
 <p>Corrections and Community Supervision</p> <p>DIRECTIVE</p>	<p>TITLE</p> <p>Supervision of Domestic Violence Offenders</p>		<p>NO. 9401</p>
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<p>SUPERSEDES</p> <p>DIR #9401 Dtd. 02/01/19</p>	<p>DISTRIBUTION</p> <p>A</p>	<p>PAGES</p> <p>PAGE 1 OF 14</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p> <p>Family Court Act; Penal Law; Family Protection & Domestic Intervention Act; General Provisions Section 8000.6; Directive #9100</p>	<p>APPROVING AUTHORITY</p> 		

- 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 instructions and procedures for the identification, classification, and development of individualized case plans for incarcerated individuals/releasees 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 releasees 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 individuals 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 the input received from victims of domestic violence, family members, and victim advocates. The appropriateness of family reunification shall also be taken into consideration, where it 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 the 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 the 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.
 - 3. An explanation if an arrest is not being made.
- D. Domestic Violence Incident: A domestic violence incident must contain two basic elements: **behavior**, as described in subsection III-A, and a domestic **relationship**. The behavior can be documented by, but not limited to, DIRs, documented complaints from individuals as defined in subsection 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 Programs: 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 (PO).
9. Is viewed as one method of holding domestic violence offenders accountable within a comprehensive supervision plan.
10. Treats all domestic violence offenders respectfully.
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 (OOP): 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 eJustice Criminal History Report. Officers may be able to access OOP information through the NYS Domestic Incident Report Repository (DIRR).
- G. Domestic Violence (DV) Alert: A DOCCS designation applied to any incarcerated individual/releasee 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 incarcerated individual/releasee 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 the Case Management System (CMS) is simply to alert staff that the individualized case plan for the releasee must include assessing and monitoring a releasee'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 subsection III-A, at pre-release, post-release, and throughout the supervision of the releasee.

This designation will be displayed on 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, or domestic partners); boyfriends/girlfriends; dating partners; ongoing sexual partners; and 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 incarcerated individual/releasee. 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 incarcerated individual/releasee, and where the incarcerated individual/releasee 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 releasee's risk and needs in order to most effectively supervise the releasee. 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 stability, and re-entry employment expectations. The completed assessment summarizes the releasee's criminogenic profile and delineates the releasee's strengths and weaknesses to be used together with professional judgment in order to reach supervision classification decisions and guide supervision activities.

NOTE: The COMPAS assessment, narrative, and bar chart will be utilized in assessing a releasee's risk of committing domestic violence. Particular attention should be focused on a releasee'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 (SORC)/Offender Rehabilitation Coordinators (ORC) 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 incarcerated individual/releasee. This information shall be documented in CMS in accordance with [Form #9401A](#).

If the incarcerated individual proposes a residence with someone whom there is an active OOP and the incarcerated individual is the respondent, the ORC will not accept such residence as proposed.

If the incarcerated individual 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 incarcerated individual will be classified as a sex offender releasee and supervised accordingly. If the incarcerated individual also has a history of 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 incarcerated individual in order to identify and assess an incarcerated individual's history of domestic violence. The information review will include, but is not limited to, the following items:

1. Criminal history as documented in: DIRR; National Crime Information Center (NCIC); Order of Protection Repository; and eJustice Criminal History Reports. Any offense that is labeled with a "Domestic Case Banner" in eJustice 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. Incarcerated individual's/releasee's statement regarding the domestic violence acts noted.
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 incarcerated individual has been identified as a victim of domestic violence, the 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 incarcerated individual.
 2. Incarcerated individual's statement related to incident.
 3. Incarcerated individual's most recent contact with victim(s).
 4. Last known location of victim(s).
 5. Identify any children in common (biological or not).
 6. Complete [Form #9401B](#), "Domestic Violence Review Checklist."
- D. The SORC will review all gathered information, including [Form #9401B](#), during the case conference with the ORC. After a qualifying incident(s) or history of domestic violence is identified, the incarcerated individual 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](#)).

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 the instant offense, and the incident did not result in the incarcerated individual/releasee 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 incarcerated individual 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 the 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 on the Narrative Screen in CMS.
 3. The SORC will review [Form #9401B](#) and Notification in CMS to ensure accuracy and that all required information is recorded.
 4. Ensure that all victim information is 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. Indicators that an OOP may be domestic violence related include any orders out of Family Court, and 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 Pre-Sentence 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 the confidential section of the individualized case plan.

8. Supply a copy of any active OOP to Re-Entry Operations/DV Liaison.
9. Review records (e.g., Guidance file, visitor, package, phone, or correspondence lists) to assess if the incarcerated individual and victim have had contact. Report any known violation of an OOP to the appropriate DOCCS office and Domestic Violence/Re-Entry Operations.
10. Attach a copy of any available active OOP to the incarcerated individual'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 PO 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](#)).
- B. Supply a copy of any active OOP to Re-Entry Operations/DV Liaison.
- C. The PO will conduct an eJustice inquiry for OOPs and DIRs 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 releasee is identified as a domestic violence offender with a DV Alert designation, the PO will conference the case with the Senior Parole Officer (SPO) 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 PO will notify past victims, when their contact information is known, about an individual's upcoming release.
- F. Where an incarcerated individual/releasee is proposing to reside with a past intimate partner victim or an intimate partner, the PO will ascertain that the past intimate partner victim/intimate partner is in agreement with having the releasee reside with them, and that they are aware of the incarcerated individual's/releasee's known history of domestic violence.
- G. The PO will conduct a field investigation, including residence approval, if appropriate.
- H. The PO 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 PO's contact information.
- I. The PO will provide the NYS Domestic Violence and Sexual Violence Hotline (1-800-942-6906) and PO's contact information to the household members of the releasee'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 it 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. The fact that an incarcerated individual/releasee 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 a releasee from residing with a past intimate partner victim will be imposed, based on the following criteria:
 - a. Where the incarcerated individual/releasee has an active domestic violence related OOP prohibiting residence with same victim.
 - b. Where the incarcerated individual/releasee has any documented domestic incident involving Assault, Manslaughter, Murder, Stalking, Sexual Assault, Violation of a Domestic Violence Related OOP, Unlawful Imprisonment, or Strangulation. Each of these acts indicate high risk of reoffending violently.
 - c. Where the incarcerated individual/releasee has two or more domestic violence incidents involving same past intimate partner victim.
 - d. Where the incarcerated individual/releasee has a "No Contact" condition of release prohibiting such contact with the past intimate partner victim.
 - e. Where the SPO has investigated and evaluated all known factors, and has reason to believe the incarcerated individual/releasee 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 the Family Reunion Program while incarcerated (participation does not automatically mean the releasee may live with their spouse/intimate partner).
 - (5) Violations of Parole based on domestic violence acts against the 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 a releasee from having contact with a past intimate partner victim will be imposed, based on the following criteria:
 - a. Where residence restrictions apply based on criteria as defined in subsection VI-A.

- b. Where the past intimate partner victim does not wish to have any contact with releasee.
- 3. Special conditions related to residence restrictions prohibiting a releasee from residing with an 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 releasee has any documented domestic violence incident involving Assault, Manslaughter, Murder, Stalking, Sexual Assault, Violation of a Domestic Violence Related OOP, Unlawful Imprisonment, or Strangulation. Each of these acts indicate high risk of reoffending violently.
 - b. Where the SPO has investigated and evaluated all known factors, and has reason to believe the releasee may present a danger to the 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 a 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 the releasee and intimate partner) unless there are extenuating circumstances, and after such determination is made following a case conference between the PO and SPO. For domestic relationships not involving an intimate partner, a determination will be made by the SPO regarding the need for any special conditions related to residence or contact restrictions. In order to ascertain the potential risk the releasee 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 SPO/PO 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 PO and SPO will review the case at the end of six months and as needed thereafter. A recommendation will then be made to the Bureau Chief (BC), who will review the case and will decide on whether to remove, modify, or continue to enforce residence and/or contact restrictions. The review process must take into consideration compliance with the individualized case plan.

If the releasee 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 (RD) 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 the RD to not impose, remove, or modify such conditions can also be requested by the incarcerated individual/releasee 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 the Domestic Violence Offender Program.
2. The PO maintaining contact with the past domestic violence victim and/or current intimate partner without the releasee being present during these contacts.
3. The PO maintaining contact with members of the releasee's household without the releasee being present during these contacts.
4. Consult with victim advocates.
5. Consult with local police department/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 the Global Positioning System (GPS) to restrict the releasee from a specific area and monitor accordingly.
8. Use of geographical restrictions.
9. Override of COMPAS level to a higher level of supervision.
10. Participation in case conferences and collaboration with outside agencies.

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

In cases where it has been determined that a releasee is or has been a victim of domestic violence, the PO will:

1. Document the name and contact information of the abuser(s), if known.
2. Check if the abuser is on Community Supervision.
3. Provide the releasee with the NYS Domestic Violence and Sexual Violence Hotline Number (1-800-942-6906).
4. Provide the releasee with contact information for the local domestic violence service provider in the community where the releasee will be released to.
5. Recommend the releasee contact the local domestic violence service provider to inquire about available services.
6. Ask the releasee (victim) about any safety concerns.
7. Take into consideration any conditions that may put the releasee at risk of being re-victimized.
8. 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](#)) A request by the BC 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 exists, and that the designation may have been made in error; and
- B. Where no active OOP related to domestic violence exists, **AND** where:

1. The releasee has remained in the community for at least two years without incurring any violations or allegations of domestic violence; and
2. The releasee 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 OOP, 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 PO must be sensitive and responsive to the victim's needs and concerns.

The investigating PO 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 PO may utilize domestic violence advocates and/or staff members of the same gender to promote a supportive environment. The following section outlines what an investigation of new domestic violence allegations should include.

- A. Document detailed information of any domestic violence behavior/allegation(s) that occurs 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, etc.) that an OOP has been violated and/or an act of domestic violence has occurred, the PO 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 PO 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 releasee, 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 PO and SPO 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 they required medical attention related to the incident.
 8. Immediately conference the case with the SPO and/or BC to discuss the facts and determine the 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 SPO or BC, additional domestic violence special conditions ([Form #9401B](#)).
12. Issue a warrant and make efforts to locate and take the releasee into custody, if it is believed that they violated their conditions of release.
13. Complete Mandatory Child Abuse and Neglect reports to the NYS Child Abuse Hotline (1-800-342-3720) when children were abused, 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 incarcerated individual/releasee, other individuals, and/or children.
- B. At the beginning of any confidential conversation, inform the 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.
- C. Mark as “Confidential” all investigation details 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 BC, 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 releasee 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 THE OFFENDER REHABILITATION COORDINATOR (ORC)

- A. Review and have working knowledge of this policy.
- B. Screen all incarcerated individuals for domestic violence related history, complete [Form #9401B](#), and submit it to the SORC.
- C. Gather, collect, and submit all required information related to the domestic violence history as per this policy.
- D. Conference with the SORC upon discovery of domestic violence history.

- E. Document all efforts, as required by this policy, in CMS.

XII. RESPONSIBILITIES OF THE 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 the ORC to ensure that all domestic violence related information has been identified, annotated, and that all necessary documents have been secured.
- C. Review [Form #9401B](#), determine if a DV Alert designation is required, and ensure the DV Alert designation in CMS is entered when required, in accordance with this policy.

XIII. RESPONSIBILITIES OF THE PAROLE OFFICER (PO)

- A. Review and have working knowledge of this policy.
- B. Review all assigned cases for domestic violence related history, and review [Form #9401B](#).
- C. Case conference with the SPO regarding individualized case planning, in accordance with this policy.
- D. Investigate and respond to any new discovery/allegations of domestic violence acts or history, in accordance with this policy.

XIV. RESPONSIBILITIES OF THE SENIOR PAROLE OFFICER (SPO)

- A. Case conference with the PO to ensure the individualized case plan will address the releasee's domestic violence history.
- B. Evaluate, review, and approve the imposition/removal/modification of case-specific domestic violence conditions of release, as appropriate.
- 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 to determine the next steps of action.

XV. RESPONSIBILITIES OF THE BUREAU CHIEF (BC)

- A. Ensure that staff are aware of and trained on directives related to the supervision of domestic violence offenders.
- B. Remove or modify case-specific domestic violence conditions of release imposed by the PO/SPO, where appropriate.
- C. Make the final decision to remove, modify, or continue to enforce residence and/or contact restrictions, after the six-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 Directive #9100, "Special Conditions of Release" (unless the special condition gives discretion to the PO).
- 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 THE REGIONAL DIRECTOR (RD)

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

XVII. RE-ENTRY OPERATIONS

- 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 the proximity to the 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 staff, Program Aides (PA), 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 Unit. This includes any pre-release investigations for domestic violence, pilot domestic violence projects, or special assignments for domestic violence cases pre-release.