Rights Notice, which explains the victim's legal rights and includes information on how to find local domestic violence services;
 2. The officers' names and badge numbers, so that the victim can contact them again if they have questions or need to add information to the police report; and
 3. An explanation if arrest is not being made.
- D. Domestic Violence Incident: A domestic violence incident must contain two basic elements: **behavior**, as described in Domestic Violence definition (Section III-A), and a domestic **relationship**. The behavior can be documented by, but not limited to, DIRs, documented complaints from individuals as defined in Domestic Relationship (Section III-B), arrests that involve domestic violence behaviors or occur within an intimate relationship, criminal convictions of offenses involving domestic violence behavior, OOPs (active, temporary, final, or expired), Family Court adjudications involving domestic violence behaviors, domestic violence related charges contained in Violations of Probation, or domestic violence related charges in Parole Violation proceedings (said domestic violence charges may be sustained, not sustained, or withdrawn). Incidents of domestic violence do not necessarily have to constitute a crime in order to be considered domestic violence acts.
- E. Domestic Violence Offender Program: Programs that hold domestic violence offenders accountable for their abusive behavior. These programs may be delivered in different forms, as available, from county to county. These programs should be evidence based and vetted by DOCCS (Re-entry). However, an approved Domestic Violence Offender Program must have the following attributes:
1. Prioritizes victim safety;
 2. Works collaboratively with their local Domestic Violence Service Providers to address issues related to victim safety and victim contact;

3. Is a tool for the criminal justice, civil, and community corrections systems to hold domestic violence offenders accountable for their abusive behavior;
4. Accepts domestic violence offenders that are mandated/required by Criminal Court, Family Court, Parole, Probation, and Child Protective Services to attend and enforces consequences or implements sanctions, if the domestic violence offender fails to comply with the mandate and program policies;
5. May offer more than one track with different dosages, according to the assessed need and history;
6. May be in combination with anger management, but not as a substitute for each other;
7. Is part of a larger community response to domestic violence;
8. Provides information about attendance and compliance to the Parole Officer;
9. Is viewed as one method of holding domestic violence offenders accountable within a comprehensive supervision plan;
10. Treats all domestic violence offenders respectfully; and
11. Provides information to domestic violence offenders with the goals of motivating them to accept responsibility for their abusive behavior, and to choose to be non-abusive in their relationships.

NOTE: Anger Management, Couples or Marriage Counseling, Mediation, Anti-Violence Programs, and Aggression Replacement Therapy **ARE NOT DOMESTIC VIOLENCE OFFENDER PROGRAMS AND SHOULD NOT BE USED AS A SUBSTITUTE FOR DOMESTIC VIOLENCE OFFENDER PROGRAMS.** Where no local domestic violence program is available, Community Supervision staff are to engage Re-Entry Operations staff in trying to work on the development of such.

- F. Orders of Protection: A document issued by the Court that forbids an individual from having contact with, and/or engaging in certain behaviors such as assault, threat, harassment, and stalking a victim. Orders are kept on file, even after expiration, by the NYS Unified Court System. In addition, OOPs are identified in the E-Justice Criminal History Report. Officers may be able to access OOP information through the NYS Domestic Incident Report Repository (DIRR).
- G. Domestic Violence Alert: A DOCCS designation applied to any inmate/parolee with a documented history of domestic violence. The only exception to this is if the domestic violence history is comprised of one incident that occurred over ten years ago, and did not result in an inmate/parolee being charged with a felony or misdemeanor crime. In this case, the incident cannot be used as the sole basis for a DV Alert designation. Any and all other documented domestic violence incidents will lead to the DV Alert designation. The purpose of a DV Alert designation in CMS, is simply to alert staff that the individualized case plan for the parolee must include assessing and monitoring a parolee's behavior to reduce the likelihood of further victimization. A DV Alert designation DOES NOT automatically mean that special conditions related to domestic violence need to be imposed. DOCCS will identify and screen for acts of domestic violence, as defined in Section III-A, at pre-release, post-release, and throughout the supervision of the parolee.

This designation will be displayed on the Case Management System (CMS). (Refer to [Form #9401A](#), "How to Create or Remove a DV Alert in CMS.")

- H. **Intimate Partner:** A person with whom one has a close personal relationship that can be characterized by the partners' emotional connectedness, regular contact, ongoing physical contact, sexual behavior, and identity as a couple. The relationship need not involve all of these dimensions. Intimate partner relationships may include, but are not limited to, current or former: spouses (married spouses, civil union spouses, domestic partners); boyfriends/girlfriends; dating partners; ongoing sexual partners; persons who have a child in common, regardless of whether they have ever been married or not. Intimate partners may or may not be living together. Intimate partners can be of the opposite or same sex.

NOTE: For purposes of this directive, we will refer to "intimate partner," as a partner with whom there is NO known history of domestic violence between the intimate partner and the inmate/parolee. We will refer to "past intimate partner victim," as an intimate partner with whom there is a known history of domestic violence between the intimate partner and the inmate/parolee, and where the inmate/parolee was the perpetrator.

- I. **Re-Entry COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) Assessment:** A research based clinical assessment instrument which is used to assist staff in assessing a parolee's risk and needs in order to most effectively supervise the parolee. The instrument compiles criminogenic need scales inclusive of risk of re-arrest for a felony violent offense, risk of any re-arrest, and risk of absconding, criminal involvement, history of violence, prison misconduct, re-entry substance abuse, negative social cognitions, low self-efficacy/optimism, low family support, re-entry financial, and re-entry employment expectations. The completed assessment summarizes the parolee's criminogenic profile, and delineates the parolee's strengths and weaknesses to be used together with professional judgment in order to reach supervision classification decisions and guide supervision activities.

*The COMPAS assessment, narrative, and bar chart will be utilized in assessing a parolee's risk of committing domestic violence. Particular attention should be focused on a parolee's risk to offend in a violent manner. This information is found in the COMPAS narrative.

- IV. PRE-RELEASE PLANNING BY FACILITY STAFF:** Supervising Offender Rehabilitation Coordinators (SORCs)/Offender Rehabilitation Coordinators (ORCs) shall make every effort to identify all victims of domestic violence, their contact information, the nature of abusive behavior, and the type of relationship when establishing or investigating domestic violence incidents involving an inmate/parolee. This information shall be documented in CMS in accordance with [Form #9401A](#), "How to Create or Remove a DV Alert in CMS".

If the inmate proposes a residence with someone whom there is an active order of protection and the inmate is the respondent, the ORC will not accept such residence as proposed.

If the inmate proposes a residence with a past intimate partner victim or an intimate partner (with whom there is no history of domestic violence), the ORC will submit the address as proposed, and field staff will determine if the address can be approved. In cases where a sex offense has occurred within an intimate relationship, the inmate will be classified as a sex offender parolee and supervised accordingly.

If the inmate also has a history demonstrating a pattern of domestic violence behaviors, the supervision plan will address the domestic violence in addition to the sexual offense.

- A. The SORC/ORC will review all available case information at the earliest contact with the inmate, in order to identify and assess an inmate's history of domestic violence. The information review will include, but is not limited to, the following items:
 1. Criminal history as documented in: Domestic Incident Report Repository (DIRR); National Crime Information Center (NCIC); Order of Protection Repository; and E-Justice Criminal History Reports. Any offense that is labeled with a "Domestic Case Banner" in E-Justice will be classified a Domestic Incident;
 2. All Pre-Sentence/Pre-Plea and Violation of Probation Reports;
 3. Domestic Violence related OOP (Active, Temporary, Final or Expired);
 4. Any confidential file materials and all chronological and CMS entries;
 5. DOCCS records;
 6. Review of all Violation of Parole reports for domestic violence related charges (sustained, not sustained, or withdrawn);
 7. Contacts/calls from a reported victim of domestic violence;
 8. Review of any available sentencing minutes;
 9. Inmate/parolee's statement regarding the domestic violence acts noted; and
 10. Evaluation of participation in the Family Reunion Program.
- B. SORCs/ORCs will be responsible for confirming and obtaining any active Domestic Violence related OOPs at pre-release status, for use in supervision planning. In addition, where information exists that identifies a past domestic violence related conviction, the SORC/ORC will attempt to obtain past victim information through the sentencing courts and/or the law enforcement agency of arrest. If the inmate has been identified as a victim of domestic violence, SORC/ORC should note this on the Parole Board report and on the Miscellaneous Screen in CMS.
- C. SORCs/ORCs will record all victim information in the confidential section of the Parole Board Report. The following information should be addressed:
 1. Victim's name and relationship to the inmate;
 2. Inmate's statement related to incident;
 3. Inmate's most recent contact with victim(s);
 4. Last known location of victim(s);
 5. Identify any children in common (biological or not); and
 6. Complete [Form #9401B](#), "Domestic Violence Review Checklist."
- D. SORC will review all gathered information, including the DV Review checklist, during case conference with ORC. After a qualifying incident(s) or history of domestic violence is identified, the inmate will be classified as a domestic violence offender, and a DV Alert will be created in CMS on the Miscellaneous Screen (refer to [Form #9401A](#), "How to Create or Remove a DV Alert in CMS").

NOTE: A DV Alert designation WILL NOT apply if the only domestic violence incident being considered occurred 10 or more years prior to incarceration on instant offense, and the incident did not result in inmate/parolee being charged with a felony or misdemeanor crime. A DV Alert DOES NOT automatically require recommendations for special conditions related to domestic violence.

- E. Where an inmate is classified as a domestic violence offender and a DV Alert case designation has been made, the ORC will:
1. Document the classification in Community Supervision PAR/CMS-F9, the Guidance Unit file (chronological entries), and Community Preparation Investigation Request. The Community Preparation investigation will contain all available domestic violence related materials. Information must be labeled confidential.
 2. DV related information is to be annotated in the Narrative Screen in CMS.
 3. The SORC will review [Form #9401B](#), "Domestic Violence Review Checklist" and Notification in CMS to ensure accuracy and that all required information is recorded.
 4. All victim information will be labeled and processed as confidential.
 5. Determine if any case specific domestic violence Conditions of Release should be recommended to the Board of Parole and/or field staff.
 6. Attempt to obtain copies of active Domestic Violence related OOPs from the DOCCS Guidance Unit file or Inmate Records Coordinator (IRC) offices. Indicators that an OOP may be domestic violence related include; any orders out of Family Court, orders where the plaintiff and respondent have the same last name, or have children in common. It may be necessary to review the file, including the Presentence Investigation (PSI) report, in detail, to determine if the OOP is domestic violence related.
 7. Reference and include all documents related to domestic violence, in confidential section of the individualized case plan.
 8. Supply a copy of any active OOP to Re-Entry Operations Unit/DV Liaison.
 9. Review records (e.g., guidance file, visitor, package, phone, or correspondence lists) to assess if the inmate and victim have had contact. Report any known violation of an OOP to the appropriate DOCCS office and the Domestic Violence/Re-Entry Unit.
 10. Attach a copy of any available active OOP to the inmate's copy of the Certificate of Release and note attachment on Certificate of Release.
 11. Document participation in the Family Reunion Program.

V. COMMUNITY PREPARATION PROCESS BY FIELD STAFF

- A. The Parole Officer will review case records for all newly assigned cases to identify domestic violence incidents/behavior and history as described above, review DV checklist, and determine if the case has been or should be classified as a Domestic Violence Alert case (refer to [Form #9401A](#), "How to Create or Remove a DV Alert in CMS").
- B. Supply a copy of any active OOP to Re-Entry/DV Liaison.
- C. The Parole Officer will conduct an E-Justice inquiry for OOPs and Domestic Incident Reports (DIR) and will attempt to obtain copies of active OOPs. Copies of DIRs will be kept in a confidential folder (only if not already available).
- D. Where a parolee is identified as a Domestic Violence offender with a DV Alert designation, the Parole Officer will conference the case with the Senior Parole Officer and develop an individualized case plan that addresses the domestic violence behaviors in accordance with the provisions of this directive, COMPAS Risk Assessment findings, and recommendations in the Community Preparation Report.
- E. The Parole Officer will notify past victims, when their contact information is known, about parolee's upcoming release.
- F. Where an inmate/parolee is proposing to reside with past intimate partner victim or an intimate partner, the Parole Officer will ascertain that the past intimate partner victim/intimate partner is in agreement with having parolee reside with him or her, and that he or she is aware of the inmate/parolee's known history of domestic violence.
- G. The Parole Officer will conduct field investigation, including residence approval if appropriate.
- H. The Parole Officer will provide any past intimate partner victim and/or intimate partners, if their contact information is known, with contact information for the NYS Domestic Violence and Sexual Violence Hotline (1-800-942-6906) and the Parole Officer's contact information.
- I. The Parole Officer will provide the NYS Domestic Violence and Sexual Violence Hotline (1-800-942-6906) and Parole Officer contact information to the household members of parolee's approved residence.

NOTE: A DV Alert designation DOES NOT necessarily mean that special conditions or restrictions must be imposed.

- VI. INDIVIDUALIZED CASE PLANNING:** In order to promote behavior changes, prevent further victimization, and protect the community, an individualized case plan will be developed, utilizing supervision strategies that will include, but are not limited to case-specific, domestic violence special conditions. The individualized case plan will take into account the results of the COMPAS Risk Assessment and all other known risks and needs. The individualized case plan will also take into consideration the domestic violence victim's input and the value of family reunification, where this can safely be accomplished.

NOTE: While individualized case planning will consider all factors, including the effect on family relationships, reducing the likelihood of further victimization will remain a priority.

Therefore, the fact that an inmate/parolee is legally married to their past intimate partner victim or intimate partner, DOES NOT automatically mean that they will be allowed to reside together immediately upon release or at some point thereafter.

A. Supervision Strategies

1. Special conditions related to residence restrictions prohibiting parolee from residing with past intimate partner victim will be imposed, based on the following criteria:
 - a. Where the inmate/parolee has an active domestic violence related OOP prohibiting residence with same victim;
 - b. Where the inmate/parolee has any documented domestic incident involving Assault, Manslaughter, Murder, Stalking, Sexual Assault, Violation of a Domestic Violence Related Order of Protection, Unlawful Imprisonment, or Strangulation. Each of these acts indicate high risk of reoffending violently;
 - c. Where the inmate/parolee has two or more domestic violence incidents involving same past intimate partner victim;
 - d. Where the inmate/parolee has a "No Contact" condition of release prohibiting such contact with past intimate partner victim;
 - e. Where the Senior Parole Officer has investigated and evaluated all known factors, and has reason to believe the inmate/parolee may present a danger to the same victim or family member, having considered, but not limited to, the following factors:
 - (1) COMPAS and other validated risk assessment tools;
 - (2) Other family offenses;
 - (3) Allegations from collateral contacts and other sources;
 - (4) Participation in Family Reunion Program while incarcerated (participation does not automatically mean the parolee may live with his or her spouse/intimate partner);
 - (5) Violations of Parole based on domestic violence acts against past intimate partner victim;
 - (6) Use of a weapon during domestic violence incidents;
 - (7) Impact on any household members including minor children.
2. Special conditions related to contact restrictions prohibiting parolee from having contact with past intimate partner victim will be imposed, based on the following criteria:
 - a. Where residence restrictions apply based on criteria as defined in Section VI-A, all sub-sections.
 - b. Where past intimate partner victim does not wish to have any contact with parolee.

3. Special conditions related to residence restrictions prohibiting parolee from residing with intimate partner (where there is no known domestic violence history between the domestic violence offender and the intimate partner) will be imposed, based on the following criteria:
 - a. Where the parolee has any documented domestic violence incident involving Assault, Manslaughter, Murder, Stalking, Sexual Assault, Violation of a Domestic Violence Related Order of Protection, Unlawful Imprisonment, or Strangulation. Each of these acts indicate high risk of reoffending violently.
 - b. Where the Senior Parole Officer has investigated and evaluated all known factors, and has reason to believe the parolee may present a danger to new intimate partner, having considered, but not be limited to, the following factors:
 - (1) COMPAS/risk assessment;
 - (2) Where the intimate partner has a history of being the victim of acts of domestic violence;
 - (3) Other family offenses;
 - (4) Use of weapon during domestic violence incident;
 - (5) Impact on household members including any minor children.

NOTE: DOCCS will not impose contact restrictions with intimate partners (with no history of domestic violence between parolee and intimate partner) unless there are extenuating circumstances, and after such determination is made following a case conference between the Parole Officer and Senior Parole Officer. For domestic relationships not involving an intimate partner, a determination will be made by the Senior Parole Officer regarding the need for any special conditions related to residence or contact restrictions. In order to ascertain the potential risk the parolee might pose, all pertinent factors will be considered, including the findings of any validated risk assessment.

Special conditions related to residence or contact restrictions can be imposed prior to release, at time of release, or at any time thereafter during the supervision period. Special conditions related to residence or contact restriction imposed by the Senior Parole Officer/Parole Officer will be in effect for a six-month period from the date that special conditions are imposed. Once special conditions related to residence or contact restrictions are imposed, the Parole Officer and Senior Parole Officer will review the case at the end of six months and as needed thereafter. A recommendation will then be made to the Bureau Chief, who will review the case and will decide on whether to remove, modify, or continue to enforce residence and/or contact restriction. The review process must take into consideration compliance with the individualized case plan. If parolee were to incur a violation or be in custody during the six-month period of restriction, the time in custody will not count towards the six-month period.

Only the Regional Director, or designee has the authority to remove any restrictions prior to the six-month period or to allow for no conditions to be imposed. Requests for Regional Director to not impose, remove, or modify such conditions can also be requested by inmate/parolee or other advocate.

Board-Imposed conditions can only be lifted by the Board of Parole and are not subject to the six-month restriction/review process.

B. Additional Supervision Strategies May Include:

1. Requiring completion of Domestic Violence Offender Program;
2. Parole Officer maintaining contact with past domestic violence victim and/or current intimate partner without parolee being present during these contacts;
3. Parole Officer maintaining contact with members of parolee's household without parolee being present during these contacts;
4. Consult with victim advocates;
5. Consult with local PD/DV liaisons for awareness about signs of possible domestic violence;
6. Consult with the Office for the Prevention of Domestic Violence (OPDV) about current and new evidence-based strategies;
7. Use of Global Positioning System (GPS) to restrict parolee from a specific area and monitor accordingly;
8. Use of geographical restrictions;
9. Override of COMPAS level to a higher level of supervision; and
10. Participation in case conferences and collaboration with outside agencies.

C. Supervision Considerations for Parolees That Are Also Victims of Domestic Violence

1. In cases where it has been determined that parolee is or has been a victim of domestic violence, the Parole Officer will:
 - a. Document the name and contact information of the abuser(s), if known;
 - b. Check if abuser is on community supervision;
 - c. Provide the parolee with the NYS Domestic Violence and Sexual Violence Hotline Number;
 - d. Provide the parolee with contact information for the local domestic violence service provider in the community the parolee will be released to;
 - e. Recommend the parolee contact the local domestic violence service provider to inquire about available services;
 - f. Ask the parolee (victim) about any safety concerns;
 - g. Take into consideration any conditions that may put the parolee at risk of being re-victimized; and
 - h. When deemed appropriate, recommend that Danger Assessment and/or Lethality Assessment be administered by a domestic violence service provider.

VII. REMOVAL OF DOMESTIC VIOLENCE ALERT DESIGNATION: (Refer to [Form #9401A](#), "How to Create or Remove a DV Alert in CMS.") A request by the Bureau Chief to have a domestic violence alert designation removed from CMS can occur as follows:

- A. A review of all available information reveals that no history of acts of domestic violence exist, and that the designation may have been made in error;

- B. Where no active OOP related to domestic violence exists, **AND** where:
1. Parolee has remained in community for at least two years without incurring any violations or allegations of domestic violence;
 2. Parolee has no documented history of having committed the following acts within a domestic relationship: Assault, Manslaughter, Murder, Stalking, Sexual Assault, Violation of a Domestic Violence Related Order of Protection, Unlawful Imprisonment, or Strangulation. Each of these acts indicate high risk of reoffending violently.

VIII. INVESTIGATIONS OF NEW DOMESTIC VIOLENCE ALLEGATIONS: Once an investigation of a new domestic violence allegation is initiated, the Parole Officer must be sensitive and responsive to the victim's needs and concerns. The investigating Parole Officer should approach the victim, in trauma, in an informed manner while cognizant of various triggers that may obstruct the victim's ability to cooperate with an ongoing investigation.

When possible, the investigating Parole Officer may utilize domestic violence advocates and/or staff members of the same gender to promote a supportive environment. The following section will outline what an investigation of new domestic violence allegations should include.

- A. Document detailed information of any domestic violence behavior/allegation(s) that occur while supervising a domestic violence offender. Include victim and witness names and contact information. Enter information in CMS labeled "confidential."
- B. Where evidence or information suggests (e.g., an allegation has been made, there has been an arrest, criminal charges or a Family Offense Petition involving domestic violence charges has been filed) that an OOP has been violated and/or an act of domestic violence has occurred the Parole Officer must:
 1. Prioritize action which will address victim safety regardless of the victim's cooperation.
 2. Provide the victim with local safety/support information and or the NYS Domestic Violence and Sexual Violence Hotline ([Form #9401D](#), "Legal Rights and Remedies").
 3. Seek to obtain a written statement from the victim as soon as possible after the alleged incident occurs.
 4. Pictures should be taken by the Parole Officer as part of the investigation.
 5. In the event that the subject is arrested, it is helpful to make efforts to obtain the phone records of the parolee, as it often reveals conversations about the incident and/or efforts by the perpetrator to convince the complainant victim not to cooperate with police, court proceedings, and/or DOCCS.
 6. On a case by case basis, the Parole Officer and Senior Parole Officer may consider whether there is value in obtaining the 911 tapes, as excited utterances are generally admissible in a hearing.
 7. Request the victim give signed consent to release medical records if he or she requires medical attention related to the incident.

8. Immediately conference the case with the Senior Parole Officer and/or Bureau Chief to discuss the facts and determine next steps.
9. Immediately contact the local law enforcement agency of jurisdiction to report the alleged incident.
10. Impose a Domestic Violence Special Condition for “No Contact” as soon as possible.
11. Consider and impose when warranted, deemed appropriate, and approved by a Senior Parole Office or Bureau Chief, additional domestic violence Special Conditions ([Form #9401B](#), “Domestic Violence Review Checklist”).
12. Issue a warrant and make efforts to locate and take parolee into custody, if it is believed that he or she violated his or her Conditions of Release.
13. Complete Mandatory Child Abuse and Neglect reports to NYS Child Abuse Hotline (1-800-342-3720) when children were abused or neglected or endangered related to a domestic violence incident.

IX. VICTIM CONFIDENTIALITY/SAFETY: Field and facility staff will:

- A. Maintain confidentiality of victim/witness information in all cases involving domestic violence. Community Supervision staff will ensure that all confidential conversations with a victim/witness occur under private circumstances absent from the inmate/parolee, other individuals, and/or children;
- B. At the beginning of any confidential conversation, inform victim/witness of any confidentiality limitations or restrictions that may exist in relation to information provided by the victim to the Department, including the requirement for Peace Officers to report certain incidents to police or other protective agencies; and
- C. Mark as “Confidential” all investigation detail or other information involving a domestic incident, including victim/witness sensitive information that is entered into CMS.

X. VIOLATION PROCESS

- A. Parole revocations in domestic violence cases must adhere to [Form #9401C](#), “Domestic Violence Investigation and Violation Hearing Preparation Guidelines.”
- B. If a victim of domestic violence is present to testify at either a preliminary or a final hearing, the domestic violence related charges should be presented first, and the victim’s testimony placed on the record and obtained first, before proceeding with other charges.
- C. Domestic violence related charges can only be withdrawn with the approval of the Bureau Chief, Deputy Chief of Parole Violation Unit (PVU), or Chief of PVU.
- D. Arrangements must be made to keep any victim of domestic violence from being intimidated by the parolee during their testimony, including, but not limited to, physical barriers, separation by distance (preferably the victim behind the offender), and free from visual and verbal intimidation.

XI. RESPONSIBILITIES OF OFFENDER REHABILITATION COORDINATOR (ORC)

- A. Review and have working knowledge of this policy;

- B. Screen all inmates for domestic violence related history, complete [Form #9401B](#), "Domestic Violence Review Checklist," and submit to Supervising Offender Rehabilitation Coordinator (SORC);
- C. Gather, collect, and submit all required information related to the domestic violence history as per this policy;
- D. Conference with Supervising Offender Rehabilitation Coordinator (SORC) upon discovery of domestic violence history; and
- E. Document all efforts, as required by this policy, in CMS.

XII. RESPONSIBILITIES OF SUPERVISING OFFENDER REHABILITATION COORDINATOR (SORC)

- A. Ensure that ORCs receive the appropriate training on this policy and that they adhere to this policy;
- B. Case conference with ORC to ensure that all domestic violence related information has been identified, annotated, and that all necessary documents have been secured; and
- C. Review [Form #9401B](#), "Domestic Violence Review Checklist," determine if DV Alert designation is required, and ensure DV Alert designation in CMS is entered when required, in accordance with this policy.

XIII. RESPONSIBILITIES OF PAROLE OFFICER (PO)

- A. Review and have working knowledge of this policy;
- B. Review all assigned cases for domestic violence related history, review DV Checklist;
- C. Case conference with Senior Parole Officer regarding individualized case planning in accordance with this policy; and
- D. Investigate and respond to any new discovery/allegations of domestic violence acts or history in accordance with this policy.

XIV. RESPONSIBILITIES OF SENIOR PAROLE OFFICER (SPO)

- A. Case conference with the PO to ensure individualized case plan will address the parolee's domestic violence history;
- B. Evaluate, review, and approve the imposition/removal/modification of case-specific domestic violence Conditions of Release as appropriate; and
- C. Review any new allegations of domestic violence incidents/offenses, regardless of whether or not there has been a violation of law, to determine if any Conditions of Release have been violated and determine next steps of action.

XV. RESPONSIBILITIES OF BUREAU CHIEF (BC)

- A. Ensure that staff is aware of and trained on directive related to the supervision of domestic violence offenders;
- B. Remove or modify case-specific domestic violence Conditions of Release imposed by PO/SPO, where appropriate;

- C. Make the final decision to remove, modify, or continue to enforce residence and/or contact restriction, after the 6-month period. Where there are Special Conditions indicating contact or residence restrictions imposed by the Board of Parole, a recommendation to lift or modify the Special Conditions must be submitted to the Board of Parole, pursuant to Parole Manual Item #9201.01, "Special Conditions of Release" (unless Special Condition gives discretion to the Parole Officer); and
- D. Be responsible to liaison and coordinate with local law enforcement authorities, local/state-wide domestic violence prevention agencies, and other service providers, concerning domestic violence programs, initiatives, or operations for the purposes of reducing victimization.

XVI. RESPONSIBILITIES OF REGIONAL DIRECTOR (RD)

- A. Ensure that this directive is disseminated to all staff and that staff is trained on policy;
- B. Lift or modify any residence or contact restrictions prior to the 6-month period; and
- C. Review any cases where a request to not impose Special Conditions has been made.

XVII. RE-ENTRY UNIT

- A. Regional Re-Entry managers will assist ORCs and POs with specific cases to access local resources for domestic violence offenders, where such services exist.
- B. Regional Re-Entry managers will compile and maintain an up-to-date regional resource listing that identifies community services for victims. This listing will be made available to field and facility staff, will be updated on a periodic basis, and will contain program descriptions and contact information.
- C. Regional Re-Entry managers will assist ORCs and POs in identifying and obtaining residential alternatives in circumstances where the proposed residence is denied due to proximity to victim.

XVIII. TRAINING AND TECHNICAL ASSISTANCE

- A. All employees in the following titles must receive training on this directive: ORC, SORC, PO, SPO, BC, RD, Re-Entry Operations Staff, Agency Program Aides (APA), Parole Revocation Specialists (PRS), and all new recruits.
- B. All technical assistance, clarification, and guidance on domestic violence issues shall be provided by the Domestic Violence/Re-Entry Operations Unit. This includes any pre-release investigations for domestic violence, pilot domestic violence projects, or special assignments for domestic violence cases pre-release.