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**SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES**

**ADMINISTRATIVE HEARING OFFICER**

**TRAINING MANUAL**

154817

U.S. Department of Justice  
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This Administrative Hearing Officer Training Manual was prepared by Administration of Justice Services, Inc., under a contract provided by the Department of Probation, Parole and Pardon Services. The contents of this Manual reflect the views and opinions of the principal author, Dr. Alvin W. Cohn, and do not necessarily represent the views or opinions of SCDPPPS, with the exception of official materials included herein and as promulgated by the Department.

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### SCDPPPS AHO TRAINING MODULES

## PREFACE

The value and benefits of training, regardless of organizational setting, have been proven to be important for the professional growth and development of staff. Training, which is an indispensable tool for ensuring that staff perform at optimum levels, also ensures that the organization can attain its declared goals.

Staff development also provides employees with a roadmap on how to do their jobs effectively, especially since training, from one perspective, is nothing more than the implementation of the organization's policies and procedures.

This, then, is a training manual for Administrative Hearing Officers. It is not a policy manual, except where those policies and procedures concerned with administrative hearings are provided. It is a training manual which should help the Administrative Hearing Officers become more competent in their discretionary decision-making.

The Administrative Hearing process of the South Carolina Department of Probation, Parole, and Pardon Services is a model program to be emulated across the country, for it provides a vehicle for dealing with offenders who violate the terms and conditions of community-based supervision in ways that allow for the least onerous and least punitive official responses, while simultaneously being concerned about community safety.

The materials which follow deal with the actual Administrative Hearing process, including the appropriate completion of forms. But, it also provides the AHO with information concerning such issues as community corrections, the role of probation and parole, report writing fundamentals, and other concerns, including counseling, conflict resolution, and decision-making.

Although designed for the newly hired AHO, this training manual can and should serve as resource for experienced AHOs in terms of the how's and why's of their routine tasks and duties. Further, since some AHOs will be serving as Field Training Officers, comprehensive familiarity with its contents will be of great help in the training of new and re-training of experienced AHOs.

## NOTES ON USING THE ADMINISTRATIVE HEARING OFFICER TRAINING MANUAL

This Administrative Hearing Officer Training Manual has been designed to assist new AHOs in their learning how to conduct themselves as AHOs and how to conduct administrative hearings. It has been developed for use in the classroom setting as well as for on-the-job training experiences.

The manual contains a series of modules, each of which has specific performance objectives, which themselves indicate what must be learned in order for the AHO to be proficient in his or her duties. These performance objectives flow from the contents of the modules.

Since there is no absolutely perfect way to train a new AHO, the training manual has been designed in a manner that can be used either by a trainer or an experienced AHO, or by both in tandem. Therefore, it will be important to assess the knowledge and prior experiences of each new AHO before embarking on the actual training.

It should be pointed out that while the contents of the training manual include many subjects related to the tasks and responsibilities of the AHO, learning has to be viewed as an experiential and incremental process. That is, while one can learn all of the 'theoretical' aspects of the job, nothing takes the place of actual experience. Therefore, this training manual should be viewed as an adjunct to the learning of a new AHO while he or she sits through and otherwise participates in real administrative hearings.

Therefore, the trainer should not only assess what the new AHO learns from the training manual (i.e., the performance objectives), he or she needs to be debriefed or 'tested' with regard to learning from participation in actual administrative hearings.

To accomplish this debriefing objective, the trainer should utilize the following guidelines:

1. What was the order of the administrative hearing?
2. What forms were utilized?
3. Why was there a valid warrant/citation?
4. What was the role of the Agent during the hearing?
5. How were the rights of the offender respected.?
6. Would you have reached the same conclusions (findings)?
7. Would you have selected the same recommendations?
8. Would you have continued or referred this case?
9. Did the AHO follow all appropriate procedures?
10. Were all of the appropriate forms completed accurately?
11. Was the demeanor of the AHO appropriate?
12. Did the AHO seek all appropriate evidence?
13. How would you describe the overall impact of the hearing on the offender?

14. Would you have conducted the administrative hearing in a different manner?
15. What, if anything, did you not understand about the administrative hearing process?

Using the above questions/issues as guidelines, the trainer should seek answers from the trainee, explore those issues which do not seem to be clear to him or her, and devote as much time as possible to reviewing what has transpired to determine learning and understanding.

Where there may be confusion, the trainer should refer the trainee to the specific module in the training manual that may provide appropriate answers and/or clarifications. Subsequently, there should be additional one-on-one meetings to review additional learnings.

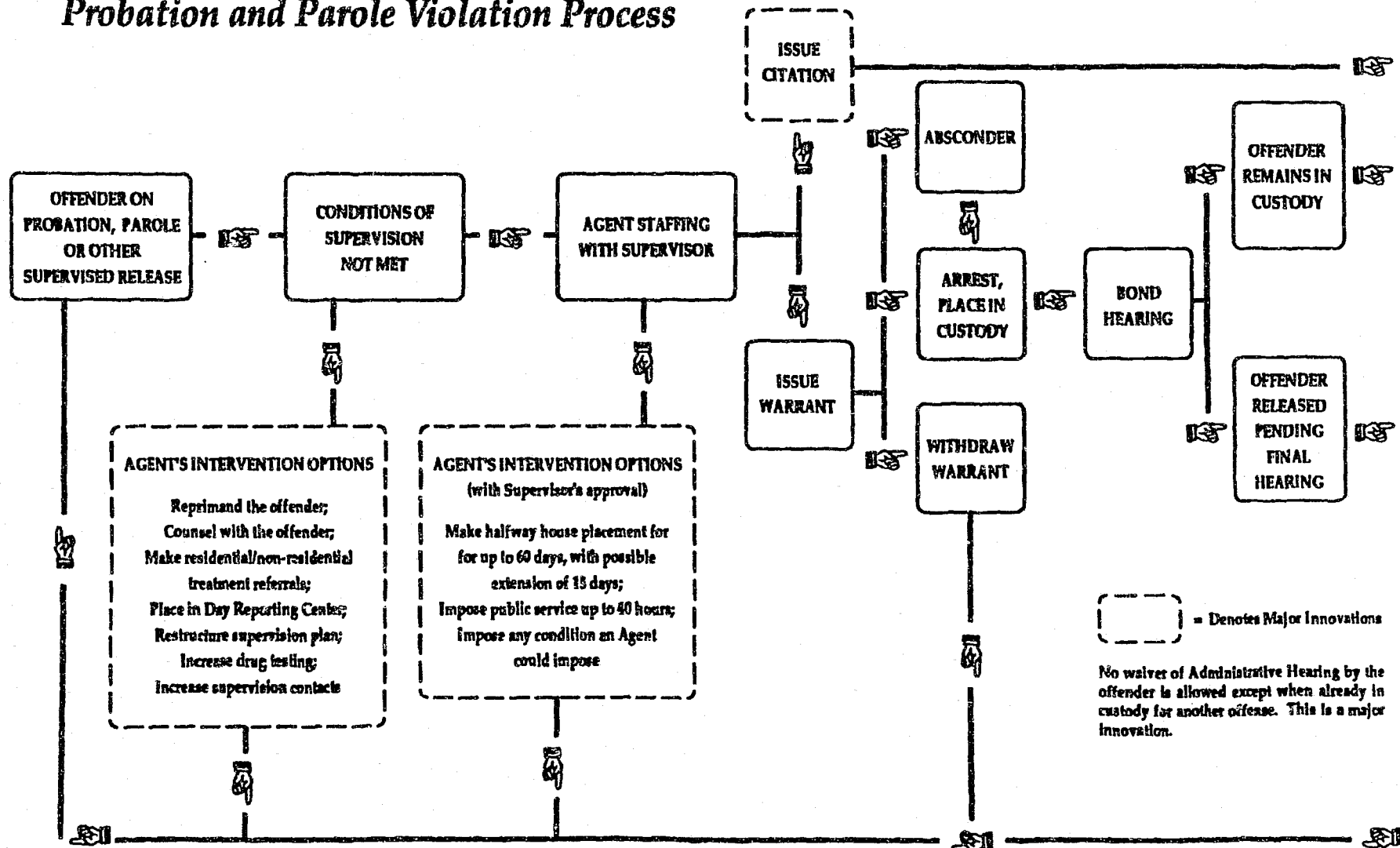
**At all times, the new AHO should be encouraged to report to his or her trainer to identify and review those issues for which clarification is needed. The trainer must provide appropriate time to help the new AHO in his or her quest for knowledge about the administrative hearing process.**

Therefore, as the above implies, each new AHO should be assigned to an experienced AHO and/or trainer who will serve as the coordinator of the new AHO's training. This trainer should also set milestones for learning each of the module's materials as well as scheduling participation in actual hearings.

Finally, the trainer should ensure that the new AHO learns all of the training manual's contents and is prepared for a written test of knowledge, based on the performance objectives of the modules. A form has been provided which lists each of the training manual's modules with appropriate space for the trainer and trainee to sign-off indicating that the material has been learned.

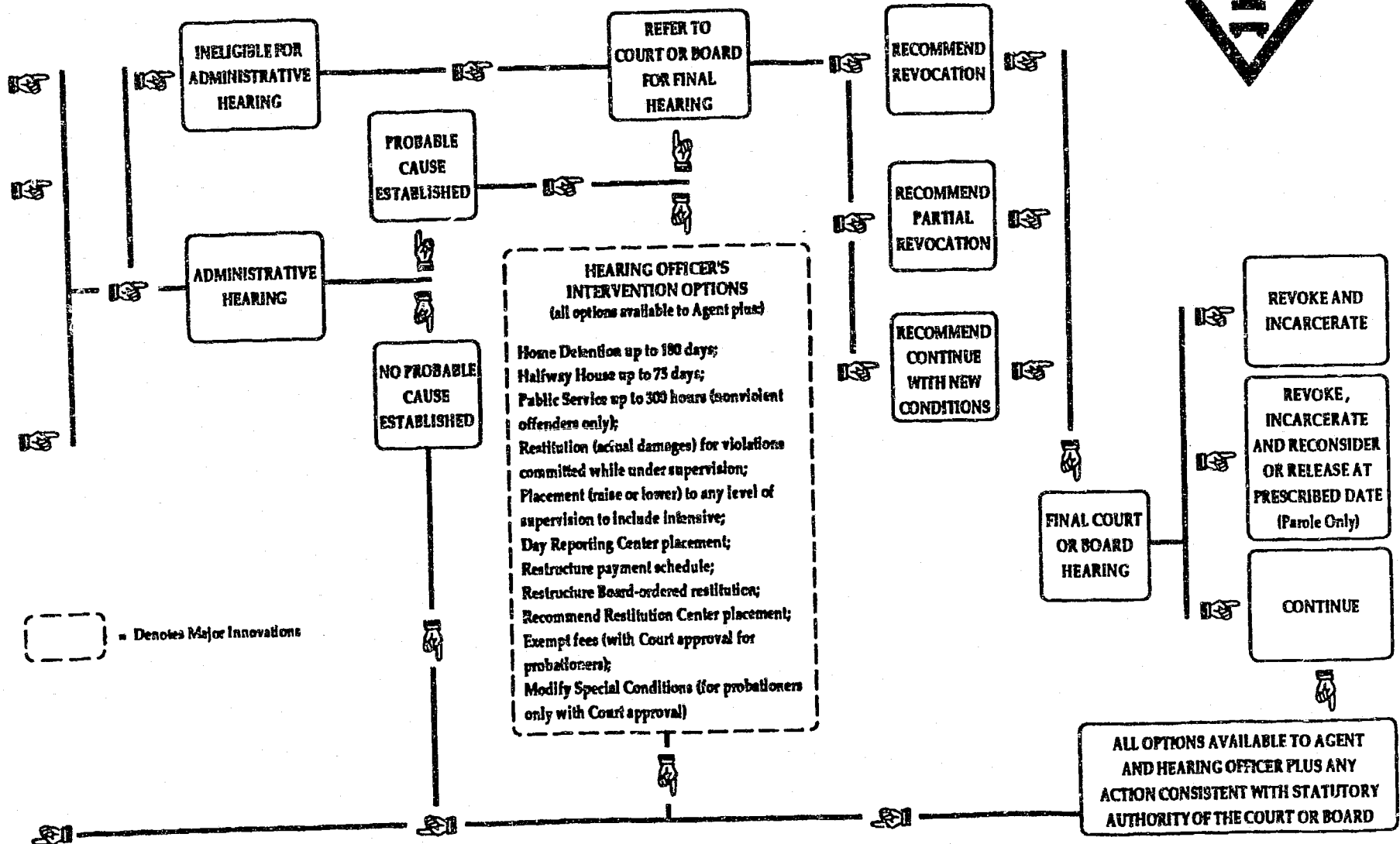
# South Carolina Department of Probation, Parole, and Pardon Services

## Probation and Parole Violation Process



# South Carolina Department of Probation, Parole, and Pardon Services

## Probation and Parole Violation Process, continued





SANCTIONS PROGRAMS OF RELEASE	REINSTATE FULL OR PARTIAL	CONTINUATION*	INTENSIVE	HOME DETENTION PSE***	RESTITUTION	RESTRICTIVE REST. - FINE & SF PAYMENTS	HALFWAY HOUSE	RESIDENTIAL OR NON-RESIDENTIAL TREATMENT**	RESTITUTION CENTERS**	INCREASE REPORTING OR CHARGES SUPERVISOR LEVEL	DRUG TESTING	SF EXEMPTION	WEEKEND SERVICE	POC. RELEAS.	ULTIMATE DECIDING BODY FOR APPEAL	
	Recommend	Yes	Yes	Yes Max. 6 Mos.	Yes Max. 300 Hrs.	Yes Actual Damages	Yes Cannot Lessen Total Amount	Yes Max. 75 Days	Yes	Recommend	Yes	Yes	Recommend	Reinstate Only	Yes	GS Court
PROBATION	Recommend	Yes	Yes	Yes Max. 6 Mos.	Yes Max. 300 Hrs.	Yes Actual Damages	Yes Cannot Lessen Total Amount	Yes Max. 75 Days	Yes	Recommend	Yes	Yes	Recommend	Reinstate Only	Yes	GS Court
PAROLE	Recommend (Partial term 2 to 9 Mos.)	"	"	"	"	"	Yes	"	"	"	"	"	Yes	No	"	Parole Board
PROVISIONAL PAROLE	Recommend (No Partial)	"	"	"	"	"	"	"	"	"	"	"	"	"	"	Parole Board
YOA RELEASEK	"	"	Yes****	"	No	"	"	"	"	"	"	"	Yes****	"	"	SCDC Commissioner
KPA I	"	"	Yes	"	Yes Max. 300 Hrs.	"	"	"	"	"	"	"	Yes	"	"	Parole Board
KPA II	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	Parole Board
SF I	Yes (No Partial)	"	"	"	"	"	"	"	"	No	"	"	"	"	"	Hearing Officer
SF II	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	Hearing Officer
EXTENDED WORK PROGRAM	Yes (Partial Requires Approval of SCDC)	"	"	"	No	"	"	No	"	"	"	"	No	Yes Requires Approval of SCIC	"	Hearing Officer

\*NO may recommend extending Probation up to 5 years. (Total)

\*\*Includes Mental Health and Substance Abuse Treatment Facilities.

\*\*\*Violent Offenders are excluded from these programs. 1) Offenders sentenced for: Murder; Kidnapping; Armed Robbery; Arson, 1st; Voluntary Manslaughter; Assault & Battery w/Intent to Kill; Trafficking in Drugs; Criminal Sexual Conduct, (Any Degree); Burglary 1st Degree; Burglary, 2nd Degree - Section 16-11-312(B). 2) Offenders who have chronic histories of drug/alcohol abuse who could endanger others in the performance of PSE. 3) Parolees who have been evaluated on the Risk Assessment as a high risk case (score 21 or above).

\*\*\*\*Include exemption of Intensive Supervision Fee on Order. Pay regular fees unless otherwise exempted.

# **VIOLATIONS POLICY**

*Personnel will respond to all violations in an appropriate manner, taking into account the severity of the violation and the risk posed by the offender.*

*The purpose of the response will be to selectively intervene with the offender so as to reduce the likelihood of future criminal activity.*

## **DEFINITION OF A VIOLATION**

**A violation is a willful action or inaction on the part of the offender which is contrary to the conditions of supervision established by the Court, Board, Hearing Officer or Agent.**

## **RESPONDING TO VIOLATIONS**

*In responding to a violation, the Agent or Supervisor should:*

- ◆ **Select a response which is proportional to the severity of the violation;**
- ◆ **Be proactive in responding to violations;**
- ◆ **Select the least onerous response necessary to address the particular violation;**
- ◆ **Be consistent in handling similar violations in a similar way; and**
- ◆ **Select a response that takes into account the severity of the violation and the risks posed by the offender.**

# **VIOLATION STAFFING**

- ◆ **A violation staffing is an assessment, by the Agent and Supervisor, of the facts of the offender's case to determine an appropriate course of action which shall be consistent with the nature and seriousness of the violation(s), and the risk posed by the offender.**
- ◆ **The purpose of the staffing is to decide, based upon all available facts relevant to the violation and the offender's behavior under supervision, the most appropriate response.**

CONTEMPORARY SCIENCE

## **1.1 CONTEMPORARY CORRECTIONS**

**BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:**

1. Define what is meant by "community corrections".
2. Identify at least three (3) types of community corrections programs.

## 1.1 CONTEMPORARY CORRECTIONS

There are many forces confronting contemporary corrections. Increasing caseloads are stretching agency capacity to deliver appropriate services; legislators are enacting legislation of mandatory and harsh sentences to meet community demands; and the courts are imposing their will almost to the extent that judges have become *de facto* administrators of correctional services.

We have now reached the point where approximately 1.5 million persons are in U.S. prisons and jails. Almost 3 million adults are under probation or parole supervision. Statistics also reveal that approximately 4.5 million adults are under some kind of correctional custody or supervision - and the numbers keep going up.

Correctional expenditures have become the second largest spending item in state and local budgets, especially due to the increased need for beds. Furthermore, it is estimated that for every dollar spent on construction, the estimated operating costs are 16 times the costs of construction over the life of the facility. Yet, despite a nationwide effort to staff and build more prisons and jails, states and counties have not been able to keep up with the demand. Almost all correctional facilities, everywhere, are over capacity.

The situation becomes even more complex as we recognize that the correctional crisis is of an intergovernmental nature that requires an intergovernmental response. Although not as disparate as criminal justice administration, corrections itself is not a unified system. It is divided into federal, state, and local services. And, within each of these governmental levels there are different functions, services, and agencies. As an example, not only is probation offered at each level of government, it can be housed either in the executive or judicial branches of government.

Further, more serious problems occur where multiple-agency services are needed for various categories of offenders, such as the elderly, mentally ill, or drug-addicted offenders. Drug-addicted offenders, as an example, may be served not only by corrections, but by departments of mental health and substance abuse agencies. Such problems require joint problem-solving, planning, and interagency cooperation for effective services, but they are not always forthcoming.

A serious consequence of the above is that many states and localities have not developed a comprehensive strategy directed toward solving intergovernmental and interagency problems in corrections. Without such a comprehensive strategy, fragmentation of the entire criminal justice 'non-system' and competing state and local interests continue to impede the development of effective correctional programming and delivery systems of services to clients and communities.

Community corrections, of which probation and parole are major aspects, is nothing more a set of programs that provide for the supervision of offenders who either remain in or are sent to their respective communities while under the jurisdiction of the sentencing court or a release agency, such as a parole board. These offenders are supervised by trained agents who are responsible for ensuring that specified terms and conditions of their community-based status are followed.

Today, community corrections encompasses not only probation and parole services, it includes such programs as day reporting centers, restitution programs, electronic monitoring and house arrest, as well as other diversionary programs and sanctions - all designed to avoid incarceration and to keep the offender in the community.

Community corrections legislation, which is receiving increasing attention, for the most part, attempts to relieve jail and prison crowding, helps to manage correctional resources more efficiently, and to assure public safety by reintegrating offenders in the community.

The appeal for the least onerous response to non-violent offenders with the goal of keeping them in the community became legislative design when California passed a probation subsidy program in 1966. In 1973, Minnesota passed the first community corrections act, which subsidized communities when they kept offenders in the community instead of incarcerating them.

The appeal for more humane, rehabilitative, and appropriate sanctions for non-violent offenders gained momentum in the early 1970s as criminal justice professionals, citizens, and legislators began to recognize that if offenders were to change, they should have access to programs where they work and reside. Early programs emphasized treatment, work release, diversion, and decriminalization of certain offenses.

During the 1980s and today, with a steady increase in the numbers of incarcerated offenders and the increase in their violent behavior, the national mood shifted away from rehabilitation and toward punishment. The dynamics of community corrections reflected these trends as a "get tough" attitude prevailed. There were assertions that "nothing works" in rehabilitation, which resulted in even more severe penalties and longer sentences.

Community corrections programs began to emphasize punishment and offender accountability. Although less punitive programs remained part of the continuum of community corrections services, new programs addressed risk management, sanctions, drug testing, intensive supervision, home confinement, electronic monitoring, and other alternative sanctions/punishments. This emphasis remains as an integral part of community corrections.

PROJECT INITIATOR



## 1.2 PROBATION AND PAROLE

BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:

1. Identify the principal focus of the Classical period.
2. Identify the principal focus of the Positive period.
3. Explain the basic purpose of a presentence investigation.
4. Explain the basic purpose of a pre-parole plan.
5. List at least three (3) standards promulgated by the American Bar Association concerning probation (and parole).

## 1.2 PROBATION AND PAROLE

As indicated earlier, probation and parole remain the major programs in community corrections, for it is within these two services that the bulk of offenders who remain in the community are supervised. Probation and parole are the oldest of community-based services and developed as a consequence of values and beliefs about the nature of people and the need for punishment.

Over the centuries, society's beliefs about the nature of people has changed from the Classical point of view (where a person was seen as governed by free will and pleasure and pain principles) to the Positive tradition (where a person is viewed as being governed by forces beyond his or her will). Each of these beliefs resulted in ways to control crime and delinquency as well as to punish offenders.

During the Classical period, society sought to exercise control through the law and with fixed kinds of punishments that were meant to serve as deterrents. The individual's *crime* was the focus. Positivists, on the other hand, have sought to control lawbreakers by examining them as individuals and by examining those forces that are thought to influence deviant behavior. During this period, which continues in large measure today, the *individual* is scrutinized, rather than the crime itself.

It is in the Positive tradition that both probation and parole developed. Both community-based programs seek to understand the offender, as well as the reasons why he or she engages in criminal behavior; that is, the forces which push or pull the person into deviancy. Although probation ante-dates parole, both gained impetus as society attempted to reform, change, or otherwise rehabilitate offenders.

Through a presentence investigation, which is a tool for the judiciary, or a pre-parole plan, which is a supervisory tool, investigators attempt to examine the individual, develop some kind of treatment plan, and seek to change the offender into a law-abiding citizen. However, as discussed earlier, contemporary societal values dictate that surveillance and control are to take precedence over rehabilitative efforts. Thus, it is not uncommon to find within probation and parole services such auxiliary programs as home detention, electronic monitoring, substance abuse monitoring, and intensive supervision strategies. Individualization, however, still remains the hallmark of both sets of service delivery systems.

Whether in the executive or judicial branches of government, probation officers remain answerable to sentencing judges for the basic terms and conditions to be imposed upon the offender. And, if there is a new offense or a technical violation, the offender must appear before a judge for a hearing to determine what additional punishment, if any, will be imposed.

In the case of parole, all technical violations ultimately are heard by a parole board, which has administrative authority to determine additional punishments, to include a return to prison to finish the original sentence. New offenses, however, remain under the jurisdiction of the courts.

Although discussing the standards related to probation services, the American Bar Association's report on criminal justice administration is as applicable to parole services. It lists five reasons why probation (and parole) should be the desirable disposition in appropriate cases, including:

(1) it maximizes the liberty of the individual while at the same time vindicating the authority of the law and effectively protecting the public from further violations of the law;

(2) it affirmatively promotes the rehabilitation of the offender by continuing normal community contacts;

(3) it avoids the negative and frequently stultifying effects of confinement which often severely and unnecessarily complicate the reintegration of the offender into the community;

(4) it greatly reduces the financial cost to the public treasury of an effective correctional system; and

(5) it minimizes the impact of the conviction upon innocent dependents of the offender.

**ADMINISTRATIVE HEARINGS:  
PHILOSOPHY AND PROCEDURAL EXPECTATIONS**

## **2.1 ADMINISTRATIVE HEARINGS: PHILOSOPHY AND DEPARTMENTAL EXPECTATIONS**

**BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:**

1. Define what is meant by "selective intervention."
2. Describe why it is important for an AHO to find the "least restrictive supervision condition" for an offender.
3. Describe the three (3) basic goals of the administrative hearing process.
4. Identify at least six (6) Departmental expectations regarding the administrative hearing process.
5. Define what is meant by "staffing."

## **2.1 ADMINISTRATIVE HEARINGS: PHILOSOPHY AND DEPARTMENTAL EXPECTATIONS**

### **A. PHILOSOPHY**

The Department expects its personnel to act in ways that encourage or aid offenders in completing their supervision in their respective communities. These actions by Departmental personnel may occur over a wide array of circumstances and are collectively termed "selective interventions." The purpose of each intervention is to address issues or problems present in the particular case. Ultimately, the Department expects its personnel to engage in selective interventions that are calculated to reduce the likelihood of future serious criminal conduct.

Sometimes the issues present in a case may be the violation of one or more of the conditions of supervision. In such cases, Departmental personnel are expected to assess the severity of the violation and the individual risks posed by the offender and to respond or recommend a response to the violation. In fashioning a response, the Department expects all community supervision options to be considered first, with incarceration reserved as a last option.

Our Administrative Hearing process is intended to assist the Department in accomplishing its broader purposes, and reflects the Department's belief that community supervision is the most appropriate criminal justice sanction for the vast majority of adult criminal offenders. Thus, it is the expectation of the SCDPPPS that every effort will be taken to maintain offenders in their communities, even when violations of their conditions may occur.

This effort will include appropriate guidance from the supervising agent, referral and follow up to community resources when specialized problems are apparent, and presentation of the offender before a SCDPPPS Hearing Officer with a recommendation for one of the available options in the continuum of sanctions.

Allowing an offender to remain in the community under supervision enables the offender to maintain family and social ties, continue to work or to seek gainful employment, pay restitution to victims, aid their communities through public service work, and have access to a broad array of social service agencies.

The SCDPPPS has developed an array of "tools" to be used as responses to various types of violations. It is our intention to match the particular offender with a response that is reasoned, necessary, and appropriate. Our Administrative Hearings process is among the nation's finest and provides the agent with an objective, fair, and speedy route for dealing with offenders who have violated the conditions of supervision. Only when all appropriate options have been exhausted, absent severe violations of the conditions of supervision, will a recommendation for revocation be made.

Offenders encountering problems meeting the conditions of supervision will be formally notified by the Agent as soon as possible following the violation. Response by the Agent will be commensurate with the nature of the violation. Any consideration of a change in the conditions of supervision should be formally staffed and documented with the Agent's supervisor. Offenders should be maintained under the least restrictive supervision conditions required to address the individual offender's circumstances.

By addressing violations in these ways, we strengthen our ability to hold offenders accountable, to respond appropriately to risks and needs, to be proactive in the handling of our responsibilities, and to help fulfill our broader supervision purposes.

## B. GOALS

1. To promote appropriate and proportional responses as well as internal consistency in the handling of violations by setting forth broad Departmental expectations.
2. To establish a framework and guidelines within which Agents, Hearing Officers, the Board and Courts can exercise their discretion in a meaningful way.
3. To generate workable and innovative methods of responding to violations that benefit the offender without presenting undue risk to the community.

## C. DEPARTMENTAL EXPECTATIONS

1. Violations should be responded to in a manner that reflects the severity of the offense.
2. The severity with which violations are responded to should be in a proportional manner.
3. Individuals who demonstrate a general unwillingness to abide by supervision requirements or who pose undue risk to the community should be removed from the community.
4. Not all violations require the issuance of citations or warrants or full revocation. Many violators can continue in the community.
5. All violations that are detected should result in a punishment response that is proportional to the severity of the violation.
6. All concerned personnel will be encouraged to utilize that response which best reflects the situations in light of the nature of the violation, the circumstances of the offender, the general risk and community adjustment of the offender, and the need to maintain the respect of the offender for adherence to the conditions of supervision.
7. Agents will document justifications for responses to violations.
8. Hearing Officers will make findings of fact in support of recommendations and orders.
9. The Board and the Court will make determinations of fact in support of revocation orders.
10. The Board and the Court may impose special conditions in all appropriate circumstances.
11. Hearing Officers will be empowered with wide discretion to impose any special conditions permitted by law and policy as a means of reducing or better managing the risks posed by the offender while maintaining them in their communities.

#### D. STAFFING

Violations of any nature are to be staffed by the supervising agent and the immediate supervisor. Staffing is an assessment of the case by the Agent and the Supervisor, by which the appropriate action to be taken is determined. All violations staffed will be categorized according to violation level and risk level and will be recorded on the offender's Form 37 (Field sheet).

During the staffing, a decision will be made whether or not to issue a reprimand, citation, or warrant, as well as determine an appropriate recommendation. Staffing/Violation Report Form #96 will be completed for each staffing, where a citation or warrant is issued, following the final disposition of the violation.



V O S O J O N D O S O S U P S O V O

### 3.1 VIOLATION OF CONDITIONS OF SUPERVISION (VI0.1)

BY THE END OF THIS MODULE, THE AHO TRAINEE WILL BE ABLE TO:

1. Define the "purpose" of the response to a violation.
2. Define what is meant by a "violation."
3. Describe the use of the Offender Form 37.
4. Describe the basic difference between a Category A and Category B severity violation.
5. Describe the basic difference between Risk Categories A and B.
6. Identify at least five (5) possible responses when there is neither a Category A violation nor a Category A Risk.
7. Define what is meant by a "citation."
8. List four (4) situations when the use of a citation is not the most appropriate response to a violation.
9. Define what is meant by a "warrant."
10. Explain the use of an "affidavit".
11. Explain the process of "withdrawing" a citation or warrant.
12. Explain the process for "amending" a citation or warrant.
13. Describe the process to be used if an offender fails to appear for a hearing after a citation or warrant has been issued.
14. Define what is meant by "absconded."
15. Describe the purpose and use of a Citation/Warrant Log.

### 3.1 VIOLATION OF CONDITIONS OF SUPERVISION (VI0.1) (4-20-93)

#### POLICY

Department personnel will respond to all violations in an appropriate manner taking into account the severity of the violation and the risk posed by the offender. The purpose of the response will be to selectively intervene with the offender so as to reduce the likelihood of future criminal activity.

#### I. Philosophy and Departmental Expectations

The Department expects its personnel to act in ways that encourage or aid the offender in completing their supervision in the community. These actions by Departmental personnel may occur over a wide array of circumstances and are collectively termed "selective interventions." The purpose of each intervention is to address issues or problems present in the particular case. Ultimately, the Department expects its personnel to engage in selective interventions that are calculated to reduce the likelihood of future serious criminal conduct.

Sometimes the issues present in a case may be the violation of one or more of the conditions of supervision. In such cases, Departmental personnel are expected to assess the severity of the violation and the individual risks posed by the offender and to respond or recommend a response to the violation. In fashioning a response, the Department expects all community supervision options to be considered first, with incarceration reserved as a last option. By addressing violations in these ways, we strengthen our ability to hold offenders accountable, to appropriately respond to risks and needs, to be proactive in the handling of our responsibilities, and to help fulfill our broader supervision purposes.

#### II. Procedures

##### A. Definition of a Violation

A violation is a willful action or inaction on the part of the offender which is contrary to the conditions of supervision established by the Court, Board, Hearing Officer, or Agent.

##### B. Responding to Violations

In responding to a violation, the Agent and Supervisor should:

1. Select a response which is proportional to the severity of the violation;
2. Be proactive in responding to violations;
3. Select the least onerous response necessary to address the particular violation;
4. Be consistent in handling similar violations in a similar way; and
5. Select a response that takes into account the severity of the violation and the risks posed by the offender.

##### C. Violation Staffing

1. Definition: A violation staffing is an assessment, by the Agent and Supervisor, of the facts of the offender's case to determine an appropriate course of action which shall be consistent with the nature and seriousness of the violation(s), and the risk posed by the offender.
2. The purpose of the staffing is to decide, based upon all available facts relevant to the violation and the offender's behavior under supervision, the most appropriate response. When a citation or warrant is deemed appropriate, the Agent and Supervisor must formulate a specific recommendation to be presented to the authority hearing the violation. That recommendation must be consistent with the nature and seriousness of the violation.

#### D. Recording Violations

1. The offender's Form 37 must reflect all violation considerations and decisions made. It is the responsibility of the Agent to secure and have on file evidence (e.g., convictions, urinalysis results, BA tests, testimony of witnesses, etc.) supporting the request to issue a citation or warrant. Affidavits alone are generally not sufficient evidence if the violation is denied by the offender. In such cases, the affiant must be present to testify. Exceptions include SCDHEC drug test confirmations and second shift surveillance reports. All violations staffed will be categorized according to violation level and risk level as discussed in Section II of this Directive.
2. Each Supervisor will keep an accurate count of the total number of times a violation staffing occurs during the month where the disposition is finalized by the Agent and the Supervisor (no Hearing Officer, Court or Board action taken). The total number of staffings will be submitted to the AIC on the first working day of each month for the previous month. The AIC will submit the county total in his/her regular monthly report to the Area Director.
3. A Violation Report (Form 22) will be completed for each offender in which a citation or warrant is issued. Following disposition of the violation by a Hearing Officer, the Court or the Board, a Violation Disposition Form (Form 96) will be completed.

### III. Violation Guidelines

#### A. Purpose

The Department has developed guidelines to be used by staff when considering potential responses to a violation. As indicated above, the Department believes that violations should be responded to in a consistent and proportional manner, and in a way that takes into account the severity of the violation and the risks posed by the offender. These guidelines provide a framework within which the goals may be achieved. Before responding to a violation, reference must be made to the following guidelines.

#### B. Violations Categories

1. A violation must first be categorized according to its severity, and will be either a "Category A Violation" or a "Category B Violation".
2. A violation will be deemed a "Category A Violation" if the violation consists of any of the following:
  - a. General Sessions or Federal District Court Conviction.
  - b. Second violation of Home Detention conditions.
  - c. Magistrate/Municipal Court convictions resulting in a sentence of six (6) months or more to serve.
  - d. Failure to make initial report within 30 days, or as directed.
  - e. Possession of a weapon or violation involving a weapon or violence.
  - f. Being more than six payments in arrears on fines, restitution, or supervision fees.
  - g. Third or greater occurrence of technical violations that demonstrates an unwillingness to conform to the requirements of community supervision and for which appropriate Agent responses to the previous violations have been documented.
  - h. Refusal to give a urine sample.
  - i. Refusal to participate in a Court, Board or Hearing Officer ordered treatment, or refusal to participate in treatment ordered by the Agent, for which a substantiated need has been documented.
  - j. Unsatisfactory termination from, or refusal to participate in Public Service Employment.
  - k. Failure to comply with a special order or special condition ordered by the Court, Board or Hearing Officer and imposed as a result of a previous violation.
3. All violations other than these listed as a "Category A Violation" will be considered a "Category B Violation".
4. The category of violation (A or B) must be listed on the Violation Report (Form 22), and the Violation Disposition Form (Form 96), if the violation is brought before the Court, the Board or a Hearing Officer.

### C. Risk Categories

1. Each violation must also be analyzed to determine the risk posed by the offender involved in the violation, and the offender will be considered with a "Category A Risk" or a "Category B Risk".

2. An offender who has committed a violation will be deemed a "Category A Risk" if the offender has scored 21 or above on the risk assessment score or is currently at an intensive or a maximum level of supervision as a result of a prior violation and has two or more indications of community instability as follows:
  - a. Unacceptable patterns or number of prior violations during this supervision period.
  - b. Current or recent unacceptable employment pattern.
  - c. Current or recent increase in drug/alcohol usage or failure to complete prescribed treatment programs.
  - d. Current or recent unacceptable residence pattern.
  - e. Current overall attitude demonstrates unwillingness to abide by supervision conditions.
  - f. Current or recent assaultive behavior.
3. All offenders who have committed a violation and do not meet the criteria set for a "Category A Risk" will be deemed a "Category B Risk".
4. The Category of Risk (A or B) must be listed on the Violation Report (Form 22), and the Violation Disposition Form (Form 96), if the violation is brought before the Court, the Board or a Hearing Officer.

#### D. Violation Responses

1. When the severity of the violation constitutes a "Category A Violation" or when the offender who commits the violation constitutes a "Category A Risk", then the Department expects that a citation or warrant will be issued. If, as a result of the staffing of the violation, some lesser action is taken, then specific reasons justifying the action taken must be documented on the Form 37. As a result of the issuance of a citation or warrant, a hearing will be conducted before a Hearing Officer, the Court or the Board, (SEE Directive V10.4 for the handling of Administrative Hearings). At the hearing the Agent must be prepared to make a specific recommendation concerning the action taken in response to the violation. In making this recommendation, the Agent must consider all available community options, and must recommend the least onerous response necessary to address the present violations.
2. If neither a "Category A Violation" nor "Category A Risk" is found then the Agent, or Agent and his/her supervisor may respond to the violation by taking any of the following actions.

The Agent may:

- a. Place the offender in a nonresidential/residential treatment facility or refer the offender to the appropriate treatment providers.
- b. Reprimand the offender verbally or in writing (a reprimand is a formal warning to the offender that he or she violated conditions of supervision).
- c. Restructure the supervision plan.
- d. Counsel with the offender.
- e. Increase drug testing.
- f. Increase supervision contacts (not the level).
- g. Place the offender in a Day Reporting Center.

The Agent, with the consent of his/her supervisor, may:

- a. Take any of the actions listed above.
  - b. Place the offender in a halfway house for 60 days (possible extension of 15 days).
  - c. Require Public Service Employment up to 40 hours.
3. The Department does not expect that a citation or warrant will be issued for a "Category B Violation" or "Category B Risk" case unless unusual circumstances are present, and if such are found, then specific justification for issuing a citation or warrant must be listed on the Form 37.

#### IV. Citations and Warrants

##### A. Citations - Definition and General Use

1. A citation is a written order made on behalf of the state commanding a person (offender) to appear at a specific time, date, and place. Citations are legal process.
2. It is the Department's position that citations are the most appropriate response in addressing violations. It is the Department's expectation that citations will be used when responding to the presenting violation. There may be certain limited situations when the citation would not be the most appropriate response, and in such instances the following guidelines should be used to decide if a warrant is required:
  - a. Offender has absconded.
  - b. Offender has a history of violent offenses and/or poses a significant risk to the community.

c. Offender has a substantiated history of failing to appear for Court/Board hearings and/or available evidence indicates that the offender is likely to flee from his present residence or jurisdiction.

d. In the event a case is within 60 - 90 days of expiration and it does not appear likely that a hearing can be scheduled before the Court or Board prior to the case expiration date, a warrant should be used in place of a citation.

3. Citations may not be served on Sunday.

#### B. Warrants - Definition and General Use

1. A warrant is a written order made on behalf of the state commanding a law enforcement officer to arrest a person (offender) and bring him before a judge, the Parole Board or a Hearing Officer. Warrants are legal process.

2. Warrants shall only be employed when it is decided, through staffing, that a citation is not the appropriate legal process to bring the offender before the Court or Board.

3. All warrants issued by this Department are misdemeanor warrants and cannot be served on Sunday.

#### C. Issuance and Service

1. The issuance and service of the citation or warrant establishes jurisdiction for the Court, Board or Hearing Officer. No change of any kind can be made by the Court, Board or Hearing Officer to an offender's conditions of supervision without a citation or warrant being issued and properly served. The citation or warrant is necessary even if the offender pleads to a new offense. (SEE State v. Brunson)

2. The citation or warrant must be completed, signed, and notarized prior to the expiration date of the case. Once the expiration date passes, no new citation or warrant can be issued or amended. A citation or warrant that is completed, signed, and notarized prior to the expiration date of the case will allow for the Court, Board or Hearing Officer to have the jurisdiction of the case even though such hearing may occur after the original expiration date of the case.

3. It must be clearly understood, that in instances where a citation has been issued on a case and the case would have expired but for the citation, and the offender fails to appear, the only recourse at that point is to request the Court to issue a **Bench Warrant for Failure To Appear**. A **Departmental Arrest Warrant cannot be issued!!**

#### D. Issuing Citations and Warrants

1. All citations and warrants require the completion of an affidavit prior to issuance. The affidavit must specify the violations and set forth enough facts to clearly establish the willful violations.



- a. The completion of the affidavit should include, as a violation, "failure to follow the advice and instructions of the supervising Agent".
  - b. Specific violations of the standard conditions or special conditions, such as failure to follow Public Service Employment Program instructions, should be set forth to show the willful violation. The affidavit should be ended by using the phrase "such actions constitute violation of conditions (set forth numbers)".
2. The citation or warrant is issued after obtaining a citation or warrant number. The affidavit portion of the citation or warrant must be notarized at the same time the citation or warrant is signed. The Arrest warrant Form #16.1 shall be used for all violations. The Citation Form #16.2 shall be used for violations of probation and the Citation Form # 16.3 for all other supervision violations. The citation or warrant must have the indictment number (GS number) for each probation case or suspended probation case written in the upper right portion of the form.
3. The dating of a citation or warrant should be accomplished as follows:
- a. Citations: The violation date in the upper portion of the affidavit is the same as the staffing date. The issuance date on the front of the form and the affidavit notarization date on the back of the form must be the same and executed the same date.
  - b. Warrants: The violation date in the arrest section and the affidavit section are the same and should be the staffing date. The issuance date and the affidavit date must be the same and executed the same date.
4. The "Violations Charged" section of a citation and the "Description of Offense" section on the arrest warrant shall plainly state the nature of the violations charged and identify the violated condition numbers.
5. The factual portion of the affidavit on the citation or warrant shall plainly set forth the facts the Agent will rely upon to prove the violations charged.

**EXAMPLE 1:** The violation portion of a probation citation or a probation warrant might be completed as follows:

By violating conditions of probation 1, 3, 6, 9, and 16 ordered in Cause Number 92-G5-40-1234 by the Richland County Court of General Sessions.

**EXAMPLE 2:** The violation portion of a parole citation or a parole warrant might be completed as follows:

By violating conditions of parole 1, 3, 6, 9, and 16 ordered in Cause Number 92-GS-40-1234 by the South Carolina Board of Probation, Parole, and Pardon Services.

EXAMPLE 3: The violation portion of an EPA citation or an EPA warrant might be completed as follows:

By violating conditions of the EPA II release 1, 3, 6, 9, and 16 ordered in Cause Number 92-GS-40-1234 by the South Carolina Board of Probation, Parole, and Pardon Services (if Cause Number is not available, use the date of the EPA certificate).

EXAMPLE 4: The violation portion of a Furlough citation or a Furlough warrant might be completed as follows:

By violating conditions of the Furlough release 1, 3, 6, 9, and 16 ordered in Cause Number 92-GS-40-1234 by the South Carolina Board of Probation, Parole, and Pardon Services (if the Cause Number is not available, use the date of the Furlough certificate).

The factual support for each of the examples might read as follows:

John Doe did not report in person until January 14 which was six days after he arrived in the county; that he changed his residence from 2120 Monroe Street (his approved residence) to 1334 Adams Street without prior approval, where it is known that three convicted felons live; that he was seen on January 1, 3, and 9 in a tavern located on Saluda Avenue; that he was arrested on January 26 and gave a breath sample which registered .21% on the breathalyzer; and that even though he has the ability to pay he is \$40 behind on his supervision fees as of the day of this affidavit.

#### 6. Fugitive warrants

- a. In order to arrest an offender under supervision from another state, a certified warrant must be received from the sending state. Upon receiving this warrant, a South Carolina Fugitive Warrant must be obtained from the local magistrate. The fugitive warrant must then be served on the offender.
- b. Once arrested, the client should be held without bond and the Interstate Compact Office should be contacted immediately by telephone.

### V. Amending and withdrawing a Citation and Warrant

#### A. Issuing Additional Citations and warrants

Additional citations and warrants may be issued prior to the expiration of the case when it is discovered after the issuance of an initial citation or warrant that additional violations of the conditions of supervision have occurred.

Additional citations or warrants cannot be issued after the case expires.

#### B. Withdrawing

1. Once a citation or warrant has been issued, but not served, it can only be withdrawn with the consent of the AIC.
2. A request for the withdrawal of a citation or warrant which has been served for violation of probation, shall be authorized by the AIC before presenting it to a judge for withdrawal.
3. A request for the withdrawal of a warrant or a citation which has been served for a violation of parole, EPA, or furlough, shall be authorized by the AIC and presented to the Area Director for withdrawal.
4. If an offender is allowed to continue under the supervision of the Department after an Administrative Hearing has been conducted, and the violations that have been raised in the citation or warrant have been completely disposed at this Hearing (i.e., no aspect of the violation(s) will require court or Board review), then the Hearing Officer will direct the agent to immediately withdraw the applicable citation or warrant. To accomplish the withdrawal of a citation or warrant under such circumstances, the Agent should write the word "withdrawn" across the face of the citation or warrant and document that the citation or warrant was withdrawn on the Form 37.

C. Amending: Correcting A Flaw or Defect in A Current Citation or Warrant

1. Any served or unserved citation or warrant may be amended with the consent of the Agent's supervisor.
2. If the original citation or warrant is withdrawn and recalled, the offender will receive the benefit of the period of time between the issuance of the initial citation or warrant and the issuance of the new citation or warrant towards the satisfaction of the supervision period.
3. All amended citations or warrants must have the word "amended" placed in the upper right hand corner of the document and must then be served on the offender. An amended citation or warrant relates back to the date of the original.
4. No citation or warrant shall be amended after the expiration date of the offender's case.

VI. BOND HEARING

- A. Since offenders who have been served with a citation are not arrested, they are never required to post a bond.
- B. All offenders, except SFI, SFII and extended work release, should have a bond hearing before the end of the next business day following the arrest on a warrant, whenever possible.
  1. The supervising Agent should take the appropriate steps to assure that this occurs in a timely manner.

2. For offenders on probation, the bond hearing must be held before a county magistrate.

3. For offenders on parole or EPA, the hearing must be held before a Circuit Court Judge.

C. Offenders on SFI and SFII are not eligible for bond under any circumstances because they are considered to be under the jurisdiction of the Department of Corrections and temporarily outside of the prison under furlough.

D. All Parolees/EPA's are not entitled to an Administrative Hearing if they have received an active sentence of 6 months or more to serve; therefore, a Bond Hearing is not necessary.

#### VII. Failure to Appear and Absconded Offenders

A. Failure to Appear - If a citation or warrant has been issued and served on an offender and the offender fails to appear for the hearing, the Agent shall proceed as follows:

1. If the Agent feels there is sufficient reason for the offender not appearing for the appointed hearing, the Agent may wish to ask the Court, Board or Hearing Officer for a delay. The length of the delay requested should be consistent with the reason the offender did not appear.

2. In all other circumstances the Agent should issue a warrant including as a violation the failure to appear, except when the probation term would have ended but for the issuance of the citation or warrant, in which case a bench warrant needs to be issued.

3. The Court, Board or Hearing Officer should not be asked to revoke an offender in absence since the issuance of a citation or warrant during the supervisory term stops a case from expiring for all offenders. If a citation is withdrawn to issue a warrant on an absconded case, the time between the citation issue date and the warrant issue date is given to the absconder. If the citation remains in place and a warrant is issued, then the citation can be served upon apprehension and the Department can move forward with both citation and the warrant.

#### B. Absconded

An offender is considered to be absconded if the supervising agent has investigated the offender's whereabouts to include contacting:

- last known residence
- last known employer
- family members (utilize social history)
- law enforcement (records check, local jail, & rap sheet)
- last known landlord
- neighbors
- co-defendants/friends

and based on the findings of the investigation, the agent believes the offender's whereabouts are unknown.

1. The warrant shall charge the offender with failing to report as directed and/or failure to report a change of address or employment. Also, the date of the last report along with any other violations shall be included in the warrant.
2. The warrant should be submitted along with an MIS-12 (per Directive VIO.3) to the RMS-Offender Records at Central Office for entry into NCIC/SWATS.
3. Once an absconder has been located, the warrant will be either served or filed as a detainer. If the warrant is served, a date for a violation hearing will be requested. The Violation Report (Form 22) will be updated and submitted to the Hearing Officer or Court at the time that the case is presented along with a copy of the served warrant. There must be follow-up with local law enforcement to retrieve served warrants in these cases, and immediate notification of service of the warrant to the RMS-Offender Records to remove the warrant from NCIC/SWATS (per Directive VI0.3).

#### VIII. Citation/Warrant Log

The South Carolina Department of Probation, Parole, and Pardon Services citation/warrant tracking process is maintained on Form 16.4 to provide the current status of citations and warrants. The Agent-In-Charge is responsible for the tracking of each citation and warrant. The following instructions explain the use of this log.

- A. The Month/Year designation in the top left corner refers to the month and year in which the citation or warrant is issued.

EXAMPLE: month/year: April 1992

- B. The County designation in the top left corner refers to the county office in which the log is being maintained.

EXAMPLE: County: Richland

- C. The Region designation in the top left corner refers to the region in which the county office is located.

EXAMPLE: 4

- D. The Date Issued in the first column refers to the date on which the citation or warrant is issued.

EXAMPLE: 4-4-92

- E. The Citation Number in the second column is to be kept in calendar chronological order.

EXAMPLE: C-40-92-0001

C - refers to the Citation Number.

40 - refers to the County designation.

92 - refers to the calendar (not fiscal) Year.

0001 - refers to the number of the first citation issued in the calendar year and so on.

F. The same chronological system just outlined for citation numbers is to be used for warrant numbers in the third column.

EXAMPLE: W-40-92-0001

Be sure to keep warrant numbers separate from citation numbers. (Your first citation number is numbered 0001 and your first warrant is numbered 0001.)

G. The Client designation in the fourth column refers to the person served. Write the last name first.

EXAMPLE: Jones, Harry

H. The SID or the SCDC assignment numbers in the fifth column should be designated, if they are both available.

EXAMPLE: SID 00000000  
SCDC 000000

I. The Service or other status in the sixth column refers to the status codes in the top right hand box followed by the date the action happened.

EXAMPLE: S-4-10-88

S - refers to the fact that the warrant or citation was served followed by the date it was served.

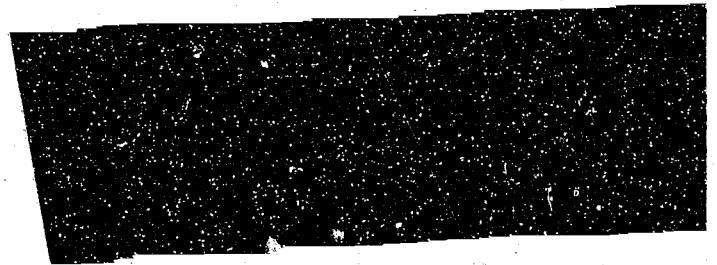
J. The Agent/Badge # in the seventh column refers to the agent who is requesting the warrant or citation and his or her badge number.

EXAMPLE: Gibson/245

K. The Type designation in the eighth column refers to the supervision the client is under.

EXAMPLE: Probation

ADMINISTRATIVE HEARINGS 074



### 3.2 ADMINISTRATIVE HEARING (VI0.4)

BY THE END OF THIS MODULE, THE AHO TRAINEE WILL BE ABLE TO:

1. Describe the basic policy of the AHO's role during the administrative hearing.
2. List the four (4) responses to violations by Agents, Supervisors, and AHOs.
3. List the five (5) exclusions to the administrative hearing process for most offenders.
4. Explain what is meant by a "Hardship Exemption."
5. Describe the scheduling process for administrative hearings.
6. Explain the use of a "Client Case File" in the administrative hearing.
7. Describe the dispositional alternatives available to AHOs.
8. Describe the recording process of dispositions.
9. Describe the filing process of warrants/citations/form 9s.



## 3.2 ADMINISTRATIVE HEARINGS (VI0.4) (3-1-93)

### POLICY

The South Carolina Department of Probation, Parole, and Pardon Services shall conduct Administrative Hearings in defined cases. These will allow a neutral Hearing Officer to gather facts concerning a violation of the conditions of supervision and to make an impartial determination, based on a preponderance of the evidence, as to whether or not a violation has occurred. Where a violation is found, the Hearing Officer is empowered to make a disposition of the matter consistent with the circumstances of the case and Departmental expectations.

### Procedures

#### I. Departmental Expectations

It is the Department's expectation that all reasonable efforts will be made to maintain the offender under supervision in the community. This effort will include appropriate guidance from the supervising agent, referral to and follow-up with community resources when specialized problems are apparent, and, in some cases, presentation of an offender before a Hearing Officer. In responding to violations, Agents, Supervisors and Hearing Officers shall (a) attempt to identify problems and intervene early, (b) consider all community supervision options, (c) use the least onerous response necessary to respond appropriately to the violation, and (d) consider the severity of the violation and the risk posed by the offender as cornerstones of their decision making responsibilities.

#### II. Scope of the Administrative Hearing Process

All offenders supervised by the Department, except probationers in designated counties, are subject to the Administrative Hearing Process unless excluded below. Administrative Hearings in probation cases will be provided in counties as determined by the Commissioner and Deputy Commissioner. Administrative Violation Hearings will not be provided if any of the following circumstances exist.

1. If a Probationer receives a new General Sessions or Federal District Court sentence.
2. If an offender on Probation, Parole, Provisional Parole, Youthful Offender Act, or Emergency Powers Act case receives a new sentence of six months or more to serve unless the Agent desires to have an Administrative Hearing in a particular case.
3. Any case except Supervised Furlough or Extended Work Program where the offender, after proper notice, fails to appear before a Court or the Board for a Hearing and the Agent issues an additional warrant or citation exclusively reflecting this violation.
4. If an offender is on Supervised Furlough or the Extended Work Program, the offender may sign a waiver of the hearing. Administrative Hearings are the final hearings for offenders on these programs. In such a case, the Agent will forward the violation materials to the appropriate Hearing Officer for disposition.

## 5. Special consideration matters not requiring an Administrative Hearing:

### A. Probation Cases

#### 1. Hardship Exemption

When it has been determined that an offender is unable to meet their court-imposed financial requirements, the Agent must complete a financial assessment of the situation. This assessment must consider the factors leading to this inability to pay, and the Agent should determine whether the offender has or will have the means or ability to satisfy these financial requirements during the period of supervision. If the Agent determines that the offender does not or will not have the ability to meet the imposed financial requirements, then the Agent may issue a citation and present the case to the appropriate Court and ask that such financial requirements be reduced or eliminated.

#### 2. Extension of Period of Probation Supervision

An Agent may ask the Court to extend the period of probation (not to exceed 5 years on Probation) for the purpose of allowing the Probationer additional time to meet financial responsibilities. Factors to take into account when deciding whether or not to pursue such action should include the offender's ability to pay within the time extension being considered and whether or not circumstances exist which make the pursuing of an exemption more appropriate.

#### 3. Satisfactory Completion of Special Conditions

When the original Court Order indicates that probation can be ended upon the satisfactory completion of certain conditions, and the conditions have been satisfied, then the Agent may issue a citation and ask that the Court take action to end the period of supervision that had been imposed.

### B. Other Cases

Requests for modifications in Board-ordered conditions should be forwarded to the Hearing Section denoting the action sought with supportive documentation fully justifying the request. Once received, the Hearing Section will review the request and make a recommendation to the Board on those cases suitable for Board review. Notification of the Board's action will be forwarded to the requesting agent. (See Attachment G).

If any of the first 3 of these is present, then the factor(s) that disqualify the offender for an Administrative Hearing must be clearly stated on the warrant or citation. An Agent may issue a citation detailing only the disqualifying criteria. This citation may be considered jointly with the original warrant and tolling of the sentence is not affected. A second option is to present the offender with a waiver

(Form 18). If the individual knowingly and willingly signs the waiver, amending the existing legal process or issuing new legal process is unnecessary. If a waiver is utilized, the disqualifying criteria is to be written in at the bottom of the waiver (i.e., on 10-10-91 subject received a sentence of 5 years for Housebreaking).

### III. SCHEDULING

#### A. Process

Administrative Hearings are to be scheduled in accordance with the procedures as set forth by the Department of Probation, Parole, and Pardon Services' Hearing Section. The Central Office Hearing Section will coordinate all scheduling. Agents may schedule Administrative Hearings by seeing their Administrative Hearing liaison (contact person) or by calling their regional office. Upon notification, the representative of the Hearing Section will provide the date and time of the Hearing. When the volume of Hearings necessitates such, a contact person will be designated in each county office to schedule the Hearings.

The contact person will schedule Hearings using a standard scheduling form and provide the Hearing Officer a copy of the form and the date of the Hearing (See Attachment A). Whenever a warrant is sent out of state on a case which is being supervised by another jurisdiction, the South Carolina Agent will always request that an Administrative Hearing be conducted prior to the subject's return to South Carolina. Cases in which revocation is recommended by the supervising state are the only cases which should be returned to South Carolina.

#### B. Rescheduling/Cancellations:

Administrative Hearings will not be rescheduled or canceled without good cause. The Scheduling Authority (Contact Person, Central Office, or Regional Staff) will approve or disapprove any rescheduling or cancellation. When hearings are rescheduled or cancelled, the Contact Person should make every effort to schedule another Hearing in the vacated time slot. Scheduling should remain as prescribed for those offenders in jail and should not be rescheduled when an offender is released on bond, if that is the sole reason for rescheduling, without approval of the Contact Person. Scheduling exceptions will be made for those jails that prohibit bonded clients from entering the jail.

Supervising Agents shall be in attendance at all Administrative Hearings unless an emergency arises. In cases of emergency the Agent/Agent's Supervisor will contact the scheduling authority to reschedule the hearing. The supervising Agent's immediate supervisor may present the violation at the hearing, but only if the immediate supervisor is thoroughly knowledgeable of the facts and circumstances of the case, and the violations alleged.

#### C. Notice of Administrative Hearing:

All offenders must receive a written Notice of Administrative Hearing (Form 32) at least forty-eight (48) hours prior to the hearing date. Citations (Form 16.2 or 16.3) will serve as sufficient notice of the hearing provided the date and time are specified on the Citation. Any subsequent amended or additional warrants and citations require another forty-eight (48) hours notice before

the hearing. The offender may elect to waive the forty eight (48) hour notice, at which time the hearing will proceed and such waiver will be made a part of the hearing record.

#### IV. Hearing Procedure

##### A. Details of the Violation

In every case the Agent must be prepared to provide all relevant information and evidence concerning the violations and all actions taken by the offender, Agent or others concerning the violation.

##### B. Agent Recommendation

In every case, the Agent must make a specific recommendation concerning the outcome of the violation matter under consideration. The agent must be prepared to justify the recommendation that is put forth.

##### C. Client Case File

In every case the Agent must bring the offender's case file to the hearing. The case file must contain relevant agency information and forms such as the arrest warrant or citation (Forms 16.1, 16.2 or 16.3), Notice of Rights (Forms 26.1 or 29), Notice or Waiver of Hearing (Forms 32 or 33), the current Violation Report Form 22), and all field sheets (Form 37). Additionally, for probationers, a blank Waiver of Notice or Hearing should be brought. For parole or EPA cases, a blank Notice of Final Hearing Form (Form 36) should be brought to the hearing. For youthful offenders, the Sentence Review Sheet (Form SCDC 25-40) and a blank Notice of Final Hearing Form (Form YOA-13) should be brought.

#### V. Dispositions

Upon determining the offender is in violation of one or more conditions of his/her supervision agreement, the Administrative Hearing Officer must determine the appropriate response to the violations found. In determining his/her response, the Hearing Officer may consider all available information concerning the offender, including past performance under supervision, prior violations, progress of the offender in meeting requirements, etc. The Hearing Officer is empowered to continue the case adding sanctions to the original order or he/she may elect to send the case forward for a General Sessions Court/Board presentation. Hearing Officers are the ultimate deciding body for revocations involving the Supervised Furlough and Extended Work Release Programs. If proof of a violation is not found, the warrant or citation is dismissed and the offender is continued under supervision. In such cases, the Hearing Officer will complete a Form 9B or 9C with explanatory comments.

Should the Administrative Hearing Officer, upon finding a cited violation, determine that the case merits continuation, such continuation will be ordered with conditions as specified by the Hearing Officer. (See Attachment D). Occasionally, regarding probationary cases, the Hearing Officer will order continuations, which are subject to court approval. Such cases will be forwarded to the court with the Hearing Officer's recommendations for special review and approval. All cases

involving the recommendation of any amount of incarceration will be referred for a General Sessions Court or Board Hearing and will be supported by the Summary of the Administrative Hearing.

**A. Continuations:**

**1. Probation:**

The Hearing Officer will provide and complete the Additional Conditions sections of the Form 9-B. The Agent will complete the remainder of the Form 9-B, explain the conditions to the offender and obtain the offender's signature. A copy of the Form 9-B (pink copy) will be given to the offender and the Hearing Officer (yellow copy), with the original (white copy) being placed in the case file.

**2. Parole Provisional Parole, Emergency Powers Act, Supervised Furlough, Youthful Offender Act and Extended Work Programs:**

The Hearing Officer will provide and complete the Additional Conditions sections of the Form 9-C. The Agent will complete the remainder of the Form 9-C, explain the conditions to the offender and obtain the offender's signature. A copy of the Form 9 (pink copy) will be given to the offender and the Hearing Officer (yellow copy), with the original (white copy) being placed in the case file.

**B. Continuations with Special Review by the Court (Probation only):**

The Hearing Officer will complete the additional conditions section of the Form 9-B and Form 9. The Agent will complete the remainder of the Form 9-B and Form 9. The Conditions will be thoroughly explained to the offender for both the Form 9-B and Form 9. The Agent will obtain the offender's signature on both forms and complete a Waiver of Notice and Hearing, requesting the offender's signature on same.

The Court Agent or Designated Court Contact Person will then present the Form 9 and Form 9-E to the judge (in chambers) and request the judge's approval and signature. The date used for the Order will be the actual date the judge signs the Order. This may or may not be the same date signed by the offender. If the judge does not concur with the recommendation and rejects the Order or modifies the Order, a copy of the Form 9 should be forwarded to the Hearing Officer, denoting such and the case scheduled for General Sessions, with notice to the offender and victims and witnesses, if necessary.

**C. Referral to General Sessions for Disposition (Probation Only):**

The Hearing Officer will complete a Summary of the Administrative Hearing and forward to the Supervising Agent as soon after the Hearing as possible. Upon receipt of the Summary, the Agent will schedule a hearing in General Sessions Court in a timely manner. The Agent will attach the Administrative Hearing Summary to the Violation Report (Form 22) and present the Violation to the court for Disposition, making the court aware that an Administrative Hearing was conducted.

**D. Referral to the Parole Board/Youthful Offender Act Revocation Committee for Disposition:**

The Hearing Officer, upon advising of his/her decision to send the case forward for revocation action, will provide a final Hearing date before the appropriate disposing body. For offenders being supervised under Parole or Emergency Powers Act, a Form 36 will be completed, indicating the offender's wishes to attend or not attend the Final Hearing and a copy furnished to the Hearing Officer. For Youthful Offender Act offenders, a Form YOA-13 will be completed denoting same. The Hearing Officer will provide a copy of the Administrative Hearing Summary to the appropriate body reviewing the case and the Supervising Agent. The agent will be responsible for furnishing additional copies as needed (releasee(s), attorneys, etc.).

## VI. Recording and Filing Procedures

### A. Recording on Rolodex Card:

Dispositions of Administrative Hearings will be recorded on the Rolodex card as are dispositions for Board or Court Hearings. These will be noted by placing the letters "AH" after the Disposition. (Example: 5-28-92 Continuation - AH)

### B. Filing of Warrants/Citations/Form 9's:

1. For cases where the Hearing Officer issues a Form 9-B and it is the final documentation of the Disposition, the Warrant/Citation and Form 9-B will not be filed with the Clerk of Court.
2. For cases where a Form 9 is prepared and signed by a judge as a special review case, the Warrant/Citation, Waiver of Notice and Hearing and Form 9 will be filed with the Clerk of Court. The Form 9-B will not be filed.
3. For cases referred to the court for Disposition, the Warrant/Citation and Form 9 will be filed with the Clerk of Court.

COMMUNICATIONS

## 4.1 COMMUNICATIONS

BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:

1. Define what is meant by "communications."
2. Explain why words are symbols?
3. List the four requirements of a "meaningful" question,
4. Explain how "rapport" is related to successful questioning.
5. Define the "Z" in the alphabet of communication rules.



## 4.1 COMMUNICATIONS

To understand what is meant by communication, it is necessary to define the term.

Communication is nothing more than getting into another person's awareness something about:

1. One's own nature or condition (personality, character, health, disposition, mood, emotions, etc.)
2. What one has:
  - a. Perceived (become aware of)
  - b. Experienced
  - c. Designed, formulated, or constructed (physically or mentally)

Unless someone becomes aware of what is transmitted, there is no communication. (This awareness may be subconscious, however.) An offender may broadcast joy or gloom in his or her own home, but if the AHO does not see or hear it, there is no way of knowing about this condition unless such knowledge is known through extra-sensory perception!

Therefore, communication is successful only when a receiver receives accurately and completely what a sender transmits. IT fails when the receiver receives:

1. Something he or she does not understand or cannot interpret correctly
2. Something different from what the sender intended to transmit (or what was "broadcast" unintentionally).

The process of communication is difficult to understand since no one has ever been able to explain what "awareness" or "consciousness" really is, or how we "know" anything. We all know that some impressions and experiences simply cannot be communicated accurately - or at all.

Communication occurs (or is accomplished) however either directly or through symbols (which is something that represents something else).

If a person strikes another violently with a fist, there has been effective communication that the aggressor is angry. No words are necessary. An ungroomed and casually dressed AHO will communicate a lack of professionalism. And, in fact, direct communication is perhaps most important when it transmits what we do not desire to communicate: what we would like to conceal.

Therefore, the old saying, "Actions speak louder than words," is very true. The offender who gropes for words and fidgets during a hearing is communicating that he or she is nervous - without saying so. The AHO who operates smoothly and is prepared communicates that he or she is in control - without saying so. As a consequence, non-verbal behavior communicates as much as verbal behavior, provided that we can understand what is being transmitted.

For the most part, however, we intentionally communicate through "words," which in reality are nothing more than symbols. But, if we are to be successful in our communications, each word (or symbol) must have the same meaning for both sender and receiver. If a sender uses a word to represent one idea, but the receiver understands it to represent a different idea, communication failure occurs.

Further, many words (symbols) have values attached to them. As an example, the word "propaganda" has a negative connotation, whereas "public relations" has a positive tone to it. But, is there really any difference between the two terms? An "antique" is something to be valued, but anything merely "old" is likely to be unappealing - unless it is "quaint." Isn't "re-conditioned" better than "second-hand?" Is there a difference between being "thrifty" and being "stingy?" What about "persistence" versus "stubbornness?"

While we have recognized that non-verbal communication can be just as powerful a message as verbal communication, what we believe about a sender and our own values provide communication as well. For example, if someone calls you a "devil," would you be angry or pleased? Here, your reaction would depend, in part, on the speaker's tone of voice and facial expression, as well as how well we know the person. A warm tone and a broad smile probably would make this expression sound like a teasing compliment. On the other hand, if it were communicated with a frown and an angry tone, you would interpret it as a scolding.

All of our interpretations of language (symbols) and everything else we experience or become aware of are *personalized* - made from an unique, personal point of view, within our own 'frame of reference.' This point of view and frame of reference are products of our individual personalities and life experiences. If you hear the word "grass," do you think of a lawn, marijuana, how you play on it, your experiences of cutting it, or the allergy you have to it?

Thus, one characteristic of our language which causes problems is its *ambiguity*. Since there is no fixed, one-to-one relationship between words and meanings, a word may have many uses. It may mean many different things.

The following poem is composed of a number of words which are commonly used to represent a variety of objects:

Where can a man buy a cap for his knee?  
Or a key for a lock of his hair?  
Can your eyes be called an academy  
Because there are pupils there?  
In the crown of your head  
What jewels are found?  
Who crosses the bridge of your nose?  
Could you use a shingling in the roof of your mouth?  
Nails in the end of your toes?  
Could the crook in your elbow be sent to jail?  
How can you sharpen your shoulder blades?  
Could you sit in the shade of the palm of your hand?  
Or beat on the drum of your ear?  
Does the calf of your leg eat the corn on your toe?  
Then why grow corn on the ear?

The 500 most used words in the English language are said to have 1,400 different definitions. The fact that a number of meanings may be assigned to a given word explains why messages are subject to misinterpretation and why our communication is open to misunderstandings. Therefore,

with such odds against us, it becomes a real challenge to convey a specific meaning or intent successfully.

For the AHO, it is imperative that you keep constantly in mind the fact that there are always points of view and interpretations different from your own. The Agent has brought an offender to an administrative hearing because he or she honestly believes that there has been a violation. The offender may honestly dispute that conclusion. Your job, of course, is to "listen" to what each has to say and reach a conclusion. So, an AHO must listen carefully and interpret what is being said - and as objectively and as free from personal bias as possible.

As well, the AHO must learn how to ask questions. Here, we must also recognize that it is sometimes easier to answer questions than to ask them; to ask not just any questions, but the right ones.

The art of asking questions can mean different things - and have different consequences, for different people. Those who conduct surveys and polls use questions in one way. The person who composes a questionnaire uses questions in another way. To the lawyer, questioning may be a means of helping a client. To a psychiatrist, questioning is a technique for helping the patient gain insight into personal thoughts and behavior. For the AHO, the reason for asking questions is to determine the truth; that is, did a violation actually occur?

Successful communication is usually a two-way process. If I am to understand what you are saying, I must ask you what you mean. You may have to ask me a few things in turn before you are satisfied that I do understand. Each of us must strive for understanding, and this is where questioning comes in.

**Therefore, questioning is an invaluable instrument for facilitating the understanding that is the principal objective of communication.**

For the question-and-answer mechanism to operate, questions must possess certain characteristics. These characteristics are fundamental and may be considered basic requirements for good questions.

The prime requirement of a question is that it be meaningful. This means that a question must:

1. **HAVE CONTEXT**, which means that there is appropriateness for asking the question that is to be answered. That is, the receiver must have some understanding as to why the question is being asked. There is some kind of context that is appropriate that makes sense to the receiver. If the AHO asks an offender what kind of car he or she drives and this has nothing to do with the case or the violation, the offender will be perplexed. On the other hand, when the AHO asks the offender why he or she discontinued going to treatment, which is related to the violation, there is a context for the question - and it potentially can be answered.

2. **BE UNDERSTANDABLE**, which means that the language (symbols) being used can be understood by the receiver. If an AHO asks an offender during a hearing: "Why are you constantly litigious in your relationship with the Agent?" he or she may not have any idea

that you are asking why the offender always argues with the Agent. Also, long, awkward, and convoluted sentences with complex syntax frequently just cannot be understood.

3. NOT BE OFFENSIVE, which means that questions should be asked in as neutral a format as possible in order not to trigger defensiveness or strong emotional reactions. Thus, if an AHO asks an offender: "Why have you been so unwilling and so uncooperative about going for counseling?" - the offender may become hostile and not provide an honest answer.

On the other hand, if the AHO asks: "Would you explain why you have not gone for counseling?" the offender is really being asked a question in a relatively neutral format, which is more likely to result in an honest answer.

4. BE CAPABLE OF BEING ANSWERED, which means that there is an answer and it is feasible to provide it. The old trick question of "Have you stopped beating your wife?" illustrates this point for there may be no possible answer (1) if the person is not married, (2) has never beaten his wife, or (3) he doesn't know the answer at all.

In a majority of situations, including administrative hearings, the purpose of a question is to elicit a response. For the question to do this, the respondent (receiver) must be willing to cooperate, not only in answering the question, but also in answering it accurately and truthfully. For this reason it is essential to establish some kind of rapport with the person being questioned.

Being familiar with the other person's frame of reference is a key to gaining cooperation. Knowledge of this frame of reference enables the sender to anticipate the way in which the message will be understood. This is significant in questioning, since the way in which a person perceives a question greatly affects the response to it.

Therefore, questioning must begin by establishing rapport, which will prepare the receiver to accept the questions in the frame of reference (context) in which they are asked and to answer them accordingly. It is this kind of rapport which makes the question-and-answer process meaningful in the long run.

Thus, the AHO should always appear to be neutral, non-judgmental, and a seeker of fact. Questions must be asked with non-threatening words or tone. They must be asked in a manner that tells the offender that the AHO truly wants to hear what the offender has to say and that the purpose of the questions is to determine just what did occur (or not occur), as well as the offender's explanations.

Sometimes questions are primarily rhetorical and are used only to stimulate thought, to break an uncomfortable silence, or to convey some message. Usually, however, as in the case of administrative hearings, questions are used to gain information. The AHO, therefore, uses questions to obtain facts, opinions, feelings, attitudes, etc. Also, there is a need to obtain factual information, which means that the questions must be specific, giving some direction to the answer expected.

Therefore, as an example, the AHO should not ask: "Will you tell me about your counseling experience?" when the directed question should be: "Have you gone to counseling as you were directed to do so by the Agent?"

In order to enhance effective communication, the following is an alphabetized list of 26 rules to help the AHO better communicate not only with offenders, but with Agents, Supervisors, Administrators, Board Members, and Judges:

**A** is for **ACCURACY**: Exchange only information that is correct..

**B** is for **BREVITY**: We can only remember or intake just so much information. "When the eyes are in a glaze, the mind is in a daze."

**C** is for **CLARITY**: Don't give too much or too little information. We need to be understood without over- or under-whelming the people with whom we are talking. The best way to be sure is to check and clarify.

**D** is for **DIRECT**: Nothing beats face-to-face interactions. The sending of messages is too important to be left for others to handle for you.

**E** is for **EXPERIENCE**: We learn a lot from past interactions if we let ourselves. By taking a second after an interaction - an exchange between two or more people - to see if there could have been a better, ore efficient way, we can improve upon the way we communicate with others.

**F** is for **FAILURE**: A communication failure usually results when parties don't talk to each other, but tend to listen only to themselves.

**G** is for **GREETING**: Establish rapport by greeting the other person. This is common courtesy and starts the communication off with a good beginning.

**H** is for **HONESTY**: As truth is a rare commodity, it is often used sparingly. It may seem naive to believe that "honesty is the best policy," but it still is and it can establish the communicator, the AHO, as credible and trustworthy.

**I** is for **IDIOSYNCRASY**: People are different and must, consequently, be approached differently.

**J** is for **JARGON**: If anything kills clarity, it is jargon, especially is the listener does not understand the terms being used. The listener (offender) must understand what you are saying.

**K** is for **KID-GLOVES**: If you forgot them at home, take the time to go get them! Never be too far from gentleness and forethought; they will save much time and embarrassment.

**L** is for **LAUGHTER**: If it's funny, laugh, but never at the other person's expense. Laughter is not a sign of disrespect; rather, it can be a sign of comfort and productivity. So, lighten up!

**M** is for **MOOD**: While it might be nice if it were not true, how we feel affects how we present ourselves. It is also true that the feelings we have may have nothing to do with the job or the task at hand. People honest with themselves will take into account their feelings before determining how to say or present sensitive items.

**N** is for **NOURISHMENT**: Good communicators "feed" on effective and meaningful questions and answers, which nourish the process.

**O** is for **OPEN**: Communication is two-way; every sender needs a good receiver. Allowing for the honest expression of thoughts and feelings may be scary, but is usually beneficial. Wounds open to the air generally heal quicker.

**P** is for **POSITIVE**: Simple basic praise can be a powerful tool, as will a positive attitude on the part of the AHO.

**Q** is for **QUAKE**: Verbal language isn't the only way to communicate. Body or non-verbal language also communicates. Quaking, trembling, and shaking are all warning signs, especially if no one has begun to speak. Fear puts up the biggest roadblock to understanding.

**R** is for **REPENTANCE**: It is alright to regret and feel badly about how a situation was handled. The simple resolution: an apology and an honest effort to change or rectify the situation. The apparent sign of weakness is actually an indication of great strength.

**S** is for **SAILING**: Which we would rather be! It is important that co-workers share some aspects of their leisure lives, but with colleagues, not with offenders.

**T** is for **TIMELINESS**: For everything, there is a season. In communication, there is a time for sharing and a time for withholding; a time for confronting, and a time for caring; a time for praising, and a time for criticizing; and a time for submitting findings!

**U** is for **ULTERIOR MOTIVES**: There is no doubt that "hidden agendas" are among the most important causes of office and interoffice politicking and strife. Also, hidden agendas with offenders is not only unfair, it is totally unprofessional on the part of an AHO.

**V** is for **VENDETTA**: Personal vendettas lead to concentration on revenge and retaliation rather than on real communication. If an AHO is angry with an Agent or an offender as a result of past experiences, the "hatchet" should be buried.

**W** is for **WAITING**: Give things time to happen, people time to respond. The AHO should take his or her time to gain total understanding of the case situation; don't rush it!

**X** is for **XENOPHOBIA**: The fear of strangers comes from the fear of change. The offender may be frightened; therefore, the AHO has a responsibility to reduce his or her fear of the hearing.

**Y** is for **YES**: This three-letter word should be in the vocabulary of every AHO and it is a word he or she strives to hear from the offender - and the Agent with regard to the findings and decisions.

**Z** is for **ZIPPITY-DOO-DAH, ZIPPITEY-EH**: "My oh my, it's a wonderful day." The final rule can be summarized by a word beginning with the first letter of the alphabet: **ATTITUDE**. The AHO should keep a good, healthy attitude toward his or her work as well as toward the Department.

INTERVIEWING, COUNSELING AND INTERPRETATION

## 5.1 INTERVIEWING, COUNSELING, AND INTERROGATION

BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:

1. List four (4) basic objectives of AHOs when interviewing offenders during administrative hearings.
2. List at least four (4) principles of interviewing which are applicable during administrative hearings.
3. Identify at least five (5) variables that tend to separate high and low functioning "helpers."
4. Define the basic difference between interviewing and interrogating in terms of their purpose.



## **5.1 INTERVIEWING, COUNSELING, AND INTERROGATION**

### **INTERVIEWING**

Throughout the Department, countless interviews are being conducted at any given moment. Moreover, the purposes of these interviews tend to be varied, but each is directed toward some kind of outcome. Agents interview offenders at intake in order to obtain information about them; they interview collateral resources in order to develop more comprehensive sets of information about client behaviors and relationships; they interview clients in order to identify specific problems and needs; and they interview offenders when there has been some kind of violation in order to determine what has occurred and what action should be taken.

By and large, the interviews conducted by AHOs of offenders during administrative hearings are not too dissimilar in purpose from those of the Agents and tend to have three basic objectives:

1. To determine if the offender violated the terms and conditions of supervision.
2. To understand the offender and the circumstances that may have led him or her to violate prescribed terms and conditions.
3. To assess the potential for the offender remaining in the community with minimal risk to the community.
4. To develop a set of findings, recommendations, or orders concerning the offender's future state of liberty.

Interviewing, whether it is formal or informal, structured or unstructured, always involves a relationship between two people: the interviewer and the interviewee. The success or failure of the interview depends on how quickly and how positively that relationship is formed even though we do not normally think of the interview process during an administrative hearing as one designed to create a relationship. Yet, an understanding of relationship decidedly can influence the direction and outcome of the hearing.

Within probation and parole, however, there are two conditions almost unique to the field which are likely to make the formation of that relationship more difficult than in other more 'normal' fields of counseling.

The first of these conditions is the fact that the relationship between Agent and/or AHO and the offender is mandatory; that is, it has been imposed upon the client on an involuntary basis. Hence, it is likely to be viewed by the offender as especially punitive rather than as an opportunity to resolve a conflict or to obtain help with identifiable problems.

The second condition which may arise in this setting is that only too often the client has the feeling that "nobody understands me," or that "the Agent is always on my back," or that "I didn't do anything wrong." Here, the client tends to bypass the fact that he or she probably lacks personal understanding of his or her own behavior, tends to project difficulties and mistakes onto others, and may tend to rationalize that behavior to such an extent that reality is lost.

Therefore, it is absolutely critical during all face-to-face contacts that the Agent be able to convey to the client the feeling of understanding and empathy. It is also important that the AHO strive for the same level of "feelings" communication during the hearing as well. At the same time,

it is important to convey to the client that such understanding and empathy will not be used as a club nor as an instrument for ridicule, but, rather, as a means for helping him or her as well as providing the means for behavioral changes.

In order to accomplish this kind of objective, AHOs and Agents, as interviewers in the correctional setting should be aware of several principles for developing and maintaining a proper climate during the interview process. These include:

1. They should try to put themselves in the offender's position in order to try to see things from the client's point of view.

2. They should use common sense in understanding the offender's behavior, which frequently appears to be unnecessary and even self-destructive. Here, the offender may not understand his or her own behavior.

3. They must realize that the offender sometimes views them in awe, with hostility, and even submission, which have little to do with them, as real persons. Thus, offenders sometimes carryover into relationships "baggage" about other authority figures with whom he or she has had interaction.

4. They must recognize that just as the offender brings "baggage" to the relationship, so too do the Agent and the AHO. On occasion, as an example, the agent may have unusual or unaccountable feelings of being sorry for the offender, or angry, or upset. Here, the agent must ask: "Why?"

5. They must remember that leadership in the situation rests with them, which means that there should always be an orientation toward achieving results - especially at the administrative hearing. Such leadership, however, should never be arbitrary or intolerant, and certainly never punitive in attitude.

6. They must have faith in the basic goodness of human beings and their potential for growth and development. The loss of this faith, even in the face of a totally unresponsive offender, is quickly recognized by the offender. As a consequence, the client may respond to it in ways that are disturbing.

7. Even though the offender appears before an AHO as a result of a violation, the AHO must never appear to be morally judgmental. While findings and recommendations must evolve from the hearing, the offender should never feel as though the AHO is judging him or her as a "bad" person.

## COUNSELING

While it is not the primary responsibility of an AHO to develop a counseling relationship with the offender during the administrative hearing, he or she nonetheless should respect many of the tenets of counseling in order to develop a productive and helping relationship. By adhering to certain principles of counseling, the AHO is much more likely to elicit real feelings and the 'truth' from the offender.

An extensive body of information indicates that counselling and other forms of therapeutic intervention and, in fact, all human relationships are for better or worse. Studies have revealed that there are individuals who are effective in human interactions and are especially competent in helping other people in distress. There are those, too, who are ineffective in interpersonal relationships and can be extremely destructive at efforts to help other human beings.

Research designed to contrast effective versus ineffective "helpers" suggests that there is a number of traits which, when present in counsellors, results in patient (client) improvement, but when absent, leads to patient (client) deterioration. Further, these traits or variables make up a core of qualities regardless of the specific role, discipline, or function they are performing.

The variables which have been measured, defined, and which separate high and low functioning "helpers" include the following:

1. **EMPATHY**, which is the ability to perceive accurately what another person is experiencing and the ability to communicate that perception.
2. **RESPECT**, which means that the helper appreciates the dignity and worth of another human being. It also implies that the helper accepts the fact that each individual has a right to choose, possesses free will, and may make his or her own decisions.
3. **GENUINENESS**, which is the ability of an individual to be freely and deeply himself or herself. It is non-phoniness, non-role playing, and non-defensiveness. A person who is genuine demonstrates no discrepancy between what is said and what is done.
4. **CONCRETENESS**, which implies specificity of expression concerning the client's feelings and experiences. By being concrete, the helper keeps communications specific and gets to the what, why, when, where, and how of something. Also, there is direction in the communication in that there is a results orientation; that is, decisions are made and abstractions avoided.
5. **CONFRONTATION**, which occurs when there is a discrepancy between what one is saying and what one is experiencing, or between what one said at one time and what is being said now. Here, the helper confronts the client over these discrepancies as well as contradictions. This variable is usually under the control of the helper, but there is risk in using it. If not done correctly and appropriately, the client can feel belittled and reduce the degree to which he or she communicates.
6. **IMMEDIACY** is concerned with the here and now and with what the client and the helper are experiencing and feeling. This variable is also concerned with handling problems as the client perceives them and according to the real world as perceived during the actual session. It also deals with the relationship itself.
7. **POTENCY**, which is concerned with the helper's charisma, for it is the dynamic force and magnetic quality of the helper. The potent helper is one who has a force of presence and one that conveys a willingness to help the client. It also reflects the helper's sense of competence and security, which, in many ways, serves as a role model for the client.
8. **SELF-ACTUALIZATION**, which indicates that the helper is satisfied and content to be what he or she is - a person who is doing exactly what he or she wants to do. Such helpers also convey a sense of being role models or as persons who can lead effective, successful lives and with considerable satisfaction.

## INTERVIEWING AND INTERROGATING

Although law enforcement personnel utilize both interviewing and interrogating to obtain information from offenders, victims, and clients in order to find "truth," the AHO also utilizes both methods during administrative hearings. The distinction between the two is not easily drawn and they seem to converge at times.

However, the basic distinction occurs as a result of intent. In interviewing, one attempts to discuss matters of relevance and appropriateness, there is a give and take quality, and it is designed to elicit information. Interrogation has some of the same qualities, but reflects more of a power relationship than does interviewing. That is, the intent is to question someone to find "truth," which frequently appears to look like a power struggle and tends to be much more confrontational in nature than routine interviewing.

The following chart will illustrate some of the differences:

### COMPARISON OF INTERVIEWING AND INTERROGATING

	INTERVIEW	INTERROGATION
WHY: Purpose	To gather and to test the validity of information in order to determine the particulars of the matter under discussion	To gather and test the validity of information in order to determine whether or not the subject was responsible for or involved in the matter under discussion
WHO: Subjects	Victims and witnesses who are willing to share information they possess about the matter under discussion	Victims and witnesses who are reluctant to share information
WHEN: Timing	Interviews should take place as soon after an event has taken place as possible in order to prevent memory loss or influence by others	Interrogations should take place whenever the questioner has sufficient information to judge the truthfulness of what is being related
WHERE: Setting	In as neutral a setting as possible and where there is privacy	In as neutral a setting as possible and where confidentiality can be provided
HOW: Method	Informal atmosphere, allowing subjects to tell in narrative style what there is to offer	The atmosphere is more formal and questions are used more than narratives

CONFIDENTIAL

## 6.1 CONFLICT MANAGEMENT

BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:

1. Identify three (3) terms or kinds of responses to the word "conflict."
2. Identify the two (2) types of conflict in terms of social situations.
3. List at least three (3) kinds of behaviors that describe each of the two types of conflict in terms of social situations.
4. Identify at least three (3) consequences of a win-lose orientation toward conflict management.

## 6.1 CONFLICT MANAGEMENT

Since the administrative hearing essentially is an adversarial situation, it is natural to assume that the offender will perceive that he or she is in conflict with both the Agent and the AHO. Further, since the Agent and AHO have considerably more power than the offender, it is natural to view the situation as conflict-ridden. But, as experience has demonstrated, this does not mean that an adequate decision (outcome) cannot be made nor that it will not be implemented successfully.

The final outcome - over time - of the administrative hearing, thus, depends in large measure on the manner in which the AHO conducts the hearing and, more specifically, how he or she handles the manifestations of both overt and covert conflict and hostility.

### AMBIVALENCE TOWARD CONFLICT

If someone were to ask you to associate freely to the word "conflict," undoubtedly there would be at least three kinds of responses. One set of terms would have grisly and negative connotations: "war," "death," "destruction," "disorder," "violence," "rape." A second set of terms would have positive connotations: "adventure," "drama," "excitement," "opportunity." A third set of terms would be relatively neutral, affectively speaking: "tension," "competition," "mediation," "bargaining," "reconciliation."

Some of us would produce terms belonging to two or to all three sets. If the predictions are correct, the results indicate a basic ambivalence in us, individually and collectively, toward "conflict." And these mixed attitudes are justified in terms of reality. Yet, for some, the word is so negative that there is a desire to eliminate all conflict in one's life. However, for others, the elimination of conflict would also eliminate opportunity, development, drama, and growth, and would make life for these people very dull.

Competition, one form of conflict, can lead to increased motivation and productivity as well as better personal adjustment in terms of interpersonal relationships. Further, conflict can have an integrating effect on ties between people; it stresses interaction and communication. Conflict can even lead to the emergence of new organizations shaping cooperative interaction into a new federation. In fact, some even argue that all individual growth and social progress involve the facing and creative resolution of conflict.

Therefore, there is probably good reasons for ambivalence toward conflict, for it has functional value or utility and harmful effects as well. Conflict, however, need not be destructive nor debilitating; it can often be approached in such a way as to be growth producing and beneficial. Consequently, if adequate growth releasing strategies of conflict management are to be developed, one needs to understand selected psychological and group factors related to conflict.

### EMOTIONS IN PERSONS AND GROUPS

No matter how well defined certain roles may be (e.g., offender, agent, AHO, father, daughter, etc.), individuals react to situations and problems in ways that are based on personal experiences and training. This includes the emotional self as well. The person who pretends to himself or herself that he or she is a "rational, objective, calculating machine," moved only by ideas and concerned only for correctness and objectivity is kidding himself or herself. This person may have ceased to recognize personal feelings, but is influenced by them nonetheless. The same

viewpoint sometimes causes working groups to ignore feelings, to insist on a "strictly business" approach to problem-solving.

All that happens then is that feelings are forced to operate "under the table" creating hidden agendas. The consequences of suppressing or ignoring emotions often involve unresolved conflict and unrealistic decision-making processes. The test of a good decision - one which will be implemented with enthusiasm, is not whether it has been emotionally made, but whether all of the emotions involved have been expressed, recognized, and taken into account.

Thus, the AHO must take all parties' emotional concerns into consideration during the deliberations of the hearing. This does not mean that he or she should succumb to them - either his or her own emotions, that of the agent's, or the offender's. But, it does require the legitimation of feelings on the part of all persons involved. To ignore feelings or to minimize them is demeaning and cannot lead to an adequate decision or one that will be implemented successfully.

## INTERDEPENDENCE

Conflict, then, occurs within the context of interdependence. An extreme example occurs in situations where the gains of one person are directly related to the losses of another (a win-lose situation). However, most interdependence is more subtle than this. If the parties in conflict (e.g., Agent and offender) were not interdependent, it is unlikely that conflict would occur. This helps, in part, to explain our fear of conflict, for, at the least, it disrupts the order and the established functioning of the system in which it occurs. At the most, it may lead to the destruction of the system.

Here, notwithstanding the difference in power, the conflict which exists between Agent and offender is not only expected, it is a consequence of the relationship. It is when the offender seeks to obtain power over the agent that the system is challenged. Therefore, unless the offender absconds, the agent files a recommendation for violation when the offender abuses the relationship and, in effect, challenges the system. If the violation were to be ignored, the system would be in jeopardy. The same holds in a prison setting when inmates riot and attempt to seize control of the institution.

Yet, this very notion of conflict and the tension which results also offers hope for a constructive resolution; that is, interdependence can be a force toward creating some mutual and acceptable solution to the conflict, which, in effect, also leads to an improvement of the system.

**Placed in this context, the administrative hearing itself becomes the process that resolves the conflict between the Agent and the offender, while simultaneously improving the system. And it is the AHO who becomes the arbiter - the person who has the opportunity for resolving the conflict, provided he or she operates in a fair, judicious, and humane manner.**

If we examine conflict in terms of social situations, we can distinguish two types: distributive and integrative. The serious poker game is an example of a distributive social situation: what one person wins the other must lose. Several persons working together on a jig-saw puzzle is an example of an integrative situation: persons integrating their resources toward a common task/outcome.

Here, again, the AHO has an opportunity to choose among possible approaches to the administrative hearing. He or she can have a distributive orientation, hold all of the cards, and make decisions based on what he or she believes without listening to and/or seeking all relevant



information. This obviously will result in a win-lose set of conditions and the likelihood of "success" (by any definition) will be minimized.

On the other hand, the AHO can approach the hearing with an integrative orientation and thereby listen attentively to what everyone has to say and approach the final decision with a view toward a win-win; that is, a decision that not only is the best possible one (adequacy), but one that facilitates commitment (implementation).

## ALTERNATE MODES OF BEHAVIOR

It is possible to identify two familiar but opposite modes of behavior, which can be designated as Approach A and Approach B.

### APPROACH A (Distributive)

### APPROACH B (Integrative)

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- |  |  |
|--|--|
| <ol style="list-style-type: none"><li>1. Behavior is purposeful in pursuing own goals</li><li>2. Secrecy</li><li>3. Accurate personal understanding of own needs, but disguised or misrepresented - don't let them know what you really want most so that they won't know how much you are really willing to give up to get it</li><li>4. Unpredictable, mixed strategies, utilizing the element of surprise</li><li>5. Threats and bluffs</li><li>6. Search behavior is devoted to finding ways of appearing to become committed to a position; logical, non-rational and irrational arguments alike may serve this purpose</li><li>7. Success is often enhanced by forming a bad stereotype of the other, by ignoring the other's logic, by increasing the level of hostility. These tend to strengthen in-group loyalty and convince others that you mean business</li><li>8. Pathological extreme is when one assumes that everything that prevents other from reaching other's goal also must facilitate one's own movement toward his/her goal; thus, one would state his/her own goals as negating goal achievement of others</li></ol> | <ol style="list-style-type: none"><li>1. Behavior is purposeful in pursuing goals held in common</li><li>2. Openness</li><li>3. Accurate personal understanding of own needs; and accurate representation of them</li><li>4. Predictable; while flexible behavior is appropriate, it is not designed to take other party by surprise</li><li>5. Threats or bluffs are not used</li><li>6. Search behavior is devoted to finding solutions to problems, utilizing logical and innovative processes</li><li>7. Success demands that stereotypes be dropped, that ideas be given consideration on their merit regardless of sources and that hostility not be induced deliberately. In fact, positive feelings about others are both a cause and an effect of other aspects of Approach 3</li><li>8. Pathological extreme is when one will assume that whatever is good for others (and group) is necessarily good for self. Cannot distinguish own identity from group or other person's identity. Will not take responsibility for own self</li></ol> |
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As Agents and AHOs know from experience, it is rare that one approach can satisfy all needs. In both the ongoing relationship between agents and offenders and during the course of an administrative hearing, staff must play both the distributive and integrative roles simultaneously. This is especially true since we cannot be held accountable for the behavior of others and since the relationships are inherently adversarial in nature.

Yet both types of staff have to be able to explore with the offender potential solutions (adequate decisions) that can be implemented (induced commitment) successfully. Therefore, flexibility is required so that all parties can leave all sessions with a sense of win-win.

### AN APPROACH IS SOMETIME OVERUSED

Since we are all human beings and always come to situations with personal needs, values, and beliefs, it is not uncommon to find that we tend to overuse one approach over another. One person may approach every situation as if it were a distributive game: a desire to transform every discussion into a debate. Another person will approach every situation as if it were an integrative game: a desire always to reach consensus and complete commitment to a decision. Another will tend to see the objective reality of the situation and choose approaches that meet the needs and requirements of the situation at that specific time and which are appropriate.

The first type can be called cynical, the second naive, and the third realistic.

Actually, the more common approach in most systems is that of cynicism, for we characteristically react to situations as if they were distributive, even when they are not. This may be one aspect of the "aggressive American." We tend to ignore integrative aspects and emphasize competition and competing priorities and goals. As a consequence, this has several interesting outcomes. Playing a distributive game creates a win-lose situation with numerous consequences, each of which makes problem-solving or handling conflict more difficult.

### The Win-Lose Complex

Under a distributive orientation, we tend to develop a "we-they" sense of competition, with considerable attention to differences among people and groups. There is the belief that "if you are not with us, you are against us" and great pressures are placed on neutrals and moderates - often the persons in the best position to resolve conflict, to declare themselves. Further interpersonal hostility is easily focused on non-group members.

Therefore, people, not issues, become the center of concern. Further, if "they" are your enemy, you can't possibly deal with them. One significant consequence of this position is that it tends to harden positions, preventing effective communication and the formation of trust that is so needed for legitimate problem-solving.

Thus, if the AHO appears to "team-up" with the Agent during an administrative hearing, not only is the offender likely to feel he or she is in a no-win position, this can also produce enough hostility on the offender's part that no meaningful resolution of the situation will be found, the final decision will simply be imposed on the offender, and the likelihood of decision adequacy and commitment will diminish. The same is likely to hold if the Agent believes he or she is not "part of the group," and consequently withholds ideas and information from the AHO.

Consequences of Win-Lose Situations

In situations where a third party, such as an AHO, tries to solve conflicts (such as between the offender and the Agent), a number of dynamics operate. Often, decisions are made but the conflict remains unresolved, only to arise again, such as can happen when the offender is continued under community supervision. Here, the Agent (or the offender, depending on the decision/findings) may view the AHO as fair and impartial. The consequence is that when the next hearing is held, the person or persons who believe the AHO was not fair or impartial will have difficulty communicating with the AHO.

The "losers" will go through three stages, besides rejecting the AHO as unfair. They tend first to deny the reality of "losing" and try to prove their own solutions were superior. They then concern themselves with how to win the "next time," which sets up a distributive relationship even before the time of the next conflict (hearing). And finally, the losers tend to scapegoat and may even suggest that the AHO is incompetent.

Thus, it is easy to see how judgment and perception are distorted and conflict generated when emotions and motives go unrecognized. However, if conflict is confronted (e.g., give both offender and Agent an opportunity to review what went wrong and why), and we find that it is not based on misconceptions or illogical fears, a major step will have been taken. This means that realistic conflict, rooted in fact, is most likely to be effectively managed.

Yet, as with the concepts of integrative and distributive situations, we will probably find few pure cases. *Most conflict presents a mixture of unrealistic and realistic perceptions and explanations.* Unfortunately for the AHO, there simply is not always enough time to probe the sources and meaning of all levels, kinds, and directions of conflict. The AHO is forced, in this situation, to reach conclusions, which he or she hopes result in adequate decisions that bear constructive implementation chances.

It should also be pointed out that as a consequence of the adversarial nature of the Agent-offender relationship, including the distorted power relationship, some kinds of conflict are normal and are to be expected. For example, the offender probably wishes to be left alone and be unsupervised. The Agent, on the other hand, has a duty to supervise and monitor the offender's behavior.

There may also be some conflict over what needs to be done to curtail criminal behavior. Here, the Agent may refer the offender for counseling, which the offender genuinely believes is not needed. The offender may also believe that certain kinds of behavior simply are not "wrong" and chooses to continue doing what the Agent has said may not be continued. Here, as an example, might be the issue of "social drinking."

Finally, the basis for conflict between an offender and the Agent may be the result of faulty communications. The offender may claim that he or she did not "hear" the agent, may claim that nothing in writing was ever received, or may simply misinterpret what the Agent considered an order with what the offender thought was a "suggestion."

## CONCLUSION

We must accept the fact that conflict is normal and is a part of every-day life, regardless of the role one plays. Husbands and wives, parents and children, bosses and subordinates, as examples,

frequently find themselves confronted by conflict of one sort or another. From another perspective, conflict frequently is the basis for change.

This means that we must all strive for systems of **managing conflict**. Therefore, we have to face and accept the complexity of our own motives as well as those of others with whom we deal. This includes both the recognition of emotion in daily activities as well as in conflict management, and a humanizing of other people, even with those with whom we disagree.

For the AHO, who sits in a critical position of officially managing conflict between Agents and offenders, a delicate line must be drawn and walked. The AHO has an obligation to be as impartial and as fair as possible while seeking relevant information that will lead to an adequate decision. Additionally, there must be recognition that even with the best decision, there will be little likelihood of implementation unless all concerned believe they have been heard and their positions recognized.

LEGAL ISSUES

## 7.1 LEGAL ISSUES

BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:

1. Identify the criteria which contribute to a valid warrant or citation.
2. Describe the nature of the evidence that may be accepted during an administrative hearing.
3. Define what is meant by "preponderance of evidence."
4. Define what is meant by "burden of proof."
5. Describe the process for resolving conflicts between AHOs and the court/parole board/department.

## 7.1 LEGAL ISSUES

The following material reflects concerns raised by AHOs with regard to legal matters associated with the Administrative Hearing process. The responses (provided by Counsel), however, should be viewed as guidelines rather than definitive legal responses. AHOs are reminded that when confronted with a legal issue for which neither they nor their supervisors have immediate answers, Department Counsel should be asked for an opinion and/or for comment.

### 1. Warrant/Citation Validity: Issuance, Service, Arrest

Warrants and citations must be issued on or immediately after probable cause has been determined. The date the affidavit is signed and notarized is the date the probable cause is determined.

1. Warrants and citations must be issued before the term of supervision ends.
2. The affidavit in support of a warrant or citation must be executed on or before the date that the warrant or citation is issued.
3. The affidavit in support of the warrant or citation must set forth probable cause to indicate that a violation of supervision has occurred or in some cases that there is probable cause that the court or Board needs to reconsider its prior decision in the matter. There is probable cause if the allegation is more probable than not.
4. The execution of an affidavit after the issuance date of the warrant makes the warrant invalid.
5. The issuance of a warrant or citation after the period of supervision has expired makes the warrant or citation defective. However, this defect is of such severity that without a waiver, it would nullify the validity of the warrant or citation.
6. In general, defects in warrants or citations are the absence of some legal requisite which is necessary to show that the warrant is valid. An invalid warrant or citation is the same as a void warrant, which means that the warrant or citation has no legal force or binding effect. There is a difference between a void warrant and a voidable warrant. A voidable warrant would equate with a defective warrant and the question would be whether or not the defect could be cured. A void warrant or an invalid warrant is one in which the defect cannot be cured.

### 2. Rules of Evidence/Admissibility/Hearsay

An AHO may accept any type of evidence he or she believes to be reliable, for in the administrative hearing, the rules of evidence tend to be relaxed. The AHO makes the final determination as to the admissibility of any evidence which is offered. In general, unchallenged affidavits may be admitted for the truth of what is set forth. However, if an offender denies the truth of the affidavit, then the affiant must come forward and give testimony. If there are any questions about reliability of the evidence, the AHO should state the reasons



why there is a finding that the evidence is reliable. All decisions regarding evidence should be included in the tape recording of the hearing.

### 3. Explanation of the Hearing Process and Due Process

The hearing process must be fair. The AHO should make sure that the offender knows what he or she is being charged with. The offender is entitled to see the evidence which is presented against him or her and to present evidence on his or her own behalf.

### 4. Determination/Explanation of Rights

The AHO should always inform the offender of his or her rights at the beginning of the Administrative Hearing and this should be included in the taping of the Hearing so there is no doubt that this information has been given to the offender. AHOs should consult policies and procedures for the exact nature of the offender's rights.

### 5. Legal Authority for Administrative Hearings

An AHO is invested with authority by the policies and procedures of the Department. There is no authority to incarcerate in a jail. The decisions of an AHO are put in force by the directions of the Agent.

### 6. Determination of Preponderance of Evidence/Burden of Proof

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than evidence which is offered in opposition to it; that is, evidence which as a whole shows that the facts sought to be proved is more probable than not.

The definition of burden of proof is a description of two different concepts: first, the burden of persuasion which under traditional view never shifts from one party to the other at any stage of the proceeding; and the second, the burden of going forward with the evidence, which may shift back and forth between the parties as the proceeding progresses. In probation and parole law, the burden of proof requires proof by a preponderance of the evidence.

### 7. Definitions of Willful and Unwillful Violations

A willful violation is defined to mean proceeding from a conscious motion of the will; voluntary; intending the result which actually comes to pass; designed; intentional; not accidental or involuntary. An act or omission is willfully done if voluntary and intentional and with the specific intent to do something the law forbids, or with specific intent to fail to do something the law requires to be done.

### 8. Legal Representation and the Role of Counsel

All offenders are entitled to have legal representation at Administrative Hearings, either of their own choice or, in some situations, at the State's expense. The role of counsel is to represent the offender. It is not the role of counsel to dictate how the hearing will be conducted. If the Hearing Officer determines that the offender does not understand what is going on and does not understand the charges, it is recommended that the AHO refer the

matter to the court so that the court can make whatever order the judge determines appropriate.

#### 9. Civil Liability/Immunity/AHO Rights

An AHO has immunities under the South Carolina Tort Claims Act and has quasi-judicial immunity and good faith immunity from civil rights claims under the civil rights statutes. Because the work of AHOs are discretionary, as opposed to ministerial, they enjoy a wide range of immunity from liability for their decisions. If there is any question concerning this issue, the AHO/Supervisor should consult with Department counsel.

#### 10. Confrontation of Accusers

This is not viewed as a legal issue, except as it relates to proper decorum during a hearing.

#### 11. Extent/Limits of Sanctions

This will be controlled by the administrative policies of SCDPPPS, as set forth in the Policy and Procedure Manual.

#### 12. Calculation of Ability to Pay/Fee Payments

This matter is not a legal issue except as concepts of abuse of discretion might come into play; or failure to take into consideration matters which would be relevant to determination. (AHOs/Agents must make a distinction between ability to pay and unwillingness to pay.)

#### 13. How to Include Pending Charges and Warrant/Citation

This is a matter for which AHOs should have considerable sensitivity. An AHO should be able to examine a warrant or citation and determine what the charges are from these documents.

#### 14. Ex-Parte Communications

Ex-parte communications concerning the merits of any violation should not take place.

#### 15. Sequestration of Witnesses/Victims

Sequestration of witnesses is not required. The victims' and witnesses' Bill of Rights gives the AHO authority to separate victims and witnesses from the offender if a determination is made that separation is necessary to protect the witnesses/victims.

#### 16. Order of Testimony

The charging party (Agent) should be the first to present evidence.

#### 17. Handling Conflicts Between Board-Court-Department and AHOs

This is not a legal issue but one for which management must play a role. When such a conflict occurs, it is the responsibility of the AHO to share the nature of the conflict with supervisors, who will then take appropriate action if indicated.

#### 18. Authority of Supervisory Chain to Resolve Issues after Hearings

This is a matter to be controlled by the various policies and procedures (directives) governing the supervision of offenders. The AHO should have no supervisory responsibilities over offenders.

#### 19. Confession of Judgment

A Hearing Officer should not recommend a confession of judgment. A Hearing Officer can recommend a civil judgment in a case where there is a default on the payment of criminal fines, surcharges, assessments, costs, and fees.

#### 20. 48 Hour Notice of Hearing

An offender is entitled to 48 hours prior notice of any administrative hearing. In the event that the offender has not received 48 hours prior notice, the AHO should inquire as to whether or not the offender is ready to proceed. If the offender wants to proceed, the AHO needs to establish on the record that the offender has waived 48 hours notice and is ready to proceed with the administrative hearing.

#### 21. Full Disclosure

The defendant or his/her attorney is entitled to full disclosure. This means that the defendant or his/her attorney is entitled to see or receive a copy of any document which the Agent intends to introduce to prove the case. If the Agent is going to testify from a 37, then the defendant or his/her attorney is entitled to an abstract of the testimony taken from the 37, which the Agent intends to give at the hearing. Any exculpatory evidence should also be given. All relevant evidence needs to be given.

PRECISION ELECTRIC

## 8.1 DECISION-MAKING

BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:

1. Identify the three (3) components of a decision.
2. Identify three (3) basic outcomes of correctional decision-making.
3. List two (2) basic dimensions or concerns of decision-making.
4. Identify five (5) different styles of decision-making.
5. List the five (5) steps of the decision-making operational model.
6. List at least three (3) common errors in decision-making.

## 8.1 DECISION-MAKING

If every policeman, every prosecutor, every court, and every post-sentence agency performed his or its responsibility in strict accordance with rules of law, precisely and narrowly laid down, the criminal law would be ordered but intolerable. Living would be a sterile compliance with soul-killing rules and taboos by comparison, a primitive tribal society would seem free, indeed.

As the above quote points out, the discretion exercised in decision-making is an important and integral part of the justice system, for decisions of all kinds are made throughout the system and for many different reasons and purposes. Certainly, the primary function of an administrative hearing is to make a decision about the offender: whether he or she should be continued under community-based supervision, with or without additional or changed conditions, or whether the offender should be referred to a court or the parole board for decision-making about a possible revocation.

Many decisions made, at various steps in the criminal justice process, are important to the individuals affected, dealing as they do with loss of liberty or other serious interventions in individual lives. Further, they are obviously critical to the efficient, effective, and humane functioning of the entire criminal justice system. Therefore, if that system is to serve society well, such decisions should be made rationally, ensuring the efficient, effective, and humane system sought for the control and reduction of crime.

Making decisions within criminal justice can be a complex task and one that requires definitions of such terms as "decision," "justice," "system," and, perhaps, "criminal" or "offender." What we find, unfortunately, is that there really is no consensus on definitions of these terms and that attempts to make decisions are always influenced by the decision-maker's sense of objectivity, as well as his or her personal values.

This means that decisions are never really made about individuals - even though persons are unique. Rather, decisions really cannot be made about individuals, but only about information about individuals. The individual may be sentenced to prison, placed on probation, or otherwise sanctioned by the court, as a result of a decision made with respect to the offender. However, the basis for the decision can only be information which the court has about the individual, in some form or another.

Thus, when we examine the nature of decision-making, we must recognize and accept that that information is limited in quantity and may have some deficiencies in quality. That is, a decision-maker generally does not have a complete nor an accurate amount of information required to make a perfect decision and, consequently is forced to do the best that can be done with limited information.

### THREE COMPONENTS OF A DECISION

It may be argued that any decision has three main components. There is first a *goal* (or set of goals) the decision-maker would like to achieve. That is, the decision-maker has some kind of objective or objectives which may be specified. In the courtroom, the judge's primary goal is to decide the guilt or innocence of an accused. In the administrative hearing, the primary goal of the AHO is to decide if the offender is to remain in the community or be revoked. If the offender is

to remain in the community, the AHO has a secondary goal, namely, what additional conditions, if any, will be imposed upon the offender.

The second component is generally the availability of *alternatives*. That is, if there is no choice, there is no decision-problem. If there are choices, or alternatives, then there is a decision problem. Thus, the AHO does have alternatives available for decision-making. He or she can continue the offender in the community, or the offender can be revoked. Additionally, there are various alternatives with regard to setting conditions, the selection of which involves decision-making.

Third, the decision-maker has some *information* to guide the selection among alternatives. In order to qualify as information in this sense, the data available about alternatives must be related to the goals of the decision; that is, the data must be relevant. By relevance, we mean that the data must reduce uncertainty about the consequences of the decision.

As an example, the AHO conducts a hearing with a goal of deciding whether or not the offender is to remain on probation or parole - stay in the community. To make the most appropriate decision, the AHO conducts a hearing wherein information about the reported violation is presented. The AHO, then, must decide if the information presented, by the Agent and the offender, is relevant and is helpful in determining what to do with the offender (the goal of the hearing itself).

Therefore, it is clear that decisions may not be evaluated or assessed unless the goals of the decisions are known. Similarly, it is difficult to see how decisions might be improved in the absence of clear and explicit goal statements, since there would be no means to evaluate the value of the information and alternatives presented at the hearing. More simply put, if there were no goal for conducting the hearing (i.e., continue or revoke the offender), it would not be possible to evaluate any of the testimony at the hearing since there would be no purpose to hearing such information. In the final analysis, information presented at the hearing must relate to the purpose (goal) of the hearing; otherwise, such information would be useless for there would be no need for it. If there is no relation, there really is no purposeful information.

It may be interesting to note that the correctional decisions which are made routinely, including those at the administrative hearings, deal with persons who have little control over their immediate fate and are made by persons who have little involvement in that fate. By and large, moreover, these decisions are made to achieve two basic outcomes: (1) the probability of *rehabilitating* the offender, and (2) the dispensation of *justice*. And, if we examine the "intent" of these two hoped-for outcomes, they can be combined under the term *the protection of society*.

Yet, while these two outcomes are basic, there may even be a third desired outcome: *the maintenance of the internal stability of the system*. As anyone who has worked in corrections knows, and in the prison setting as an example, the question of whether inmate X is sent to an open institution, to a given training program, or to a particular work assignment depends on (1) the number of places available, the inmate's classification, and/or the inmate's needs.

Insofar as SCDPPPS is concerned, the stability of the system is affected by the size of the caseloads, the geographic location of the offender, individual staff workloads, and the desire of the organization to avoid continuing in the community those offenders who are likely to recidivate in a manner that will cause a political backlash. Therefore, as we will explain in more detail later, decisions, sometimes, are made not as a consequence of that which is in the best interest of the offender, but that which is in the best interest of the agency. Thus, the AHO, while attempting to

be as objective as possible in decision-making, undoubtedly is influenced both by client as well as agency needs and interests.

## STYLES OF DECISION-MAKING

An analysis of decision-making suggests that regardless of the nature or reason for making a decision, there are two basic dimensions to the process. The first is a concern by the decision-maker for decision *adequacy*; that is, a concern for making the best possible decision. The second is a concern for having *commitment* to the decision; that is, the degree to which one sticks to the decision and does not change his or her mind.

A concern for adequacy is really independent of a concern for commitment, which means that a concern for one is not necessarily a concern for the other. Therefore, it is possible for an individual to be concerned about the quality of the decision without having any concern about being committed to its implementation.

### SELF-SUFFICIENT DECISION-MAKING

Those persons who give maximum attention to making the best possible decision and have almost no regard for how well it will be implemented are called "self-sufficient" decision-makers. They do not believe that anyone else can make a better decision and, therefore, they go with what they believe to be the "right" answers to the questions posed to them. This person feels most confident is his or her ability to make good decisions, especially since they believe they are the most qualified to assess the data and information presented to them.

In the administrative hearing process, it is this kind of person who has trouble listening to others, believes he or she is the most capable decision-maker present, and frequently exerts a sense of power over the others participating in the hearing. Further, once the self-sufficient decision-maker makes up his or her mind, it is unlikely that anyone can change it. It is also possible that he or she will reach a decision even before all of the "facts" have been presented.

### GOOD NEIGHBOR DECISION MAKING

This style of decision-making reflects the view that it is more important to get decision implementation than it is to have a quality decision. Here, the AHO, as an example, reflects a preoccupation with maintaining harmony and understanding among the hearing process participants rather than being concerned with making the best possible decision. He or she proceeds on the assumption of mutuality, trust, fair play, and peaceful coexistence in order to ensure that the final decision will indeed be implemented by all concerned.

A critical aspect of this style of decision-making, however, is the decision-maker's own sense of distrust, directed primarily at himself or herself. That is, there is a lack of trust in the decision-maker's own opinions or ability to deal effectively with conflict. Therefore, in order to minimize conflict, this AHO, as an example, is most likely to depend on the agent's views, as well as on the offender's for final decision-making. To ensure harmony and a wish to make sure the decision is carried out, he or she will go along with what is proposed (i.e., others' decisions).

### DEFAULT DECISION-MAKING

Default decision-making is not viewed as a "natural" way of dealing with issues and problems; rather, it is viewed as a reaction to the way others behave and make decisions. Here, as an example,



the AHO will give minimum attention or concern for adequacy and for commitment, and as a consequence takes on a passive if not non-participating role. This kind of decision-making behavior usually is a consequence of a history of poor decision-making as well as a feeling of vulnerability. Therefore, no decisions are actually made in order to protect oneself from being accused of making poor decisions.

It is this kind of AHO who is primarily concerned about the organization and how his or her decisions might have a negative impact or produce undesirable consequences. He or she, then, can always say that the actual decision was someone else's if things go wrong. To others, the difference between a Good Neighbor and a default decision-maker are slight, but quite the contrary is true. The Good Neighbor really is concerned with commitment and seeks harmony as a way of avoiding conflict.

The Default decision-maker, on the other hand, has minimal concern both for adequacy and commitment and desperately seeks to avoid having to make any kind of decision. He or she effectively says: "Let someone else make the final decision and, then, I can't get into trouble." Unfortunately, with this kind of reasoning, the default decision-maker does get into trouble because the job just isn't getting done and others will soon complain.

### TRADITIONAL DECISION-MAKING

This approach to decision-making proceeds on the assumption that while concerns for adequacy and commitment are both necessary, they really exist in opposition to one another. This kind of decision-maker believes that the more one concern is emphasized, the less the other can be. Therefore, he or she is really more concerned with the adequacy of a decision, but in view of his or her recognition that some commitment is necessary (to make the decision work), there is a willingness to compromise the quality of the decision in order to ensure "enough" commitment.

In this situation, An AHO traditional decision-maker will define "enough" as support from most of the hearing participants to ensure that the final set of recommendations indeed will be put into place and made to work. Further, this kind of AHO is willing to confer with others about decisions, including the agent and supervisors, and thereby share some of his or her power in an effort to ensure a workable decision.

### EYE TO EYE DECISION-MAKING

Unlike the Tradition Decision-Maker, who is willing to sacrifice some degree of adequacy in order to obtain commitment to making the decision work, the Eye to Eye Decision-Maker believes strongly that adequacy and commitment are equally important. It is based on the notion that the decision-maker must take into consideration all aspects of the decision and all available information if the best possible decision is to be made and if it is to be implemented effectively.

In this style of decision-making, the AHO, as an example, has developed a tolerance for conflict. He or she believes that a frank, yet constructive facing up to and resolution of conflict is necessary if an understanding of the issues - and hence, an adequate decision - is to be obtained. He or she is willing to share power with other persons during the deliberations not in an attempt to win support (as does the Traditionalist), but because there is recognition of the fact that to do otherwise will stifle creativity and suppress the expression of "different" ideas and opinions

Even in a charged atmosphere, such as presented during a hearing, the Eye to Eye AHO decision-maker considers a high degree of agreement among participants to be possible, in fact necessary, for obtaining high quality decisions that will be implemented by all concerned.

## SUMMARY OF STYLES

While there are five different styles of decision-making available to the AHO as he or she conducts a hearing, it becomes apparent that the Eye to Eye style is the most productive. This style expresses concern for adequacy and commitment equally in the belief that they not only are compatible, they are necessary if a quality decision is to be made and implemented as well.

In the hearing process, unlike other decision-making settings, there is an adversarial atmosphere which tends to pit the offender against the agent and the AHO. But this kind of atmosphere does not necessarily preclude a positive decision-making process. Thus, it depends on the AHO, who can bring the hearing to a satisfactory and constructive conclusion as a result of his or her decision-making style.

In addition to allowing all parties to express freely their beliefs and perceptions about the violation and by facilitating total involvement, the likelihood of achieving the most adequate decision and one that will be implemented successfully occurs when there is Eye to Eye Decision-Making. In effect, this becomes a win-win situation which has the best chance for responsible behavior on the part of the offender.

## DECISION-MAKING OPERATIONAL MODEL

The following represents a number of steps an AHO can take during the hearing itself in the quest for the best possible decision and one that has great likelihood of commitment/implementation. The steps are not necessarily taken in the order presented, for they may overlap during the process. However, the steps tend to summarize AHO responsibilities for leading the discussion and deliberations.

The first column, Helping Behavior, indicates the helping behaviors that can be demonstrated by the AHO. The second column, Steps, reflects the various steps which need to be taken to achieve both adequacy and commitment - although they may overlap somewhat. The third column, Blocking Behavior, summarizes the kinds of activities which impede adequate decision-making and commitment efforts.

## OPERATIONAL MODEL

HELPING BEHAVIOR	STEPS	BLOCKING BEHAVIOR
Clarifying Summarizing Testing for Meaning	DEFINE THE PROBLEM	Ambiguity Over Generalizing Over Simplifying
Informing Requesting Information Sharing Experience Collecting Opinions	GATHERING THE INFORMATION (IDEAS)	States Attitudes Too Early Status Threat All Talk Same Time Refusal to Participate
Reality Testing Summarizing Harmonizing Clarification	IDENTIFY ALTERNATIVE SOLUTIONS	Lack of Experience Too Hasty Decision Failure to Listen Entrenched Values
Summarizing Testing Agreement	DECISION- MAKING	Voting Taking Sides Failure to Test
Initiating Informing	ACTION IMPLEMENTING	Failure to Pin Responsibility Lack of Involvement No Mechanics Specified

### COMMON ERRORS IN DECISION-MAKING

Whether one is an AHO, an agent, or a decision-maker in any kind of setting, there is a tendency to make a series of errors. These are presented to sensitize the AHO to be watchful at all times, if the most productive kind of decision is to be made at the hearing.

#### ERROR 1: FAILING TO SPECIFY OBJECTIVES.

Here, it is important for the AHO to set out the objectives of the hearing at the earliest possible time. This will ensure that all participants understand the reason for the hearing and the kinds of decisions (outcomes) to be expected.

#### ERROR 2: FAILING TO CONSIDER ALL THE ALTERNATIVES

While the purpose of the hearing is to determine whether or not a violation did or did not occur and the disposition for the offender, the hearing process provides the AHO with a number of alternative strategies, ranging from continuation of community-based supervision to actual revocation recommendation to the court or parole board. In between lie a number of alternatives, each of which will include a set of special conditions. Thus, the AHO must consider all aspects of the situation and select from among the best possible alternatives that will lead to the highest possible commitment.

### ERROR 3: NOT GETTING THE RELEVANT INFORMATION FROM THE RIGHT PEOPLE

Hopefully, not only will the agent and offender be present at the hearing, but appropriate witnesses, if indicated, will also be available to the AHO. With all such persons present, the AHO will be able to examine the nature, cause, and consequences of the reported violation in order to make the most effective and adequate decision. Further, presence alone will not lead to such decision-making. Thus, the AHO has a responsibility to facilitate full and open deliberations; that is, everyone, especially the offender, must be given full opportunity to speak and be heard.

### ERROR 4: IGNORING RISKS AND UNCERTAINTIES

Just as the offender's violation behavior pose a risk to the community, the decision-making of the AHO also poses a risk to the community as well as to the agency. Therefore, it is imperative that these risks be identified and evaluated in the course of the deliberations. While there is no scientific process for predicting the future and, thus, there is no exact method for predicting an offender's future behavior, the AHO must do the best he or she can in assessing prior behavior in order to predict likely future behavior.

Since protection of society and protection of the agency must be considered, perhaps the best advice with regard to decision-making in this situation is as follows: When in doubt, don't! That is, if there is considerable likelihood that the offender either will not be committed to making the final decision (recommendations) work and/or if there is likelihood of future violence or criminal behavior, or there is no clear alternative, *it will be prudent for the AHO not to continue the offender on probation or parole, but to forward the violation recommendation to the court or parole board for final decision-making.*

**ADMINISTRATIVE HEARING COMMON PROBLEMS**

## 9.1 ADMINISTRATIVE HEARING COMMON PROBLEMS

BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:

1. List at least three (3) common problems in completing Form 9B.
2. List three (3) common problems in writing summaries.
3. List at least four (4) common problems with Agents completing Form 22.

## 9.1 ADMINISTRATIVE HEARING COMMON PROBLEMS

### A. COMMON PROBLEMS WITH 9Bs

1. Hearing Officers fail to write in conditions that were addressed in the hearing. As an example, the Hearing Officer advises the Agent and the offender that he/she will be exempt from supervision fees, but this is not written on the Order.
2. Hearing Officers fail to retrieve a signed 9B by both parties.
3. Hearing Officers have problems with the limited space on the Order to write their conditions.
4. Hearing Officers fail to sign the 9Bs.
5. Hearing Officers fail to indicate where the Hearing was held.

### B. COMMON PROBLEMS WITH SUMMARIES

1. Hearing Officers will forget to include all of their findings.
2. Hearing Officers fail to double-check spelling when writing their findings.
3. Hearing Officers fail to list pending charges.
4. Try to avoid using the same language over and over again when writing summaries.

### C. COMMON PROBLEMS WITH AGENTS ON 22s

1. Agents will list the wrong beginning and ending date of sentences.
2. Agents will show incorrect amounts of SF arrearage and balance due.
3. Agents will forget to sign 22s.
4. Agents fail to update 22s that are over one year old.
5. Agents fail to list both violation and risk category codes.
6. Agents will list supervision codes incorrectly.
7. Agents fail to list the correct dispositions for prior violations and the specifics of the violation.

**SUGGESTIONS**



## **10.1 SUGGESTIONS FOR AHOs**

**BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:**

1. Identify at least 10 practical suggestions for conducting an administrative hearing.

## 10.1 SUGGESTIONS FOR AHOs

Throughout this training manual, the new AHO has learned policies and procedures as well as materials concerning various aspects of the administrative hearing from both theoretical as well as operational perspectives. These are all important and when adapted by the individual AHO in terms of style and approach, the hearing itself will be productive for the offender as well as the Department.

What follows is a list of *suggestions*, which have been developed by experienced AHOs in an effort to provide the new officer with practical ideas for conducting the hearing.

1. Always maintain an air of professionalism and seriousness throughout the hearing.
2. Dress professionally, e.g., jacket, tie, no open-toe shoes.
3. Always be punctual.
4. As you begin the hearing, welcome the participants.
5. Address all of the participants formally, remain cordial, and always be polite.
6. Speak slowly, clearly, and in terms the client understands.
7. Make good eye contact at all times.
8. Use appropriate body language.
9. Stay awake and alert.
10. Be attentive to the client by being a good listener.
11. If a client/witness becomes emotional, provide ample time to regain composure.
12. Do not allow participants to be redundant.
13. Discipline when appropriate and needed.
14. Avoid *ex parte*, in person and on the telephone; maintain neutrality and the appearance of such.
15. Be proactive in your communications, especially with field staff.
16. Never take the case personally.
17. When indicated, consider the need for sequestration.
18. Do not allow the hearing to be interrupted in order to receive personal messages; the exception is a real emergency.
19. Be well-rested going into hearings.
20. Make sure all supplies and forms are available and that equipment is in working order.
21. Be firm, fair, and "thick-skinned."
22. Do not allow any of the participants to rattle you - this includes the Agent.
23. If you feel threatened, delay the decision, request additional assistance, and stop the hearing.
24. Always maintain control of the hearing; keep to the agenda.
25. Be aware of your surroundings for security reasons.
26. Diplomatically decline offers to socialize with the field staff; e.g., do not have lunch or accept offers to ride with Agents.
27. Be willing to take matters under advisement; seek advice, if needed, from other ahoS.
28. Do not let personal views/values cloud your judgment; be non-judgmental and objective - until you announce your decision.
29. The worst decision is indecision - Make one.
30. Explain actions/decisions to all participants.
31. Thoroughly think through all decisions before verbalizing.
32. Be able to justify your decision.
33. Do not feel pushed into making a decision. If you need help, consult with someone.
34. Be creative in finding solutions.
35. Know the community resources available for referrals and their intake policies.

36. Ensure a timely return of findings.
37. Practice good organizational skills.
38. Always retool; always be prepared.
39. Keep abreast of changes.

DEPT. OF V. W. INC

## 11.1 EFFECTIVE WRITING

BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:

1. List four (4) essential reasons for writing reports/completing forms.
2. Define what is meant by an "administrative hearing summary."
3. Describe the seven (7) essentials of effective writing.
4. Identify the "Five Cs" of effective writing.
5. List at least six (6) rules about effective writing.
6. List at least seven (7) common problems in effective writing.

## 11.1 EFFECTIVE WRITING

Writing reports and/or completing forms are critical tasks of an AHO. They are essential in order to (1) provide an accurate record of the findings and recommendations of the hearing, (2) reflect that all appropriate legal and administrative policies and procedures have been followed, (3) ensure that probation and parole officers know precisely how to follow-up on case situations, and (4) apprise either the parole board or the court of the AHO's decisions when cases are referred.

The administrative hearing process cannot run smoothly if such reports and forms are not completed in a timely fashion, if they are not completed accurately, and if they are not submitted within channels to appropriate staff within SCDPPPS. In essence, completed forms and reports provide an accurate and full picture of what has happened at the hearing, the actors involved, and the nature of the findings and recommendations.

An administrative hearing summary, by definition, is a formal, written presentation of facts. It is a statement of the findings of the hearing, which has occurred as a consequence of the offender having violated specific terms and conditions of his or her probation or parole status. As a consequence, it becomes an official statement for the permanent record, and which is read - and followed - by other authorities.

Since the actual report/form is a written recollection of the hearing officer, it must be written accurately, completely, in proper form, and with language that conveys precisely the findings and recommendations of the AHO. If it is submitted to the parole board or the court, it will serve, in part, as the basis for further action and decision-making. Since it serves as a recollection, it should always be completed as close to the termination of the hearing as possible in order to ensure accuracy and completeness.

It should also be noted that the material which follows reflects the writing of reports in general. Obviously, the requirements of the final report, which summarizes the AHO's decisions and findings in a given situation will not always include the topics discussed below. However, between the Agent's report and the AHO's findings and recommendations, almost all of the material presented below should be covered.

### SEVEN ESSENTIALS OF EFFECTIVE WRITING

Although the forms utilized by AHOs have certain requirements with regard to content, there are seven basic essentials of any well-written report. They include the following basic items: Who, What, When, Where, Why, How, and Action Taken.

**WHO:** It is very important that you indicate exactly who was involved in the hearing, including the offender, the Agent, and any witnesses involved. Their names and other identification information should be reported. Additionally, it is crucial that the name of the AHO be included in a readable form.

**WHAT:** The what of the report in many ways is its "guts." It reflects what happened and why the hearing was held, especially in terms of the precise nature of the reported violation(s), based on the terms and conditions ordered by the court of parole board. It details the reasons for the violation and any mitigation or aggravation that was taken into consideration. The what serves as the basis for findings and recommendations; therefore, it reflects the AHO's reasoning and conclusions.

**WHEN:** This part of the report reviews when a particular event or set of events occurred, especially with regard to the reported violations. It is always best to pinpoint exact dates and times, but this is not always possible since the reported violation(s) reflect overall failures to do or not do something (e.g., attend counseling sessions).

**WHERE:** The where of the reported violation(s) is just as important as other aspects of the report and should be recorded with precise details. Here, addresses are not as important as the site of the service or program which the offender failed to observe. Thus, if a particular counseling center is where the offender was to have reported and failed to do so, the name of the program should be identified. Otherwise, other locations should be indicated, if at all possible.

**HOW:** This aspect of the report is used to describe what happened, particularly how the offender failed to observe particular terms and conditions, which serve as the basis of the violation. Where indicated, details of the behavior (or non-behavior) should be indicated in sufficient detail to "explain" the nature of the violation.

**WHY:** Similar to the how, the why of any report reflects the writer's understanding of the causal factors involved in the violative behavior. However, if the why is unknown, there will be nothing to report. Hearsay and guessing are not appropriate aspects of a well-written report.

**ACTION TAKEN:** After a hearing is completed, an AHO has an obligation to indicate his or her findings and recommendations, which, essentially, is the action taken. Here, it is critical that the written report reflect everything that the AHO wants to say. Therefore, as has been indicated earlier, the sooner the AHO completes the report, the fresher will be his or her recollections of decisions. Nothing should be left out of the report that must be included. This is important for the Agent, who has responsibility for follow-up if the offender is to remain under supervision, and for the court or the parole board if further action is to be taken .

### THE FIVE "Cs" OF EFFECTIVE WRITING

From a general point of view, there are five "Cs" for a written report, including Completeness, Conciseness, Clearness, Correctness, and Courteousness (or fairness). To one degree or another, every AHO must attend to these five "Cs" in the writing of a report.

**COMPLETENESS:** Based on the materials presented by the Agent, including violation information, the terms and conditions imposed by the court or the parole board, and what transpired at the hearing, the AHO must include all appropriate and relevant information in the report. This is crucial insofar as the findings and recommendations are concerned, when there is to be follow-up activities on the part of others. Nothing should be left out or left to conjecture for the report must stand on its own. It tells the complete story.

**CONCISENESS:** There is no reason nor justification for writing a book. Besides the fact there is precious little time to complete AHO reports, there is need to be concise. That is, you should state what has to be stated, in the appropriate style and format, and exclude that which is irrelevant and inappropriate. Conciseness is the quality of being brief - of saying what has to be said and nothing more. However, if you are in doubt as to what should be included, it is better to err on the side of too much information than too little. Additionally, it may be helpful to think through the report before actually writing it to ensure that what you have to say you do indeed say.

**CLEARNESS:** To write a clear report simply means that you say what needs to be said and that the reader can easily understand what you have attempted to convey. By sticking to the facts,

using relatively simple and descriptive words, it will be possible to write a clear and understandable report. Those who must do follow-up work, then, will understand precisely what you wanted them to know and to do. When the writer uses "loaded" words or jargon, the principle of accuracy can be violated because the writer is slanting the situation according to his or her needs rather than reporting on facts and decisions.

**CORRECTNESS:** Writing a correct report flows from many of the above requirements. It is important to bear in mind that the integrity (and skills!) of the writer is reflected in the report that is submitted. Correctness means that you report exactly what transpired at the hearing, as well as the findings and recommendations, including all of the necessary details that will help the reader (and action-taker) know and understand what they need to know. When you include personal judgments or reach conclusions which are not supported by the evidence or facts, you are not accurate nor are you correct.

**COURTEOUSNESS:** This aspect of the report flows very much from correctness, for it is concerned with reporting honestly, accurately, and in non-judgmental ways. If you are antagonistic toward or angry with any of the persons involved in the hearing, it remains your obligation to maintain your objectivity. You not only must conduct the hearing in a fair and courteous manner, your final report must also reflect that same kind of objectivity. Your final decisions, including findings and recommendations, must also be fair and reflective of the facts rather than some kind of expression of the 'power' you have over the offender. Be careful of the adjectives you use - they may reflect biases rather than objectivity.

In the final analysis, remember that what you put in writing becomes a permanent record. Do not place in a report anything about which you might have regrets in the future. If you are accurate, you are fair, if you are concise and complete, you are correct. If you report the facts in a non-judgmental manner, you will be 'safe' and will be doing your job appropriately.

### EFFECTIVE WRITING RULES

A few "rules" about effective writing may be helpful:

1. Report to express, not to impress.
2. Use the same language as you would in normal, everyday conversation - be understandable.
3. Do not include anything you could not support if you were on the witness stand.
4. Know the meaning of the words and phrases you use.
5. Avoid jargon, technical language, or legal terms unless their use is essential.
6. The report should be a communication of factual information, not an attempt at a literary masterpiece.
7. The report should follow a logical, chronological sequence, if indicated, and as required by the forms to be completed.
8. Be very careful to avoid what is called the "indefinite antecedent." This means whenever you use a pronoun, it must be very clear to the reader exactly to whom you are referring. If you say "Bill Jones and Tom Smith robbed Jack Thompson and then he took off," you have an indefinite antecedent in the pronoun "he," because it is unclear whether you are referring to Smith, Jones, or Thompson. To avoid this problem, repeat the name.
9. It is acceptable to use "I" or "Me." Never use the editorial (or royal) "We," unless you are referring to yourself and some other person.



10. Never indicate that something is a fact unless it has been verified and/or there is appropriate documentation. If it is third-party information, indicate such. If appropriate, indicate (reveal) the source of the information.
11. Do not leave any important information out of the report in order to bias or otherwise justify your findings and recommendations. This not only is unfair and unprofessional, it is fraud!

### COMMON PROBLEMS IN EFFECTIVE WRITING

Most of the problems that occur by writers of reports have been touched on in one way or another in the preceding materials. It may be helpful, nonetheless, to summarize some of the most common errors or problems.

1. The report is illegible. The handwriting is so bad it cannot be read by anyone else.
2. The report is not signed by the author, nor is it dated.
3. The wrong form is used.
4. Insufficient facts or evidence is presented.
5. The findings and recommendations are not justified by the other materials contained in the report.
6. The decisions do not follow existing policies or procedures.
7. The report contains too many personal opinions, assumptions, and/or judgments.
8. The style of writing is so awkward the report cannot be understood.
9. The use of legal terms is incorrect.
10. There are too many generalities and not enough specifics.
11. Words are misspelled.
12. There is inadequate or improper identification of individuals involved.
13. The report is not complete.
14. The report contains contradictions.
15. The findings and recommendations are not clear.

OPERATIONAL PROCEDURES AND OTHER

## **12.1 ADMINISTRATIVE HEARING FORMS AND OPERATING PROCEDURES**

**BY THE END OF THIS MODULE, AHO TRAINEES WILL BE ABLE TO:**

1. Complete accurately, concisely, and comprehensively all SCDPPPS forms concerned with the administrative hearing process according to Departmental standards.
2. List the chronological steps of the administrative hearing.
3. Will be able to explain the seven (7) Administrative Hearing Section SOPs

## 12.1 ADMINISTRATIVE HEARING FORMS AND OPERATING PROCEDURES

### A. INTRODUCTION

All operating procedures, SOPs, and forms which are utilized by the AHO are presented below, along with sample, completed forms. AHOs should become intimately familiar with all operating procedures, SOPs, and forms in order to ensure that they are followed, with the forms completed accurately. AHOs are also reminded that the completed forms constitute a written and permanent record of the Administrative Hearing and might be utilized in other actions.

### B. GUIDELINES/STEPS FOR THE HEARING

Additionally, the following should serve as a "guideline" regarding the chronological *steps* to be taken for conducting hearings:

1. Find the hearing site.
2. Complete all preparations (set-up), e.g., equipment and tapes in readiness.
3. Make introductions.
4. Determine if the warrant/citation is valid.
5. Ask who will testify.
6. Turn on the tape.
7. Ask if all participants are ready to proceed.
8. Make your opening statement and notify the offender of his/her rights.
9. Ask the Agent to present the violation(s).
10. Ask the offender/attorney if the violation(s) are correct and if any comments are to be made.
11. Question the offender and the Agent on issues to verify.
12. Ask the witnesses to make any statements.
13. Ask the Agent for recommendations.
14. Ask the offender what relief/outcome he/she is seeking.
15. Make a determination regarding whether there has been a violation.
16. Review the options.
17. Make a decision.
18. Advise the participants of the decision.
19. Ask the participants if they have anything further to state.
20. Adjourn the hearing (turn off the tape).
21. Prepare all appropriate paperwork, including summary/justification.

## C. FORMS TABLE OF CONTENTS

### I. PROBATION FORMS

1. Citation/Warrant - Legal Process
2. Form 26.1 - A Statement of the Rights of an Accused
3. Form 32 - Notice of Hearing
4. Form 22 - Violation Report
5. Form 27 - Affidavit (on an as needed basis)
6. Form 9B - Continuation Order prepared by Hearing Officer
7. Form 9 - Court Order prepared by Hearing Officer and signed by General Sessions Judge
8. Form 18 - Waiver of Notice of Hearing, prepared by Agent
9. Form 36B - Notice to Appear in Court, prepared by Agent

### II. PAROLE FORMS

1. Citation/Warrant - Legal Process needs to be completed (must have all notarizations)
2. Form 29 - Rights Form
3. Form 32 - Notice of Hearing
4. Form 27 - Defendant's Affidavit
5. Form 22 - Violation Report
6. Form 18 - Waiver of Notice
7. Form 9C - Continuation Order, prepared by Hearing Officer
8. Form 36 - Notice of Final Hearing, Hearing Officer will schedule final hearing date

#### II. A. PROVISIONAL PAROLE AND EPA

Use same Procedure Order as indicated for Parole Forms

### III. SUPERVISED FURLOUGH

1. Citation (Form 16.3)/Warrant (Form 16.1)
2. Form 29 - Rights Form
3. Form 32 - Notice of Hearing
4. Form 22 - Violation Report
5. Form 27 - Defendant's Affidavit
6. Form 33 - Waiver of Hearing
7. Form 9C - Continuation Order, prepared by Hearing Officer
8. Revocation Order

### IV. YOA PAROLE

1. Citation/Warrant - Legal Process
2. Form 29 - Rights Form
3. Form 32 - Notice of Hearing
4. Form 22 - Violation Report
5. Form 9C - Continuation Order, prepared by Hearing Officer
6. Form 18 - Waiver of Notice
7. Form 33 - Waiver of Hearing
8. Form YOA-13 - Notice of Final Hearing, date to be determined by Hearing Officer

## V. SOP TABLE OF CONTENTS

- SOP #1: Leave Policy and Procedures; Accounting of Time
- SOP #2: Updating of Agency Operations Manual
- SOP #3: Board Responsibilities
- SOP #4: Special Consideration Cases
- SOP #5: Hearing Section Monthly Staff Meeting
- SOP #6: Hearing Section Calendars
- SOP #7: Storage of Hearing Records

LEAVE POLICY & PROCEDURES;  
ACCOUNTING OF TIME

It is the policy of the Hearing Section that section personnel will determine when to utilize annual leave, provided use of leave does not significantly impact work accomplishment in the opinion of the section supervisors. Section personnel are to request leave in advance as early as possible.

Necessary medical/dental appointments are also to be scheduled as far in advance as possible and are also subject to authorization by the supervisor. Section personnel are to schedule appointments at non-critical times. Mondays are to be avoided because of our weekly staff meeting. Hearing Officers are to avoid taking leave on days on which we already have hearing commitments. All section personnel are expected to arrange their leave at times which will minimize impact on assigned work duties.

Upon authorization from the supervisor, the employee taking leave is to annotate the number of hours and type of leave taken at the top of the page in the Section Appointment Book. This is an individual responsibility which is not to be delegated. The employee is then to immediately submit a completed leave slip (Department Form 31) in duplicate to the supervisor. The supervisor will hold the leave slip until the employee returns to work. If the leave was taken as requested, the supervisor will submit the leave slip to personnel the day the employee returns to work. If there has been any variation from the requested leave a revised leave slip will be submitted to the supervisor the day the employee returns to work and the supervisor will submit the leave slip to personnel that same day. Section personnel should contact their supervisor immediately if any changes in previously - authorized leave need to be made. Section personnel are expected to make every effort to discuss all leave with their supervisor in advance.

Absences from work without prior contact/authorization by the supervisor may not be charged to annual leave after the fact and may necessitate use of leave without pay.

Section personnel are to discuss leave with their supervisors before discussing the leave with any other section (including personnel).

Employee Time Sheets (FLSA-2) for non-exempt employees will be submitted to the supervisor by 12 noon each Monday. After the supervisor has signed verifying the information on the time sheet, the time sheet will be filed and maintained in the section for two years.

JPH _____	TRF _____
MAG _____	WCD _____
WFE _____	HAH _____
DCA _____	JWC _____
TWW _____	RG _____
AKM _____	

SOF #2  
February 26, 1990

UPDATING OF AGENCY OPERATIONS MANUAL

The Administrative Specialist C in the Hearing Section has the responsibility of incorporating all changes to the section copy of the manual as the changes are received. She will stamp each page of the revision with section date received stamp and place in the proper location in the manual. Any removed materials will be stapled with the Revision cover sheet (or Directive Transmittal Notice) [which will also be date received stamped] and placed in the notebook labelled DPPPS Operations Manual Updates - Hearing Section. The Administrative Specialist C will brief Hearing Section personnel on any changes made at the next staff meeting. She will highlight in blue all text changes in the new directive. The Chief Hearing Officer will highlight in yellow portions of directives which are especially important to Hearing Section personnel.

JPH \_\_\_\_\_  
MAG \_\_\_\_\_  
WFE \_\_\_\_\_  
DCA \_\_\_\_\_  
AKM \_\_\_\_\_  
TWW \_\_\_\_\_



### Board Responsibilities

The Administrative Specialist A in the Hearing Section who handles Board materials will maintain Board lists in an accurate, up-to-date status and keep these lists where they are readily available to other section members. Cases which have all supporting documentation properly completed are to be scheduled promptly, giving consideration to Administration - expressed limitations of no more than 12 - 15 will attends per meeting. A schedule will be compiled by the Chief Hearing Officer which will provide two Hearing Officers at each Board Meeting at which violations matters will be reviewed. One Hearing Officer will be termed as "working" the Board Meeting while the other will be termed as "assisting" the Hearing Officer working the Board Meeting. In the event a Hearing Officer has a conflict with the schedule, he/she will immediately discuss the situation with the Chief Hearing Officer and a decision will be made which insures coverage of all positions at Board Hearings.

#### Duties of Hearing Officer Working the Board Meeting:

1. Review Board materials as early as possible for accuracy and compliance to policy. (The Administrative Specialist preparing the Board materials will provide the Chief Hearing Officer, the Administrative Specialist C, and the Hearing Officer working the Board with the Board list on Fridays before the Board meeting. Board case materials will be made available for review as soon as possible.)
2. Transport violation case materials to the Board meeting location and return/insure return of these materials to the Hearing Section, Central Office.
3. Arrive at Broad River Correctional Institution no later than 8:00 a.m.
4. Provide Board lists to SCDC personnel at the outside front gate, Broad River Correctional Institution.
5. Familiarize themselves with all aspects of "will attend" violation matters and assist Board members and other pertinent individuals in answering questions they may have on violation cases.
6. Present case materials to the Director of Case Scheduling in the order in which the cases will be called.
7. Compute rehearing dates and provide paperwork to assisting Hearing Officer.
8. Mark the highlighted Board list (with violator sheets) and worksheet with Board decisions fully indicated, explaining any unusual circumstances, conditions, or rehearing stipulations and insure its return with other violation material to the Hearing Section, Central Office.

9. Fully explain unusual circumstances (failure to appear, etc.) on the case green sheets, worksheet and Board list maintained for file.
10. Mark Administrative Hearing summaries with full disposition (to include any special conditions or rehearing stipulations, etc.), composition of panel (list panel members; denote chairman), indicate date of Board review and initial. The Hearing Officer working the Board will hole-punch these summaries and put them in the monthly logs in the Hearing Section according to the date the Administrative Hearings were conducted. Administrative Hearing summaries will be grouped by region and given to support personnel to be forwarded to the appropriate regional office.
11. After the Board has disposed of all violation matters, but prior to leaving the institution, the Hearing Officer working the Board will review case materials to insure they are in order (especially that all orders are properly signed and stamped). The Board material will be returned to the Administrative Specialist in the order on the Board list.

Duties of the Hearing Officer "Assisting" at the Board Meeting:

1. Distribute violation lists throughout the institution as needed.
2. Monitor the visiting room and advise the Hearing Officer working the Board meeting and the parole examiner working the door when a case is ready (client, agent, family, attorney, etc.) for Board presentation.
3. Order and number violation cases on a first come - first served basis. A case is not to be numbered until all persons related to the case are present.
4. Advise the Hearing Officer working the Board meeting of any unusual circumstances surrounding a case scheduled for Board presentation. The Hearing Officer working the Board will decide the course of action on any case involving unusual circumstances.
5. Insure that all orders are properly completed and the original returned. Instruct the Agent to return the completed order to you personally (Hearing Officer "Assisting").
6. Complete rehearing options. Have clerical assistant add wording to Revocation orders with rehearing.
7. Insure that all agents, violators, attorneys and families are directed into the violation waiting room and remain there until all paperwork is completed.
8. Immediately provide the Chief Hearing Officer with a list of all agents who were not in place and ready to proceed at 9:00 a.m. with the time noted when the agent was in place and ready to proceed.

9. Other duties as necessary when requested by the Hearing Officer working the Board meeting or the Chief Hearing Officer.

The Chief Hearing Officer reserves the right to make decisions as deemed appropriate in all Board matters.

JPH	_____	JWC	_____.
MAG	_____	RG	_____.
WFE	_____	TRF	_____.
DCA	_____	WCD	_____.
AKM	_____	TWW	_____.
HAH	_____.		

SOP #4  
July 30, 1991  
Revised December 14, 1992

### SPECIAL CONSIDERATION CASES

Hearing Officers will review cases submitted for Special Consideration and generate a summary according to the schedule due date. The Special Consideration Summary must be submitted to Doris Alewine for typing and copying no later than 12:00 noon Friday prior to Wednesday when the Board receives the Summary. A summary of Special Consideration Cases will be given to each Board member at all Full Board meetings. Board Members will have two weeks to review the summary before voting on the cases at the next Full Board meeting. A representative of the Hearing Section with Special Consideration cases in his possession will be present at all Full Board meetings to answer any questions the Board may have concerning Special Consideration matters.

Hearing Officers will review Special Consideration cases to insure requests are reasonable, appropriate and in accordance with Agency Policy and Procedures. Hearing Officers are to insure adequate justification accompanies Special Consideration requests. The period of exemption and/or amount of exemption must be given on each exemption case. Hearing Officers will review all Special Consideration cases available prior to the summary due date. Hearing Officers are to insure that cases going before the Board merit Board consideration and all matters are handled at the appropriate level (i.e. Agent, Hearing Officer, Board).

NOTE: The Board has expressed its sentiment that it is not inclined to exempt supervision fees simply to permit an individual to pay on a fine.

JPH	_____	DHB	_____.
MAG	_____	TF	_____.
RG	_____	DCA	_____.
CJW	_____	TWW	_____.
HAH	_____	AMF	_____.
WCD	_____.		

SOP #5  
June 4, 1992

HEARING SECTION MONTHLY STAFF MEETING

June 8, 1992

This is the first of our monthly staff meetings, which have been instituted on a trial basis, and will continue on the 1st Monday of each month until further notice. Since scheduled staff meetings will be less frequent, conscious efforts will have to be made by Hearing Officers and the Central Office Hearing Section staff to insure that communication continues to flow freely in both directions. Greater use will have to be made of the telephone, written communications, and field meetings. Hearing Section personnel are to give this meeting top priority and make all efforts to be present at all staff meetings. If a Hearing Section member is absent from a staff meeting, it is that member's responsibility to ascertain what progressed at the meeting by reviewing minutes of the meeting and be asking persons in attendance. We will make all efforts to save any handouts for a person absent from a staff meeting. As a courtesy to our out-of-town members these meetings will now start at 9:30 a.m.

Doris Alewine, and by delegation, Teresa Wideman and Angie Frick remain responsible for telephonically notifying Hearing Officers of changes in scheduling dates on all Mondays other than staff meeting Mondays.

JPH	_____	RG	_____.
MAG	_____	JW	_____.
HAH	_____	DCA	_____.
WCD	_____	TWW	_____.
TF	_____	AMF	_____.
DH	_____.		

SOP #6  
August 15, 1994

HEARING SECTION CALENDARS

August 15, 1994

All Hearing Section Personnel must submit calendars detailing their duties each month. Please remember this calendar is a comprehensive listing of your work activities during the month, and not a listing of hearings in your District. Calendars must be received by the Executive Support Specialist **NOT** than the 16th of the prior month. Your name and home and work phone numbers need to be on calendars. Communicate clearly what you are doing; If you're taking leave, it must be approved by your supervisor in advance in accordance with SOP#1, and you are to indicate the type of leave on your calendar, if you need coverage, discuss with Marvin or Jimmy in advance. Fax or hand deliver calendars. Don't depend on delivery through the mail, except at a last resort, and then be sure that you will mail them at least 5 days before the due date. Submit updates whenever your calendar changes. Please don't mail updates...they will be outdated before we receive them.

Trish Todd will be responsible for date-stamping calendars the day they are received. She will maintain a copy and distribute copies to Jimmy and Marvin.

I have reviewed and initialed the SOP#6 for Hearing Section Calendars:

Hiott _____	Garrard _____	Todd _____
Bishop _____	Gravino _____	Hennes _____
Brown _____	Gregory _____	Wideman _____
Coleman _____	Hinton _____	
Driggers _____	Wolfe _____	
Fleming _____		

SECTION OPERATING PROCEDURE #7

STORAGE OF HEARING RECORDS

NOVEMBER 16, 1994

THE FOLLOWING PROCEDURES WILL BE USED IN ORDER TO EFFECTIVELY UTILIZE SPACE AND TO OBSERVE THE CONFIDENTIALITY OF HEARING RECORDS.

SCHEDULING SHEETS, FINDINGS, 9B'S, 9C'S, 16.1, 16.2, 16.3, 22'S, OTHER PAPERWORK DEEMED APPROPRIATE, AND TAPES WILL BE RETAINED ON EACH CASE.

ALL MATERIAL WILL BE FILED ACCORDING TO THE DATE THE HEARING WAS CONDUCTED. THE COMPLETED SCHEDULING SHEET WILL PRECEDE ALL HEARINGS HELD THAT DAY. EACH CASE WILL BE FILED ACCORDING TO ITS LOCATION ON THE SCHEDULING SHEET. THE SCHEDULING SHEET WILL BE FILED WITH A TAB ATTACHED TO THE RIGHT SIDE INDICATING THE DATE OF HEARINGS. THE SCHEDULING SHEET ALONG WITH THE APPROPRIATE CASES WILL BE PLACED IN AN ACCORDION FOLDER LABELED BY MONTH, YEAR, AND HEARING OFFICER. THESE FOLDERS ALONG WITH THE TAPES WILL BE KEPT IN A LOCKING METAL FILING CABINET. THE TAPES WILL BE IN GROUPS OF TWELVE SECURED BY RUBBER BANDS AND ACCORDING TO THE DATE RECORDED. EACH GROUP WILL BE LABELED WITH THE DATE OF THE FIRST AND LAST TAPE ON A INDEX CARD. THE TAPES WILL BE STACKED IN THREE LAYERS WITH THE MOST RECENT RECORDINGS ON TOP. THIS CABINET WILL BE LOCKED AT ALL TIMES EXCEPT WHEN YOU ARE WORKING WITH MATERIALS IN THE CABINET. EACH HEARING OFFICER WILL DESIGNATE AN INDIVIDUAL IN THEIR OFFICE TO ACCESS THIS FILE CABINET IN YOUR ABSENCE, AND WILL PROVIDE THAT INDIVIDUAL WITH A KEY. (DESIGNATION LIST ATTACHED).

\*\*\*WHEN A HEARING OFFICER CONDUCTS HEARINGS OUT OF THEIR ASSIGNED DISTRICTS CASE MATERIALS AND SCHEDULING SHEETS WILL BE FILED IN THE DISTRICT WHERE THE HEARINGS WERE CONDUCTED, AS WELL AS IN THE FILE OF THE HEARING OFFICER WHO CONDUCTED THE HEARING. TAPES WILL BE RETAINED BY THE HEARING OFFICER CONDUCTING THE HEARING.

FURLOUGH CASES THAT WERE CONDUCTED THROUGH A PAPERWORK REVIEW WILL BE CLIPPED TOGETHER AND FILED IN THE CURRENT MONTH'S ACCORDION FOLDER IN FRONT OF THE FIRST SCHEDULING SHEET.

RETENTION OF CASE MATERIALS

AFTER THREE YEARS FROM HEARING DATE TAPES WILL BE ERASED AND USABLE TAPES WILL BE RELABELED AND REUSED.

AFTER THREE YEARS FROM HEARING DATE DISKETTES ARE TO BE ERASED, RELABELED, AND REUSED.

AFTER THREE YEARS FROM HEARING DATE PAPERWORK WILL BE SHREDDED.

**STORAGE OF DISKETTES**

COMPUTER DISKETTES ARE TO BE LABELED WITH THE HEARING OFFICER'S NAME AND THE BEGINNING AND ENDING DATES OF FINDINGS CONTAINED ON DISKETTE. EXAMPLE: JAMES P. HIOTT SEPTEMBER 5, 1993 - OCTOBER 23, 1993. THE DISKETTES ARE TO BE STORED IN CHRONOLOGICAL ORDER IN A DISKETTE BOX AND SECURED IN THE LOCKED FILE CABINET.

**LABELING OF TAPES**

EACH TAPE WILL BE LABELED WITH THE OFFENDER'S NAME, SID#, HEARING OFFICER'S INITIALS, AND DATE. EXAMPLE: JOHN DOE #0034682 JH081294.

I HAVE REVIEWED AND INITIALED THE SOP#7 FOR STORAGE OF HEARING RECORDS:

Hiott _____	Garrard _____	Todd _____
Bishop _____	Gravino _____	Hennes _____
Brown _____	Gregory _____	Wideman _____
Coleman _____	Hinton _____	
Driggers _____	Wolfe _____	
Fleming _____		



**STORAGE OF DISKETTES**

COMPUTER DISKETTES ARE TO BE LABELED WITH THE HEARING OFFICER'S NAME AND THE BEGINNING AND ENDING DATES OF FINDINGS CONTAINED ON DISKETTE. EXAMPLE: JAMES P. HIOTT SEPTEMBER 5, 1993 - OCTOBER 23, 1993. THE DISKETTES ARE TO BE STORED IN CHRONOLOGICAL ORDER IN A DISKETTE BOX AND SECURED IN THE LOCKED FILE CABINET.

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I HAVE REVIEWED AND INITIALED THE SOP#7 FOR STORAGE OF HEARING RECORDS:

Hiott _____	Garrard _____	Todd _____
Bishop _____	Gravino _____	Hennes _____
Brown _____	Gregory _____	Wideman _____
Coleman _____	Hinton _____	
Driggers _____	Wolfe _____	
Fleming _____		

DATE: \_\_\_\_\_

LOCATION: \_\_\_\_\_

TIME	OFFENDER/SID #	TYPE CASE	AGENT	H.O.	DISPOSITION
9:00 AM					
9:30 AM					
10:00 AM					
10:30 AM					
11:00 AM					
11:30 AM					
12:00 PM					
12:30 PM					
1:00 PM					
1:30 PM					
2:00 PM					
2:30 PM					
3:00 PM					
3:30 PM					
4:00 PM					



State of South Carolina, County of: Richland

Indictment No.(s) -GS- \_\_\_\_\_ ; -GS- \_\_\_\_\_ ; -GS- \_\_\_\_\_

Client: John Doe DOB: 5 / 1 / 54 Location: ( ) SCDC (X) County Jail ( ) Community  
MM DD YY

SCDC No. 12345 SID No. 67890

Supervision Program: EPA Begins: 12 / 20 / 93 Ends: 12 / 20 / 94 Supervision Level Max.  
MM DD YY MM DD YY

Offense: Grand Larceny

---

Sentencing Judge: Judge Peeples Date of Sentence 3 / 2 / 91  
MM DD YY

Sentencing County Richland

**Sentence:**

5 yrs. SS 2 yrs.

**Special Conditions:**

None

**Reporting:**

Subject reported on a regular basis until he was arrested for Burglary-1st Degree.

**Current Address and Summary of Residence:**

123 Main Street  
 Columbia, S.C.

**Employment Record While Under Supervision:**

<u>Employer</u>	<u>Dates (From - To)</u>	<u>Reason for Leaving</u>	<u>Earnings</u>
W&W Construction	1/94 - 8/94	Arrested	\$10 per hour

**Financial Conditions:**

<u>Total Amount Ordered</u>	<u>Period Payment ( )</u>	<u>Total Amount Paid</u>	<u>Date Last Paid</u>	<u>Arrearage</u>	<u>Balance Due</u>
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**Restitution:**

**Fine:**

**Fee:**

Date

Violation

Disposition

None

Details of Present Violation: Violation Category Code: A Risk Category Code A

Subject has violated by being convicted of Burglary-1st Degree and receiving a new sentence of 1 year on 8-18-94.

Agent's Recommendation:

Revocation time to run concurrent with new sentence.

Agent's Justification:

Disposition:

Agent: Jack Friday

Date: 8-19-94

Supervisor's Signature: Bill Smith

Date: 8/19/94

CITATION

-GS-

No. C-40-0003

SOUTH CAROLINA  V.  John Doe	County: Richland	
	SCDC # 12345	SID # 67890
	Citation for Violation of <input type="checkbox"/> Parole <input checked="" type="checkbox"/> Powers Act <input type="checkbox"/> Furlough Emergency    Supervised Release	

TO:  
John Doe

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place Richland County Detention Center	Room --
	Date and Time 8-19-94

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged
--------------------

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights: You have the right at the preliminary hearing to question any person who appears as a witness against you and to have witnesses appear in your behalf. You may present evidence on your behalf. You may have an attorney represent you at the hearing at your expense. An attorney may be appointed to represent you in extraordinary circumstances. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.
---

IF YOU FAIL TO APPEAR AT THE TIME DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

Columbia, South Carolina	Probation and Parole Agent
Date 8-19-94	<i>Jack Friday</i> Jack Friday    Agent #    000.

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place Columbia, S.C.	Time and Date 8-19-94    10:00 AM
	Serving Officer's Signature <i>Bill Smith</i>

Sworn to and subscribed before me this 19th day of August 19 94

*G. Taylor*  
Signature of Notary Public

My Commission Expires 1-10-2001

AFFIDAVIT

County of Richland

Personally appeared before me, Jack Friday,  
who first being duly sworn, deposes says that John Doe

did within this County and State on the 19th day of August,  
19 94, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

By being convicted of Burglary-1st Degree and receiving a new sentence  
of 1 year on 8-18-94.

The Affiant states that there is probable cause to believe the defendant  
named committed the violations set forth and that such probable cause is based  
on the following facts:

Subject has violated by being convicted of Burglary-1st Degree and receiving  
a new sentence of 1 year on 8-18-94.

Sworn to and subscribed  
before me this 19th day of  
August 19 94

Jack Friday  
Affiant

B. Taylor  
Signature of Notary Public

My Commission Expires: 1-10-2001

Date 8-19-94

SCDC: 12345

SID: 67890

**SOUTH CAROLINA DEPARTMENT OF PROBATION,  
PAROLE, AND PARDON SERVICES**

-vs-

JOHN DOE

**WAIVER OF HEARING**

Extended Work Program Violation  
 Supervised Furlough Violation

You have the right to have a Hearing on the charge of violation of Release Program. You have the right at the Hearing to confront and question any person who appears as a witness against you. You may have witnesses appear in your behalf.

After having the foregoing explained to me by JACK FRIDAY, I wish to voluntarily waive my right to a Hearing by a neutral Hearing Officer concerning the existence of a violation of the Conditions of release and accept my removal from the program and return to the custody of the South Carolina Department of Corrections for completion of my sentence.

Jack Friday  
Agent

John Doe 8-19-94  
Client Date

Distribution: Original to Hearing Section  
One Copy to Client  
One Copy for Agent's file

Work Program: Participant  
Supervising Agent's File  
Two Copies to SCDC Work Center Superintendent  
(One Copy Designated for SCDC Community Services)



Date 8/19/94

SCDC: 12345

SID: 67890

SOUTH CAROLINA DEPARTMENT OF PROBATION,  
PAROLE, AND PARDON SERVICES

-vs-  
John Doe

NOTICE OF YOUR RIGHTS  
PAROLE/EPA/FURLOUGH

You are informed that you are being charged with violation of the conditions of your release. You have the right to remain silent. Anything you say can be used against you at a Violation Hearing. You have the right to talk to an attorney before any questioning and to have him with you during questioning. You may retain an attorney at your expense. The Department of Probation, Parole, and Pardon Services is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may at your preliminary hearing petition for an appointed attorney. An attorney will not be appointed in furlough hearings and will not be appointed in other hearings except in the most extraordinary circumstances. If you wish to discuss the violation at this time, you are informed that you can stop the discussion at any time.

Bitt Smith  
Witness

Jack Friday  
(Agent)

This is to certify that my rights, as stated above, have been explained to me, and I understand what my rights are. I have been given a copy of this statement.

Richland County  
Location

John Doe  
(Client)

8/19/94  
Date

Distribution: Original to Hearing Section  
Copy to Client  
Copy to Agent's File

STATE OF SOUTH CAROLINA

-vs-

NOTICE OF ADMINISTRATIVE HEARING

John Doe  
Releasee

You are notified that an Administrative Hearing will be conducted by a neutral Hearing Officer on the 26 day of August, 1994, at 9:00 AM/PM, at Richland County Probation Office.

This Hearing is on the charges that are set forth in the warrant or citation dated 8/19/94, and served on you 8/19/94,  
(date)  
and a copy of which was provided to you.

You may have an Attorney at your expense represent you at the Administrative Hearing. The South Carolina Department of Probation, Parole, and Pardon Services is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may, at your hearing, petition for an appointed attorney. An attorney will not be appointed except in the most extraordinary circumstances. You may have witnesses present to testify for you, if you so desire. You may also have members of your family present. It is your responsibility to have your witnesses and attorney present. You have the right to question any person making allegations against you at this Hearing unless the Administrative Hearing Officer determines that there is sufficient grounds to deny the confrontation...

I acknowledge notification of the Administrative Hearing in my case specified above.

John Doe  
Releasee

8/19/94  
Date

Bill Smith  
Witness

SOUTH CAROLINA DEPARTMENT OF PROBATION,  
PAROLE, AND PARDON SERVICES

AFFIDAVIT

I, the undersigned John Doe, hereby state  
under the pains and penalties of perjury that the following statements  
are true and correct to the best of my knowledge and belief.

I have read, signed, and received a copy of this statement. I understand I  
may be asked to testify at a hearing about my statements made above.

Dated 8/19/94

John Doe  
Affiant

at Columbia, S.C.

Bill Smith  
Witness

State of South Carolina, County of: Richland

Indictment No.(s) 92 -GS- 40-556 & 444; -GS- -GS-

Client: John Doe DOB: 2 / 26 / 75 Location:  SCDC ( ) County Jail ( ) Community  
MM DD YY

SCDC No. Y12345 SID No. 67890

Supervision Program: YOA Parole Begins: 10 / 29 / 93 Ends: 4 / 14 / 99 Supervision Level Med.  
MM DD YY MM DD YY

Offense: Possession of Cocaine (2 counts)

---

Sentencing Judge: Peeples Date of Sentence 4 / 14 / 93  
MM DD YY

Sentencing County Richland

**Sentence:**

YOA NTE 3 years/ YOA NTE 5 years

**Special Conditions:**

Attend and complete substance abuse programs and follow all treatment recommendations. Exempt SF fees while enrolled in Substance Abuse Program. Enroll/attend Adult Education.

**Reporting:**

Subject reports monthly and as scheduled.

**Current Address and Summary of Residence:**

Subject resides at 123 Main St., Cola., S.C.

**Employment Record While Under Supervision:**

<u>Employer</u>	<u>Dates (From - To)</u>	<u>Reason for Leaving</u>	<u>Earnings</u>
No employment reported; subject attend Voc. Rehab. briefly.			

**Financial Conditions:**

<u>Total Amount Ordered</u>	<u>Period Payment ( )</u>	<u>Total Amount Paid</u>	<u>Date Last Paid</u>	<u>Arrearage</u>	<u>Balance Due</u>
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**Restitution:**

**Fine:**

**Fee:**

Exempted while enrolled in the substance abuse program.



# STATE OF SOUTH CAROLINA

WARRANT #Y-40-0124  
**ARREST WARRANT**

COUNTY OF Richland

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF Richland, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that [name of defendant]:  
John Doe SID #67890

did on the 19th day of August, 1994,  
violate the criminal laws of the State of South Carolina as set forth below:

**DESCRIPTION OF OFFENSE**

Violation of Conditional Release (YOA Parole) pursuant to Section 24-19-150.

Now, therefore, you are empowered and directed to arrest the said defendant and bring John Doe before me forthwith to be dealt with according to law.

A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Done at Columbia, S. C. this 19th day  
of August, 1994.

Jack Friday (L.S.)  
Signature of Probation and Parole Agent

# STATE OF SOUTH CAROLINA

**AFFIDAVIT**

COUNTY OF Columbia

Personally appeared before me, one Jack Friday,  
first being duly sworn, deposes and says that [name of defendant]  
John Doe

did within this County and State on the 19th day of August, 1994, violate  
the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE**

Violation of Conditional Release (YOA Parole) pursuant to Section 24-19-150  
as granted by the SC Dept. of Corrections on the 29th of October 1993 and accepted  
by the above named parolee on the 29th day of October 1993.

The Affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that  
such probable cause is based on the following facts:

Subject plead guilty to Possession of Crack Cocaine on 7-15-94 in Saluda County  
Gen. Sessions Court received a sent. of 10 yrs. susp. to 3 yrs. and 5 yrs. prob.  
by Judge Ballenger and by failing to follow the advice and instructions of his  
agent which constitutes violation of Sections 9 and 12 of his YOA Conditional  
Release Agreement.

Sworn to and Subscribed before me

this 19th day of August, 1994.

[Signature] (L.S.)  
Signature of Notary Public

Jack Friday  
Affiant  
Address Richland County  
Probation Office  
Phone 254-6286

MY COMMISSION EXPIRES: 1-10-2001

RETURN

\_\_\_\_\_, 19\_\_\_\_

Constable or  
Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to  
the following defendant:

JOHN DOE

on the 22nd day of August,  
1994.

Constable or  
Law Enforcement Officer

This Warrant is certified for service in \_\_\_\_\_

County. The accused is to be arrested and brought before me to be  
dealt with according to law.

\_\_\_\_\_  
Signature of Judge (L.S.)

STATE OF SOUTH CAROLINA

County of RICHLAND

THE STATE  
against

JOHN DOE

**ARREST WARRANT**

Offense Violation of Conditional  
Release (YOA Parole)

Code Section 24-19-150

Date 7-26-94

Officer and Agency \_\_\_\_\_

Disposition \_\_\_\_\_

Sentence \_\_\_\_\_

Co-Defendants \_\_\_\_\_

INFORMATION ON DEFENDANT

Name JOHN DOE

Address 123 Main St.

Cola., S.C.

Phone \_\_\_\_\_

Sex M Race W Height 5'10"

Weight 150 lbs. Birthdate 2-26-75

Social Security Number \_\_\_\_\_

INFORMATION ON WITNESSES

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

PRELIMINARY HEARING held by

Magistrate \_\_\_\_\_

on \_\_\_\_\_, 19\_\_\_\_

with \_\_\_\_\_,  
Attorney for Defendant.

Decision: \_\_\_\_\_

BAIL

Date Set \_\_\_\_\_, 19\_\_\_\_

Magistrate \_\_\_\_\_

Amount \_\_\_\_\_

Surety \_\_\_\_\_

NOTICE OF REVOCATION HEARING

The South Carolina Department of Corrections, YOA Conditional Release Revocation Board, (SCDPPPS), will hold a hearing regarding alleged violations of your conditions of release on 9-2, 1994 at the Broad River Reception and Evaluation Center, 4464 Broad River Road, Columbia, South Carolina at 9:00 AM.

Should the date of the hearing be changed, you will be notified in writing. All hearings are usually held within (12) days of recommitment to the SCDC.

You have been advised of the charges in the arrest warrant issued against you at the time of your arrest and have been afforded the right to a preliminary hearing or have waived such at your own discretion.

At your Revocation Hearing, you have the right to:

1. Present evidence and favorable witnesses, at your own expense,
2. Have any evidence against you disclosed,
3. Ask questions relevant to your alleged violations and/or confront any witness(es) against you unless the Chairman of the Revocation Board determines confrontation might be inflammatory or endanger the witness(es).
4. The Department is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may at your Revocation Hearing petition for an appointed attorney. An attorney will not be appointed except in the most extraordinary circumstances.

You may request postponement of your Revocation Hearing prior to the hearing date for good cause not to exceed thirty (30) days in order to arrange for counsel and/or witnesses.

It is your responsibility to notify your attorney and/or witness(es) of your Revocation Hearing.

I have read and/or have had read to me and understand this Notice of Revocation Hearing and have been given a copy. I (do wish) (do not wish) to be present.

Bill Smith

WITNESS

8/19/94

DATE

John Doe

YOUTHFUL OFFENDER

V12345  
SCDC NO.

Original: Chairman, YOA Conditional Release Revocation Board  
cc: Supervising Agents Case File  
Youthful Offender  
SCDC, R&E Officials  
SCDC, Youthful Offender Central Record



Date 8/19/94

SCDC: 12345

SID: 67890

SOUTH CAROLINA DEPARTMENT OF PROBATION,  
PAROLE, AND PARDON SERVICES

-vs-  
John Doe

NOTICE OF YOUR RIGHTS  
PAROLE/EPA/FURLOUGH

You are informed that you are being charged with violation of the conditions of your release. You have the right to remain silent. Anything you say can be used against you at a Violation Hearing. You have the right to talk to an attorney before any questioning and to have him with you during questioning. You may retain an attorney at your expense. The Department of Probation, Parole, and Pardon Services is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may at your preliminary hearing petition for an appointed attorney. An attorney will not be appointed in furlough hearings and will not be appointed in other hearings except in the most extraordinary circumstances. If you wish to discuss the violation at this time, you are informed that you can stop the discussion at any time.

Bill Smith  
Witness

Jack Friday  
(Agent)

This is to certify that my rights, as stated above, have been explained to me, and I understand what my rights are. I have been given a copy of this statement.

Richland County  
Location

John Doe  
(Client)

8/19/94  
Date

Distribution: Original to Hearing Section  
Copy to Client  
Copy to Agent's File

STATE OF SOUTH CAROLINA

-vs-

NOTICE OF ADMINISTRATIVE HEARING

John Doe  
Releasee

You are notified that an Administrative Hearing will be conducted by a neutral Hearing Officer on the 26 day of August, 1994, at 9:00 AM/PM, at Richland County Probation Office.

This Hearing is on the charges that are set forth in the warrant or citation dated 8/19/94, and served on you 8/19/94,  
(date)  
and a copy of which was provided to you.

You may have an Attorney at your expense represent you at the Administrative Hearing. The South Carolina Department of Probation, Parole, and Pardon Services is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may, at your hearing, petition for an appointed attorney. An attorney will not be appointed except in the most extraordinary circumstances. You may have witnesses present to testify for you, if you so desire. You may also have members of your family present. It is your responsibility to have your witnesses and attorney present. You have the right to question any person making allegations against you at this Hearing unless the Administrative Hearing Officer determines that there is sufficient grounds to deny the confrontation...

I acknowledge notification of the Administrative Hearing in my case specified above.

John Doe  
Releasee  
Bill Smith  
Witness

8/19/94  
Date

SOUTH CAROLINA DEPARTMENT OF PROBATION,  
PAROLE, AND PARDON SERVICES

AFFIDAVIT

I, the undersigned John Doe, hereby state  
under the pains and penalties of perjury that the following statements  
are true and correct to the best of my knowledge and belief.

I have read, signed, and received a copy of this statement. I understand I  
may be asked to testify at a hearing about my statements made above.

Dated 8/19/94

John Doe  
Affiant

at Columbia, S.C.

Bill Smith  
Witness

State of South Carolina, County of: Richland

Indictment No.(s) 91 -GS- 40-2503; -GS-; -GS-

Client: Jonh Doe DOB: 3 / 29 / 53 Location: ( ) SCDC ( ) County Jail ( ) Community  
MM DD YY

SCDC No. 12345 SID No. 67890

Supervision Program: Probation Begins: 4 / 21 / 91 Ends: 4 / 20 / 96 Supervision Level Int.  
MM DD YY MM DD YY

Offense: FORGERY

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Sentencing Judge: Judge Peeples Date of Sentence 4 / 21 / 91  
MM DD YY

Sentencing County Richland

**Sentence:**

7 years SUSP. 5 years probation.

**Special Conditions:**

To be placed in Rest. Ctr. for 6 mos.; to be trans. to Center by Rich. Sheriff's Office, when a bed becomes available after Spartanburg Cases are disposed of. To remain in jail until trans. to Rest. Ctr.; pay \$250 to PDF and rest. of \$408.20; payments to be determined

**Reporting:** by Rest. Ctr.

Subject last reported on 6-13-92.

**Current Address and Summary of Residence:**

Subject is present in Richland County Jail.

**Employment Record While Under Supervision:**

<u>Employer</u>	<u>Dates (From - To)</u>	<u>Reason for Leaving</u>	<u>Earnings</u>
No record of subject's employment since his release from Columbia Restitution Center.			

**Financial Conditions:**

	<u>Total Amount Ordered</u>	<u>Period Payment ( )</u>	<u>Total Amount Paid</u>	<u>Date Last Paid</u>	<u>Arrearage</u>	<u>Balance Due</u>
<u>Restitution:</u>	\$408		\$408			0
<u>Fine:</u>	N/A					
<u>Fee:</u>	N/A					

Date

Violation

Disposition

None

Details of Present Violation:

Violation Category Code: A

Risk Category Code A

By violating conditions of probation 6, 9, 10, and 11 ordered in original sentence in Rich. Co. Gen. Sessions Court.

Subject failed to provide his agent with complete information about his residence as instructed; and he failed to report as instructed.

Agent's Recommendation:

Partial Revocation of 3½ years and terminate the balance.

Agent's Justification:

Subject has been absconded for 4 years. This along with the fact that subject has received a new General Session conviction warrants.

Disposition:

Agent:

Jack Friday

Date:

8-19-94

Supervisor's Signature

Bill Smith

Date:

8-19-94

# STATE OF SOUTH CAROLINA

## ARREST WARRANT

COUNTY OF RICHLAND

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF Richland, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that [name of defendant]:  
John Doe SID #67890

did on the 14th day of July, 19 92,  
violate the criminal laws of the State of South Carolina as set forth below:

### DESCRIPTION OF OFFENSE

By violating conditions of probation 6, 9, 10, and 11 ordered in original sentence  
in Rich. Co. Gen. Sessions Court.

Now, therefore, you are empowered and directed to arrest the said defendant and bring John Doe  
before me forthwith to be dealt with according to law.

A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Done at Columbia, S. C. this 14th day  
of July, 19 92.

Jack Friday (L.S.)  
Signature of Probation and Parole Agent

# STATE OF SOUTH CAROLINA

## AFFIDAVIT

COUNTY OF RICHLAND

Personally appeared before me, one Jack Friday,  
who, first being duly sworn, deposes and says that [name of defendant]:  
John Doe

did within this County and State on the 14th day of July, 19 92, violate  
the criminal laws of the State of South Carolina in the following particulars:

### DESCRIPTION OF OFFENSE

By violating conditions of probation 6, 9, 10, and 11 ordered in original sentence  
in Rich. Co. Gen. Sessions Court.

The Affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that  
such probable cause is based on the following facts:

Subject failed to provide his Agent with complete information about his residence  
as instructed; and he failed to report as instructed.

Sworn to and Subscribed before me

this 14th day of July, 19 92.

P. Taylor (L.S.)  
Signature of Notary Public

Jack Friday  
Affiant  
Address Richland County  
Probation Office  
Phone 253-6286

MY COMMISSION EXIRES: 1-10-2001

RETURN

19

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

John Doe

on the 19th day of Aug

1994 Bill Smith Constable or Law Enforcement Officer

This Warrant is certified for service in

County. The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge

(L.S.)

STATE OF SOUTH CAROLINA

County of Richland

THE STATE against

John Doe

ARREST WARRANT

Offense Violation of Probation

Code Section 24-21-430

Date 7-14-92

Officer and Agency

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name John Doe

Address 123 Main Street Columbia, SC

Phone

Sex M Race W Height 5'10"

Weight 150 lbs Birthdate 3-29-53

Social Security Number 123-45-6789

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on , 19

with Attorney for Defendant.

Decision:

Date Set 8/20 1994

Magistrate Thomas D

Amount

Surety

STATE OF SOUTH CAROLINA

-vs-

NOTICE OF ADMINISTRATIVE HEARING

John Doe  
Releasee

You are notified that an Administrative Hearing will be conducted by a neutral Hearing Officer on the 26 day of August, 1994, at 9:00 AM PM, at Richland County Probation Office.

This Hearing is on the charges that are set forth in the warrant or citation dated 8/19/94, and served on you 8/19/94,  
(date)  
and a copy of which was provided to you.

You may have an Attorney at your expense represent you at the Administrative Hearing. The South Carolina Department of Probation, Parole, and Pardon Services is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may, at your hearing, petition for an appointed attorney. An attorney will not be appointed except in the most extraordinary circumstances. You may have witnesses present to testify for you, if you so desire. You may also have members of your family present. It is your responsibility to have your witnesses and attorney present. You have the right to question any person making allegations against you at this Hearing unless the Administrative Hearing Officer determines that there is sufficient grounds to deny the confrontation...

I acknowledge notification of the Administrative Hearing in my case specified above.

John Doe  
Releasee

8/19/94  
Date

Bill Smith  
Witness



DEFENSE OF INDIGENTS ACT

FORM NO. I

A STATEMENT OF THE RIGHTS OF AN ACCUSED

You have been arrested and charged with the crime of \_\_\_\_\_  
Violation of Probation

You are advised:

- (a) You have a right to employ counsel to represent you.
- (b) In the event you are financially unable to employ counsel, the State will provide you with counsel by appointment or with the services of the Public Defender of this County. If you desire the State to provide you with counsel, you must make application for counsel on a form which I will give to you.

This form has been read to the accused, John Doe, in my presence at 10:50 (a.m.) this 18th day of August, 1994.

\_\_\_\_\_  
Jack Friday  
Agent

(If the accused cannot employ counsel and does not wish the State to provide him with counsel at this time, he shall be asked to execute the following statement.)

WAIVER OF RIGHT TO HAVE APPOINTED COUNSEL OR SERVICES OF PUBLIC DEFENDER

I, the undersigned certifies that he has been informed of the charges against him and the nature thereof, and that he is unable to employ counsel. However, the undersigned now states that he does not at this time desire to apply for the appointment of counsel or for the services of the Public Defender, and expressly waives his desire to services of counsel provided by the State at this time, which he understands he has a right to do.

\_\_\_\_\_  
Defendant

Executed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Agent

# STATE OF SOUTH CAROLINA

## ARREST WARRANT

COUNTY OF RICHLAND

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF Richland, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that [name of defendant] John Doe SID #67890

did on the 14th day of July, 19 92, violate the criminal laws of the State of South Carolina as set forth below:

### DESCRIPTION OF OFFENSE

By violating conditions of probation 6, 9, 10, and 11 ordered in original sentence in Rich. Co. Gen. Sessions Court.

Now, therefore, you are empowered and directed to arrest the said defendant and bring John Doe before me forthwith to be dealt with according to law.

A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Done at Columbia, S. C. this 14th day of July, 19 92.

Jack Friday (L.S.)  
Signature of Probation and Parole Agent

# STATE OF SOUTH CAROLINA

## AFFIDAVIT

COUNTY OF RICHLAND

Personally appeared before me, one Jack Friday, who, first being duly sworn, deposes and says that [name of defendant] John Doe

did within this County and State on the 14th day of July, 19 92, violate the criminal laws of the State of South Carolina in the following particulars:

### DESCRIPTION OF OFFENSE

By violating conditions of probation 6, 9, 10, and 11 ordered in original sentence in Rich. Co. Gen. Sessions Court.

The Affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Subject failed to provide his Agent with complete information about his residence as instructed; and he failed to report as instructed.

Sworn to and Subscribed before me

this 14th day of July, 19 92.

P. Taylor (L.S.)  
Signature of Notary Public

Jack Friday  
Affiant  
Address Richland County  
Probation Office  
Phone 253-6286

MY COMMISSION EXIRES: 1-10-2001

RETURN

\_\_\_\_\_, 19\_\_\_\_\_  
\_\_\_\_\_  
Constable or  
Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to  
the following defendant:

John Doe

on the 19th day of Aug,

1994  
Bill Smith  
Constable or  
Law Enforcement Officer

This Warrant is certified for service in \_\_\_\_\_

County. The accused is to be arrested and brought before me to be  
dealt with according to law.

\_\_\_\_\_  
Signature of Judge (L.S.)

STATE OF SOUTH CAROLINA

County of Richland

THE STATE  
against

John Doe

ARREST WARRANT

Offense Violation of Probation

Code Section 24-21-430

Date 7-14-92

Officer and Agency \_\_\_\_\_

Disposition \_\_\_\_\_

Sentence \_\_\_\_\_

Co-Defendants \_\_\_\_\_

INFORMATION ON DEFENDANT

Name John Doe

Address 123 Main Street  
Columbia, SC

Phone \_\_\_\_\_

Sex M Race W Height 5'10"

Weight 150 lbs Birthdate 3-29-53

Social Security Number 123-45-6789

INFORMATION ON WITNESSES

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

PRELIMINARY HEARING held by

Magistrate \_\_\_\_\_

on \_\_\_\_\_, 19\_\_\_\_

with \_\_\_\_\_  
Attorney for Defendant.

Decision: \_\_\_\_\_

Date Set 8/20, 1994

Magistrate Thomas

Amount 0

Surety \_\_\_\_\_

State of South Carolina, County of: <u>Richland</u>	
Indictment No.(s) <u>91-GS-40-1449</u> ; <u>-GS-</u> ; <u>-GS-</u>	
Client: <u>John Doe</u> DOB: <u>2 / 7 / 51</u> Location: ( ) SCDC ( ) County Jail (X) Community	
SCDC No. <u>12345</u>	SID No. <u>67890</u>
Supervision Program: <u>Parole</u> Begins: <u>5 / 29 / 93</u> Ends: <u>11 / 30 / 97</u> Supervision Level <u>Max.</u>	
Offense: <u>Robbery</u>	
Sentencing Judge: <u>Peeples</u> Date of Sentence <u>6 / 5 / 91</u>	
Sentencing County <u>Richland</u>	

**Sentence:**

5 years

**Special Conditions:**

Intensive Supervision minimum of 6 mos.; must attend Mental Health; must attend and complete substance abuse program; and attend aftercare; no drinking alcohol for duration of parole.

**Reporting:**

Subject has reported as instructed.

**Current Address and Summary of Residence:**

123 Main St., Cola., S.C.

**Employment Record While Under Supervision:**

<u>Employer</u>	<u>Dates (From - To)</u>	<u>Reason for Leaving</u>	<u>Earnings</u>
Unemployed	5-20-93 to present		

Subject has diligently worked at seeking employment.

**Financial Conditions:**

	<u>Total Amount Ordered</u>	<u>Period Payment ( )</u>	<u>Total Amount Paid</u>	<u>Date Last Paid</u>	<u>Arrearage</u>	<u>Balance Due</u>
<b>Restitution:</b>	None					
<b>Fine:</b>	None					
<b>Fee:</b>	\$10	weekly	\$520	5/94	\$160	

None

Details of Present Violation: Violation Category Code:  A  Risk Category Code  A

By violating Parole Conditions 12 and 16.  
Subject has failed to follow the advice and instructions of his agent by not paying his supervision fee as instructed \$160 in arrears as of this date.

Agent's Recommendation:

Continue on supervision, exempt supervision fee arrearage and convert intensive fees to regular fees to start once subject become employed.

Agent's Justification:

Subject is willing to pay his fees, he just does not have adequate means at this time. Once subject is employed, it should not be a problem.

Disposition:

Agent:  Jack Friday

Date:  8-19-94

Supervisor's Signature:  Bill Mull

Date:  8-19-94

CITATION

No. C-40-0123

SOUTH CAROLINA  V.  John Doe	County: Richland	
	SCDC # 12345	SID # 67890
	Citation for Violation of <input checked="" type="checkbox"/> Parole <input type="checkbox"/> Emergency Powers Act <input type="checkbox"/> Supervised Furlough Release	

TO: John Doe

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place Richland County Probation Office	Room
	Date and Time 8-19-94 / 10:00 A.M.

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged By violating parole conditions 12 and 16.
---

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights: You have the right at the preliminary hearing to question any person who appears as a witness against you and to have witnesses appear in your behalf. You may present evidence on your behalf. You may have an attorney represent you at the hearing at your expense. An attorney may be appointed to represent you in extraordinary circumstances. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.
---

IF YOU FAIL TO APPEAR AT THE TIME DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

Columbia, South Carolina	Probation and Parole Agent <i>Jack Friday</i> Jack Friday    Agent #000
Date 8-19-94	

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place Columbia, S.C.	Time and Date 8-19-94 / 10:00 A.M.
	Serving Officer's Signature <i>Bill Smith</i>

Sworn to and subscribed before me this 19th day of August 19 94

*B. Taylor*  
Signature of Notary Public

My Commission Expires 1-10-2001

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of Richland

Personally appeared before me, Jack Friday,  
who first being duly sworn, deposes says that John Doe

did within this County and State on the 19th day of August,  
19 94, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

By violating Parole conditions 12 and 16.

The Affiant states that there is probable cause to believe the defendant  
named committed the violations set forth and that such probable cause is based  
on the following facts:

Subject has violated his Parole by failing to follow instructions given by  
his agent and failing to pay supervision fee as instructed, subject is  
currently \$160 in arrearage.

Sworn to and subscribed  
before me this 19th day of  
August 19 94

[Signature]  
Signature of Notary Public

[Signature]  
Affiant

My Commission Expires: 1-10-2001

Date 8/19/94

SCDC: 12345

SID: 67890

SOUTH CAROLINA DEPARTMENT OF PROBATION,  
PAROLE, AND PARDON SERVICES

-vs-  
John Doe

NOTICE OF YOUR RIGHTS  
PAROLE/EPA/FURLOUGH

You are informed that you are being charged with violation of the conditions of your release. You have the right to remain silent. Anything you say can be used against you at a Violation Hearing. You have the right to talk to an attorney before any questioning and to have him with you during questioning. You may retain an attorney at your expense. The Department of Probation, Parole, and Pardon Services is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may at your preliminary hearing petition for an appointed attorney. An attorney will not be appointed in furlough hearings and will not be appointed in other hearings except in the most extraordinary circumstances. If you wish to discuss the violation at this time, you are informed that you can stop the discussion at any time.

Bill Smith  
Witness

Jack Friday  
(Agent)

This is to certify that my rights, as stated above, have been explained to me, and I understand what my rights are. I have been given a copy of this statement.

Richland County  
Location

John Doe  
(Client)

8/19/94  
Date

Distribution: Original to Hearing Section  
Copy to Client  
Copy to Agent's File



STATE OF SOUTH CAROLINA

-vs-

NOTICE OF ADMINISTRATIVE HEARING

John Doe  
Releasee

You are notified that an Administrative Hearing will be conducted by a neutral Hearing Officer on the 26 day of August, 1994, at 9:00 AM PM, at Richland County Probation Office.

This Hearing is on the charges that are set forth in the warrant or citation dated 8/19/94, and served on you 8/19/94,  
(date)  
and a copy of which was provided to you.

You may have an Attorney at your expense represent you at the Administrative Hearing. The South Carolina Department of Probation, Parole, and Pardon Services is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may, at your hearing, petition for an appointed attorney. An attorney will not be appointed except in the most extraordinary circumstances. You may have witnesses present to testify for you, if you so desire. You may also have members of your family present. It is your responsibility to have your witnesses and attorney present. You have the right to question any person making allegations against you at this Hearing unless the Administrative Hearing Officer determines that there is sufficient grounds to deny the confrontation...

I acknowledge notification of the Administrative Hearing in my case specified above.

John Doe  
Releasee

8/19/94  
Date

Bill Smith  
Witness

Date 8/19/94

SCOC: 12345

SID: 67890

SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE,  
AND PARDON SERVICES

-vs-

John Doe

ACKNOWLEDGEMENT OF NOTICE  
PAROLE/EPA

This is to state that South Carolina Probation and Parole Agent

Jack Friday has advised me that a revocation hearing of  
my case will be held on 9/7/94 at the Broad River

Correctional Institution, 4460 Broad River Road, (Highway 176), Columbia,

South Carolina, at 9:00 a.m. I have read the arrest warrant or citation in

this case. (do) (do not) wish to be present at the above mentioned hearing.

I have also been advised that I will be permitted to have attorneys, at my own  
expense, and witnesses appear in my behalf if I so desire and have the right

to question any person making an allegation against me at this hearing. If I

waive appearing at this hearing I realize the Board will take action in my

case without my presence and such action will be final. I have been given a

copy of this statement.

John Doe  
Client

8/19/94  
Date

Witnessed by:

Bert Smith

Distribution: Original to Central Office  
One Copy to Client  
One Copy for Parole Agent's file

SOUTH CAROLINA DEPARTMENT OF PROBATION,  
PAROLE, AND PARDON SERVICES

AFFIDAVIT

I, the undersigned John Doe, hereby state  
under the pains and penalties of perjury that the following statements  
are true and correct to the best of my knowledge and belief.

I have read, signed, and received a copy of this statement. I understand I  
may be asked to testify at a hearing about my statements made above.

Dated 8/19/94

John Doe  
Affiant

at Columbia, S.C.

Bill Smith  
Witness

State of South Carolina, County of: Richland

Indictment No.(s) 91 -GS- 40-0875 ; 91 -GS- 40-1005 ; -GS-

Client: John Doe DOB: 08 / 18 / 65 Location: ( ) SCDC ( ) County Jail (x) Community  
MM DD YY

SCDC No. 67890 SID No. 12345

Supervision Program: SFIT Begins: 07/31/93 Ends: 01/31/94 Supervision Level Intensive  
MM DD YY MM DD YY

Offense: Larceny Grand; Forgery

---

Sentencing Judge: Connor Date of Sentence 06 / 17 / 92  
MM DD YY

Sentencing County Richland

**Sentence:** 7 Years suspended upon three years and three years probation; each count concurrent.

**Special Conditions:** None

**Reporting:** Subject has missed two reports.

**Current Address and Summary of Residence:** Subject resides at 123 Main Street, Columbia SC with his sister.

Employment Record While Under Supervision:

<u>Employer</u>	<u>Dates (From - To)</u>	<u>Reason for Leaving</u>	<u>Earnings</u>
unemployed	7-31-93 to 11/93		
Wilson Construction	11/93 to present		\$148.00 per/wk.

Financial Conditions:

	<u>Total Amount Ordered</u>	<u>Period Payment ( )</u>	<u>Total Amount Paid</u>	<u>Date Last Paid</u>	<u>Arrearage</u>	<u>Balance Due</u>
<b>Restitution:</b>	None					
<b>Fine:</b>	None					
<b>Fee:</b>	\$10.00	Weekly	\$0.00	N/A	\$110.00	

Date Violation Disposition

None

Details of Present Violation: Violation Category Code: B Risk Category Code B

By biolating Supervised Furlough II conditions 1, 4, 12, and 16 of his release and Certificate dated 07/31/93 from the Probation, Parole and Pardon Services Board.

Matthew Goodwine failed to report within 48 hours upon release from SC Dept. of Corrections; that he failed to report 08/17/93 and 10/05/93; that he failed to follow the instructions of his agent by not paying his supervision fee as instructed \$110.00 in arrears as of 10/22/93.

Agent's Recommendation:

Continue on supervision, exempt fee arrarage and future fees.

Agent's Justification:

Subject has made some efforts to obtain employment to no avail.

Disposition:

Agent: Jack Friday  
Supervisor's Signature: Bill Smith

Date: 8/19/94  
Date: 8/19/94

CITATION

No. C 40-92-754

SOUTH CAROLINA  V.  John Doe	County: Richland	
	SCDC # 12345	SID # 67890
	Citation for Violation of <input type="checkbox"/> Parole <input type="checkbox"/> Emergency <input checked="" type="checkbox"/> Supervised <input type="checkbox"/> Powers Act <input type="checkbox"/> Release <input checked="" type="checkbox"/> Furlough	

TO: John Doe

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place Richland County Probation Office	Room
	Date and Time 08/19/94

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

**Violations Charged**

By violating SFII conditions 1, 4, 12, and 16 of his release and Certificate dated 07/31/92 from the Probation, Parole, and Pardon Services board.

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

**List of Rights:**

You have the right at the preliminary hearing to question any person who appears as a witness against you and to have witnesses appear in your behalf. You may present evidence on your behalf. You may have an attorney represent you at the hearing at your expense. An attorney may be appointed to represent you in extraordinary circumstances. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

Columbia, South Carolina	Probation and Parole Agent
Date 08/19/94	<i>Jack Friday</i> Jack Friday Agent #000

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place Columbia, SC	Time and Date 8/19/94
	Serving Officer's Signature <i>Bill Smith</i>

Sworn to and subscribed before me this 19th day of August 1994

*[Signature]*  
Signature of Notary Public

My Commission Expires 01/10/2001

AFFIDAVIT

County of Richland

Personally appeared before me, Jack Friday,  
who first being duly sworn, deposes says that John Doe

did within this County and State on the \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

By violating SFII conditions 1, 4, 12, and 16 of his release and  
Certificate dated 7/31/92 from the Probation, Parole and Pardon  
Board.

The Affiant states that there is probable cause to believe the defendant  
named committed the violations set forth and that such probable cause is based  
on the following facts:

John Doe failed to report within 48 hours upon release from SCDC;  
that he failed to report 8/17/92 and 10/05/92; that he failed  
to follow the instruction of his agent by not paying his supervision  
fee as instructed \$100.00 in arrears as of 10/22/92.

Sworn to and subscribed  
before me this 19th day of  
August 19 94

Jack Friday  
Affiant

[Signature]  
Signature of Notary Public

My Commission Expires: 01/10/2001

Date 8/19/94

SCDC: 12345

SID: 67890

SOUTH CAROLINA DEPARTMENT OF PROBATION,  
PAROLE, AND PARDON SERVICES

-vs-  
John Doe

NOTICE OF YOUR RIGHTS  
PAROLE/EPA/FURLOUGH

You are informed that you are being charged with violation of the conditions of your release. You have the right to remain silent. Anything you say can be used against you at a Violation Hearing. You have the right to talk to an attorney before any questioning and to have him with you during questioning. You may retain an attorney at your expense. The Department of Probation, Parole, and Pardon Services is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may at your preliminary hearing petition for an appointed attorney. An attorney will not be appointed in furlough hearings and will not be appointed in other hearings except in the most extraordinary circumstances. If you wish to discuss the violation at this time, you are informed that you can stop the discussion at any time.

Bert Smith  
Witness

Jack Friday  
(Agent)

This is to certify that my rights, as stated above, have been explained to me, and I understand what my rights are. I have been given a copy of this statement.

Richland County  
Location

John Doe  
(Client)

8/19/94  
Date

Distribution: Original to Hearing Section  
Copy to Client  
Copy to Agent's File



STATE OF SOUTH CAROLINA

-vs-

NOTICE OF ADMINISTRATIVE HEARING

John Doe  
Releasee

You are notified that an Administrative Hearing will be conducted by a neutral Hearing Officer on the 26 day of August, 1994, at 9:00 AM/PM, at Richland County Probation Office.

This Hearing is on the charges that are set forth in the warrant or citation dated 8/19/94, and served on you 8/19/94,  
(date)  
and a copy of which was provided to you.

You may have an Attorney at your expense represent you at the Administrative Hearing. The South Carolina Department of Probation, Parole, and Pardon Services is not required to provide you with counsel in this matter. If you cannot afford to hire an attorney, you may, at your hearing, petition for an appointed attorney. An attorney will not be appointed except in the most extraordinary circumstances. You may have witnesses present to testify for you, if you so desire. You may also have members of your family present. It is your responsibility to have your witnesses and attorney present. You have the right to question any person making allegations against you at this Hearing unless the Administrative Hearing Officer determines that there is sufficient grounds to deny the confrontation...

I acknowledge notification of the Administrative Hearing in my case specified above.

John Doe  
Releasee

8/19/94  
Date

Bert Smith  
Witness

SOUTH CAROLINA DEPARTMENT OF PROBATION,  
PAROLE, AND PARDON SERVICES

AFFIDAVIT

I, the undersigned John Doe, hereby state  
under the pains and penalties of perjury that the following statements  
are true and correct to the best of my knowledge and belief.

I have read, signed, and received a copy of this statement. I understand I  
may be asked to testify at a hearing about my statements made above.

Dated 8/19/94

John Doe  
Affiant

at Columbia, S.C.

Bill Smith  
Witness

South Carolina Department of Probation, Parole, & Pardon Services

Summary of Administrative Hearing

1. Releasee JOHN DOE SID# 00123456  
2. Location RICHLAND COUNTY PAROLE OFFICE, COLUMBIA, SC  
Date AUGUST 15, 1994 Time 10:30 AM Tape# MG081594

3. Persons in Attendance

Name / Relationship

MARVIN A. GRAVINO, ASSISTANT CHIEF HEARING OFFICER

JOHN DOE, RELEASEE

JACK FRIDAY, AGENT

4. Hearing Officer's Findings:

I find that JOHN DOE has violated one or more of the conditions as set forth in the affidavit dated AUGUST 9, 1994. I base these findings on JOHN DOE'S own admission and the testimony submitted by Agent FRIDAY.

5. Hearing Officer's Recommendation: FULL REVOCATION.

Justification: MR. DOE SHOULD BE INCARCERATED BECAUSE HE HAS COMPLETELY IGNORED TWO (2) SEPARATE CONTINUATION ORDERS. MR. DOE HAS BEEN CONTINUED TWICE WITH COMMUNITY SANCTIONS; HOWEVER, HE HAS DISREGARDED BOTH ORDERS AND HAS REFUSED TO COOPERATE WITH THE PROVISIONS OUTLINE IN EACH ORDER. MR. DOE CONTINUES TO TEST POSITIVE FOR MARIJUANA AND HE SHOWS A GENERAL UNWILLINGNESS TO COMPLY WITH THE COMMUNITY SANCTIONS. I BELIEVE INCARCERATION IS APPROPRIATE AT THIS TIME.

RESPECTFULLY SUBMITTED,

  
MARVIN A. GRAVINO  
ASSISTANT CHIEF HEARING OFFICER

South Carolina Department of Probation, Parole, & Pardon Services

Summary of Administrative Hearing

1. Releasee BOBBY SINGLETON SCDC # Y191285 SID# 00771063  
2. Location CHARLESTON COUNTY DETENTION CENTER, CHARLESTON, S.C.  
Date 10/17/94 Time 3:12 PM Tape# TF101794

3. Persons in Attendance

Name / Relationship

TEELA FLEMING ----- HEARING OFFICER

MICHAEL COCHRAN ----- PAROLE AGENT

BOBBY SINGLETON ----- YOA RELEASEE

4. Hearing Officer's Findings:

I find that MR. BOBBY SINGLETON has violated one or more of the conditions as set forth in the affidavit dated 8/10/94. I base these findings on the testimony submitted by Agent COCHRAN.

5. Hearing Officer's Recommendation:

REVOCATION

Justification:

MR. SINGLETON WAS RELEASED ON YOA PAROLE ON 5/28/93 AND CEASED REPORTING AFTER JUNE 93. IT APPEARS HE TOTALLY DISREGARDED HIS PAROLE THEREAFTER. HE HAS BEEN ARRESTED THREE TIMES SINCE ARREST AND FAILED TO CONTACT THE AGENT CONCERNING THESE. THE AGENTS MADE SEVERAL EFFORTS TO CATCH UP WITH MR. SINGLETON PRIOR TO THE WARRANT BEING ISSUED AND THESE WERE ALL TO NO AVAIL. MR. SINGLETON WAS LOCATED IN JAIL ON HIS MOST RECENT PENDING CHARGE. COMMUNITY SUPERVISION WAS IN NO WAY INTENDED FOR THE LIKES OF MR. SINGLETON. HE, IN MY OPINION IS A DANGEROUS YOUNG MAN WHO IS AN EXTREME RISK IN THE COMMUNITY.

RESPECTFULLY SUBMITTED

  
TEELA FLEMING, ADMINISTRATIVE HEARING OFFICER

FOR THE BOARD'S INFORMATION ONLY THIS SUBJECT HAS THE FOLLOWING PENDING CHARGES : MURDER, POSSESSION OF CRACK COCAINE, AND SIMPLE POSSESSION OF MARIJUANA.

South Carolina Department of Probation, Parole, & Pardon Services

Summary of Administrative Hearing

1. Releasee ROBERT MOULTRIE SCDC # 187247 SID# 00733929  
2. Location CHARLESTON COUNTY DETENTION CENTER, CHARLESTON, S.C.  
Date 10/17/94 Time 9:10 AM Tape# TF101794

3. Persons in Attendance

Name / Relationship

TEELA FLEMING ----- HEARING OFFICER

DWAINE DODD ----- PAROLE AGENT

ROBERT MOULTRIE ----- PAROLEE

4. Hearing Officer's Findings:

I find that MR. ROBERT MOULTRIE has violated one or more of the conditions as set forth in the affidavit dated 9/21/94. I base these findings on HIS own admission and the testimony submitted by Agent DODD.

5. Hearing Officer's Recommendation:

REVOCATION WITH THE RECOMMENDATION OF PARTICIPATION IN C-STAR.

Justification:

MR. MOULTRIE WAS ONLY RECENTLY PAROLED. DUE TO THE NATURE OF HIS CASE, A CRIMINAL SEXUAL CONDUCT 3'RD DEGREE, HE WAS ORDERED TO ATTEND THE SEXUAL PERPETRATORS COUNSELING GROUP. THOUGH MR. MOULTRIE WAS REFERRED HE NEVER ATTENDED THAT GROUP. CLOSE MONITORING OF A SEX OFFENDER IS IMPERATIVE DUE TO THE RISK TO THE COMMUNITY AND THE NEEDS OF THE OFFENDER. MR. MOULTRIE HAD MOVED, HIS WHEREABOUTS WERE UNKNOWN AND HE WAS MISSING SPORADIC REPORTS, THEREFORE MONITORING HIM AS HE SHOULD BE MONITORED WAS AN IMPOSSIBILITY. IT SHOULD ALSO BE NOTED THAT MR. MOULTRIE EXPRESSED A WISH IN THE HEARING TO FINISH UP HIS TIME IN PRISON. C-STAR WAS RECOMMEND DUE TO THE RECIDIVISM RATE OF SEX OFFENDERS AND THE NEED FOR TREATMENT.

RESPECTFULLY SUBMITTED

  
TEELA FLEMING, ADMINISTRATIVE HEARING OFFICER

IT SHOULD BE NOTED FOR THE BOARD'S ATTENTION THAT MR. MOULTRIE HAS A PENDING CHARGE OF TRESPASSING AND THAT IT OCCURRED PRIOR TO THIS PAROLE.

County of RICHLAND

No. 93-GS-40-06937

STATE

-VS-

ORDER

MARVIN GRAVINO  
DEFENDANT

SID# 678532

Whereas the above named defendant has been charged with violating the conditions of release ordered on MARCH 1, 1993, as set forth in the warrant or citation filed herein.

After hearing the evidence and being duly advised, I find the defendant has violated one or more of the conditions of supervision as set forth in the affidavit filed herein and dated OCTOBER 24, 1994, a copy of which is incorporated by reference.

IT IS ORDERED that the above named defendant is continued under supervision as provided for in the Documents identified above and subject to the conditions set forth therein and not inconsistent with this order. This action is taken in the (presence/absence) of the defendant.

Additional Conditions ordered by the Hearing Officer:

1. ELECTRONIC MONITORING WITH INTENSIVE SUPERVISION
2. 300 HOURS OF PUBLIC SERVICE EMPLOYMENT

This 15<sup>th</sup> day of NOVEMBER, 1994

James P. Hiott  
Presiding Hearing Officer

COLUMBIA, SC

You are hereby advised that failing to observe all conditions of this order could result in Revocation or Modification of any condition of this supervision or imposition of any lawful special conditions deemed proper by a Hearing Officer or the Board.

This is to certify that I have read or have had read to me the Order and the Conditions set out therein. I agree to comply with such conditions and the conditions of my probation order identified above during the period of my probation. I have received a copy of this court order.

Witnessed by: Sam Elliott  
Agent

Signed: MARVIN GRAVINO  
Probationer

Signed this 15<sup>th</sup> day of NOVEMBER, 1994, at COLUMBIA, S.C.

State of South Carolina  
County of Richland Co.

ADMINISTRATIVE PROBATION HEARING

NO. 90-GS-46-5269

STATE  
-VS-

ORDER

Robert Owens

DEFENDANT

SID# 00.054561

Whereas the above named defendant has been charged with violating the conditions of probation ordered on June 5, 1991, in the Court of General Sessions of Richland County as set forth in the warrant or citation filed herein.

After hearing the evidence and being duly advised, I find the defendant has violated one or more of the conditions of supervision as set forth in the affidavit filed herein and dated January 11, 1994, a copy of which is incorporated by reference.

IT IS ORDERED that the above named defendant is continued on probation as provided for in the sentence identified above and subject to the conditions set forth therein and not inconsistent with this order. This action is taken in the (presence/~~absence~~) of the defendant. Due to these findings, the agent is directed to immediately withdraw the above warrant or citation.

Additional Conditions ordered by the Hearing Officer:

*Hearing officer recommends to extend probationary sentence for one (1) yr from March 5, 1994.*

This 3<sup>rd</sup> day of March, 1994  
Columbia, SC

Mavis P. Travis  
Presiding Hearing Officer

You are hereby advised that failing to observe all conditions of this order could result in the Court at any time revoking or modifying any condition of this probation; imposing any lawful special conditions it deems proper; or extending your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may, if it sees fit, impose any judgement and sentence it might have imposed in the first instance.

This is to certify that I have read or have had read to me the Order and the Conditions set out therein. I agree to comply with such conditions and the conditions of my probation order identified above during the period of my probation. I have received a copy of this order.

Witnessed by: Bill Smith

Signed: Robert Owens  
Probationer

Signed this 15<sup>th</sup> day of February, 1994, at Columbia, SC.

STATE

ORDER

-vs-  
Robert Owens  
DEFENDANT

GRAND LARCENY  
Name of Offense  
90594 8-22-54  
SCDC# or DOB

SID# 00054561

Whereas the above named defendant has been charged with violating the conditions of probation ordered on June 5, 1991 in the Court of General Sessions of Richland County as set forth in the warrant or citation filed herein.

After hearing the evidence and being duly advised, I find the defendant has violated one or more of the conditions of supervision as set forth in the affidavit filed herein and dated JANUARY 11, 1994 a copy of which is incorporated by reference.

- IT IS ORDERED that the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the \_\_\_\_\_ months/years sentence identified above, and/or pay \$ \_\_\_\_\_; the defendant is not to be reinstated on probation. This action is taken in the (presence/absence) of the defendant.
- IT IS ORDERED that the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original \_\_\_\_\_ months/years sentence (and/or) pay \$ \_\_\_\_\_; thereupon to be reinstated on probation as provided in the sentence identified above and subject to the conditions set forth therein and not inconsistent with this order. This action is taken in the (presence/absence) of the defendant.
- IT IS ORDERED that the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years (and/or) pay \$ \_\_\_\_\_; the defendant is not to be reinstated on probation. This action is taken in the (presence/absence) of the defendant.
- The defendant has previously served \_\_\_\_\_ months/years on this sentence.
- IT IS ORDERED that the above named defendant is continued on probation as provided for in the sentence identified above and subject to the conditions set forth therein and not inconsistent with this order. This action is taken in the (presence/absence) of the defendant.

Additional Conditions ordered by the Court:  
Extend probationary sentence for one (1) yr from March 5, 1994.

This 7<sup>th</sup> day of March, 1994  
Columbia, SC

\_\_\_\_\_, Presiding Judge  
\_\_\_\_\_, Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful special conditions it deems proper; or it may extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may, if it sees fit, impose any judgment and sentence it might have imposed in the first instance.

This is to certify that I have read or have had read to me the Order and the Conditions set out therein. I agree to comply with such conditions and the conditions of my probation order identified above during the period of my probation. I have received a copy of is court order and my sentence identified above.

Witnessed by: Bill Smith

Signed: Robert Owens  
Probationer

Signed this 15<sup>th</sup> day of FEBRUARY, 1994, at Columbia, SC.



ALSO TRAINING MODILES

## USING THE SCDPPPS AHO TRAINING MODULES FORM

The form which follows should be utilized by those persons who will be "training" the new AHO as well as by the trainee to indicate the modules that have been completed during training.

As each module is satisfactorily completed, the trainer and trainee each should sign and date the appropriate column space.

The completed form should be placed in the new AHO's personnel file to indicate satisfactory completion of the training contained in this manual.

## SCDPPPS AHO TRAINING MODULES

MODULE	TRAINER/DATE	TRAINEE/DATE
1.1 Contemporary Corrections		
1.2 Probation and Parole		
2.1 Administrative Hearings: Philosophy & Departmental Expectations		
3.1 Violations of Conditions of Supervision (VIO.1)		
3.2 Administrative Hearings (VIO.4)		
4.1 Communications		
5.1 Interviewing, Counseling, and Interrogation		
6.1 Conflict Management		
7.1 Legal Issues		
8.1 Decision-Making		
9.1 Administrative Hearing Common Problems		
10.1 Suggestions for AHOs		
11.1 Effective Writing		
12.1 Administrative Hearing Forms and Operating Procedures		