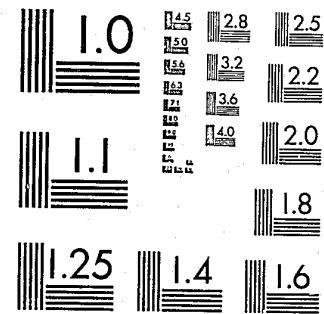


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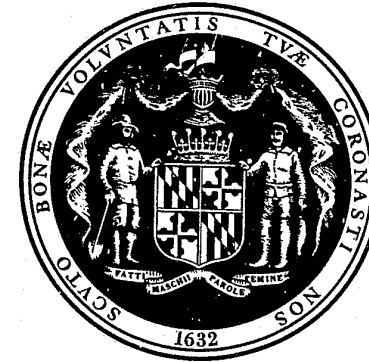
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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

9/16/83



COMMUNITY SUPERVISION PROGRAM

Policy and Procedures For:

- Intake Services
- Offender Classification
- Field Supervision Tasks
- Casework Treatment Plan
- Case Termination
- Report Writing

MARYLAND DIVISION OF PAROLE AND PROBATION

89049



MARYLAND DIVISION OF PAROLE AND PROBATION

COMMUNITY SUPERVISION PROGRAM

of the

MARYLAND DIVISION OF PAROLE AND PROBATION

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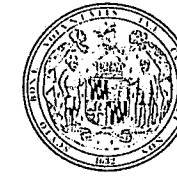
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DPP-ADM-146



MARYLAND DIVISION OF PAROLE AND PROBATION

TO: Recipients of the Community Supervision Program Guide

FROM: Arnold J. Hopkins, Director, Maryland Division of Parole and Probation

I am pleased to provide you with this guide to the division's Community Supervision Program. It sets forth the division's current policies and procedures for classifying offenders, developing case-work treatment plans, providing supervision services, and reporting on offender adjustment to the court and Maryland Parole Commission.

I hope you will find this guide to be informative and helpful in understanding the division's role in providing supervision services to more than 40,000 Maryland probationers and parolees.

August, 1982

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ACQUISITIONS

Community Supervision Program

Section I: Parole, Probation, and Mandatory Release

The division is mandated under various sections of Articles 41, 27, and 26 of the Annotated Code of Maryland to provide supervision services to each offender on parole, probation or mandatory release.

1-0 Probation - Definition and Eligibility

1-1 Probation is a sentencing alternative under which the terms and conditions of the offender's conduct are established by the court. Under this disposition, the offender is subject to the court's authority and control, with the guidance and assistance as exercised through the field agent, until completion of the probation agreement or the expiration of sentence.

1-2 Under Maryland law, all persons convicted of misdemeanors or felonies are eligible for probation at the discretion of the sentencing judge except for designated offenses carrying mandatory prison sentences.

2-0 Conditions of Probation

2-1 General conditions of probation are specified in the Order for Probation which the defendant must sign to acknowledge his/her understanding of the conditions and his/her agreement to follow them. Although the Order for Probation issued by the district court and the circuit court varies somewhat in form, they are similar in content. Below is a listing of the general conditions of probation:

a. Report to his probation agent as directed and follow his lawful instructions;

Agents may not order probationers to enter a live-in situation such as a therapeutic community or hospital without an explicit order in each case from the court.

b. Work or attend school regularly as directed by his/her probation agent;

c. Get permission from his probation agent before:

1. changing his home address;
2. changing his job;
3. leaving the State of Maryland

Local and regional policies are to be followed particularly when the region borders another state. The Interstate Compact specifies procedures to be followed when a client wishes to leave the state permanently or temporarily.

4. Owning, possessing, using or having under his control, any dangerous weapon or firearm of any description;

The preferred practice regarding the possession of firearms by misdemeanor probationers is to request the judge's approval before permission is granted. Federal guidelines on the subject are contained in the Gun Control Act of 1968. Felony probationers are not allowed to possess or use guns at any time.

- d. Obey all laws;

Arrests not yet adjudicated usually are not considered violations of the condition of probation "to obey laws" unless the arrest involves other serious technical violations; e.g., use of a handgun or narcotics.

- e. Notify his probation agent at once if arrested;
- f. Permit his probation agent to visit his home;
- g. Appear in court when notified to do so;
- h. Shall not illegally possess, use or sell any narcotic drug, "controlled dangerous substance" or related paraphernalia;
- i. Shall pay, through the Division of Parole and Probation the sum of \$_____ as follows;

The court may establish as a condition for probation a requirement to pay fines, costs, restitution or legal fees.

- j. Special condition as follows:

1. The court may include one or more special conditions in an Order for Probation either at the time of sentencing or during the period of probation.
2. Special conditions are to be considered ministerial and are to be enforced until complied with or until the court grants permission to terminate compliance with the special condition. It is not necessary to submit a special report to the court to indicate compliance.

3. Some special conditions read "... as agent directs." In such circumstances the agent has the authority in consultation with the immediate supervisor to decide what treatment approach, if any, is feasible and when to terminate the special condition. The agent will state the rationale behind the decision in the field notes for future reference.

4. The court may order the defendant to perform community service as a special condition of his/her probation. The agent's community service responsibilities are discussed in Chapter 8 and in the Community Services Program Guide.

3-0 Parole - Definition and Eligibility

- 3-1 Parole is a conditional release of the offender from incarceration for the completion of a determinate sentence under supervision in the community. Parole provides for a period of supervised and controlled readjustment to community living.

- 3-2 In accordance with Article 41, Section 122, of the Annotated Code of Maryland, "It shall be the duty of the Commission of its own initiative to request the Division to make such investigation as may enable the Commission to determine the advisability of granting parole to persons sentenced to a term of 90 days or more under the laws of this State to the jurisdiction of the Division of Correction, or to any other place of confinement or detention of violators of the criminal laws of the State whenever the prisoner shall have served in confinement one fourth of the term or consecutive terms."

Offenders committed to Patuxent Institution are paroled under the authority and regulations of its Board of Review. Parole is available to persons serving life sentences only with the approval of the governor after they have served 15 years minus accumulated industrial, special programs, and good conduct time. Persons sentenced under statutory habitual offender laws are excluded from parole consideration.

4-0 Parole Approval

- 4-1 All releases prior to the maximum expiration of an inmate's sentence must be approved by the Parole Commission. Offenders who are eligible for parole include not only those identified above, but also those who qualify as a result of their participation in the Mutual Agreement Program (MAP).
- 4-2 To establish a progress review date, all sentences will be reviewed according to the following format: sentences of up

to 2 years are reviewed within 30 days, sentences of 2 to 5 years within 60 days, and sentences over 3 years within 90 days or up to 1 year.

4-3 In accordance with Article 41, Section 112, the following criteria must be applied by the Parole Commission in its case reviews:

- a. The circumstances surrounding the crime;
- b. The physical, mental and/or moral qualifications of the inmate;
- c. The progress of the inmate during his confinement;
- d. Whether or not there is reasonable probability that the inmate, if released on parole, will remain at liberty without violating the law;
- e. Whether or not release on parole of the inmate is compatible with the welfare of society.

These criteria are augmented by others which appear in the Maryland Parole Commission's Rules and Regulations.

4-4 An inmate who meets the parole eligibility criteria will be scheduled for a parole hearing held before a parole commissioner and/or a hearing officer. Hearings occur at least once a month in each state institution and on an as needed basis at local jails and detention centers.

4-5 Further information regarding parole approval is available in every field office in the Maryland Parole Commission Policies and Rules and Regulations.

5-0 Conditions of Parole

5-1 The conditions of parole are specified in the Order for Release on Parole which the parolee must sign to acknowledge his/her understanding of the conditions and his/her agreement to abide by them. Below is an elaboration of the general conditions of parole.

- a. Report as directed to and follow your agent's instructions.

Agents may not require parolees to enter a live-in situation such as a therapeutic community or hospital without an explicit order in each case from the Parole Commission.

- b. Work regularly.
- c. Get permission before changing your home, changing your job, leaving the State of Maryland.

Local and regional policies are to be followed particularly when the region borders another state. The Interstate Compact specifies procedures to be followed when a client wishes to leave the state permanently or temporarily.

- d. Obey all laws.

The Parole Commission has the power in its discretion to issue retake warrants whenever a parolee is charged with the commission of a new offense. It is not necessary to await conviction. An acquittal of a criminal offense does not necessarily relieve the parolee from answering to the commission. Therefore, whenever facts are known which constitute a violation of parole, a warrant may be immediately issued without prior adjudication by the court.

- e. Notify your parole agent immediately if you are arrested.
- f. You shall not illegally possess, use or sell any narcotic drug, "controlled dangerous substance", or related paraphernalia.
- g. You shall not own, possess, use, sell or have under your control any dangerous weapon or firearm of any description without the approval of the Parole Commission.
- h. You shall so conduct yourself as not to present a danger to yourself or others.
- i. Special conditions.

1. The Parole Commission may include one or more special conditions in an Order for Release on Parole either at the time of parole or during the period of parole.
2. Special conditions are to be considered ministerial and are to be enforced until complied with or until the Parole Commission grants permission to terminate compliance with the special condition. It is not necessary to submit a special report to the Parole Commission to indicate compliance.
3. Payment of restitution may be ordered as a special condition. Further information regarding the collection and disbursement of restitution may be found in Chapter 8.

4. Some special conditions read "...as agent directs." In such circumstances the agent has the authority, in consultation with the immediate supervisor, to decide what treatment approach, if any, is feasible and when to terminate the special condition. The agent will state the rationale behind the decision in the field notes for future reference.

6-0 Mandatory Release - Definition and Eligibility

- 6-1 Article 27, Section 700, of the Annotated Code of Maryland allows for the release of inmates whose period of confinement is diminished by five (5) days each month for good behavior, five (5) days for performing industrial, agricultural, and administrative tasks, and five (5) days for making satisfactory progress in vocational and educational training. Article 41, Section 127A, provides that when released these persons are "subject to all laws, rules, regulations and conditions applicable to parolees and shall remain under the supervision of the State Division of Parole and Probation until the expiration of the maximum term or terms for which he was sentenced."

Section II: Purpose and Elements of Supervision

1-0 Purpose

- 1-1 The purpose of the division's supervision program is to assist; guide and direct parolees and probationers in establishing and maintaining themselves as productive law-abiding and useful citizens within the community.

2-0 Elements

- 2-1 To accomplish its supervision goals and objectives, the division utilizes the Differentiated Caseload Management System (DCMS). This system focuses the resources of the division upon parolees and probationers who constitute the greatest threat to public safety and provides optimum supervision during that period when they are most likely to return to criminal activity. The major elements of the DCMS are:

- a. An offender intake, assignment, and classification system to assure that each parolee and probationer is properly classified according to established criteria. Major crime

offenders, those with emotional problems which indicate a predisposition toward criminal behavior, and offenders specifically designated by the courts and the Parole Commission are placed under maximum supervision. Offenders convicted of less serious criminal offenses and those who owe a significant amount of fines, costs, and restitution are placed in medium supervision. Offenders convicted of minor offenses in which fines, costs, and restitution are not a financial burden are placed into minimum supervision.

- b. Where feasible, agents supervise homogeneous caseloads of offenders classified as either maximum, medium, or minimum. The most experienced agents are assigned to supervise maximum supervision caseloads.
- c. Supervision treatment plans will be developed by the supervising agent in conjunction with the offender for all cases classified as maximum or medium. The intent of this planning process is to relate the purpose and principles of supervision to the individual's own needs and goals. The plan details the services that are to be offered as well as when, where and by whom, and incorporates the objectives the client is expected to achieve while under supervision.
- d. Supervision services are provided consistent with the offender's classification. A minimum level of agent-client activity each month is specifically defined for each category of supervision. Contacts are to be no fewer than those stipulated as the minimum for any category and are to be designed to fulfill treatment plan goals and objectives. Referrals will be made to community agencies to provide for services commensurate with the client's needs and treatment plan.
- e. Unless a parolee or probationer's adjustment warrants seeking early termination of supervision, the division will provide a period of supervision consistent with the offender's initial classification. All offenders initially classified as maximum will receive one year of maximum supervision followed by one year of medium supervision. Offenders initially classified as medium will receive one year medium supervision followed by one year of minimum supervision. Offenders initially classified as minimum supervision will receive one year of supervision in that category. After two years of successful supervision (one year for minimum cases), the division will seek to terminate supervision.

- f. Development of realistic caseload ratios. Maximum caseloads should not exceed more than 60 per agent, medium caseloads should not exceed 125 cases per agent, and minimum caseloads not more than 225 cases per agent.

Section III: Intake, Classification, and Assignment

1-0 Definition and Purpose

- 1-1 Intake is the initial point of contact for a client assigned to supervision with the Division of Parole and Probation. Intake is a process intended both to gather information about the client and to introduce him/her to the rules and regulations of supervision. The agent completing the intake is responsible for obtaining classification information so that an appropriate case assignment can be made.

2-0 Intake Staffing

- 2-1 The Division of Parole and Probation has established as an essential part of its system of differentiated caseload management a process for intake, classification and assignment to supervision. Where dictated by the magnitude of the workload, special units have been established for intake which are comprised on an intake supervisor and agents I, II and/or III. In other offices, intake is accomplished by assigning agents to intake on a rotating basis.

3-0 Intake Procedures

- 3-1 The following procedures have been developed for processing intakes:
- a. Referral - All criminal offenders released on parole or placed on probation are instructed by either the Parole Commission or the court to report to a specific parole and probation office for intake. Provision should be made to check the names of those individuals reporting to the office on any day against those who had been instructed to do so. The initial contact with parolees and probationers should be made within 72 hours. In the event of a failure to report, the office supervisor should verify that the person was in fact available for processing before initiating action against him/her as a non-reporter.
- b. Authorization - To initiate an intake, the agent must have either an Order of Probation from the court, a

Parole Release Order from the Parole Commission, or Order for Mandatory Release from the Division of Correction. A communication from the court that an Order of Probation will follow is acceptable.

- c. Form 53 - The agent is to complete Form DPP-SUP-53 according to the instructions in the Intake-Input Manual. When verified information is lacking to complete the sections "State's Version" and "Prior Record", the agent may obtain the information for these sections from the client in order to make an appropriate assignment to supervision. Where the information obtained is taken from the client, it should be so noted on the form.
- d. Date Verification and Requests - In order for an intake to be completed, Form DPP-SUP-53, the Order of Probation, the State's Version of the original case, and a pre-sentence investigation report when available should be obtained. It is the responsibility of the agent at intake to determine if a prior or current pre-sentence investigation report was completed. If it has, this is to be noted in the section entitled "Prior Record" and is to be obtained by the intake agent. Under "State's Version," the intake agent may use the notation "See PSI" or "See Statement of Charges" if either is available and attached to the Form DPP-SUP-53. If no PSI is available, the intake agent will request a state and/or local police record check in accordance with regional policy. The intake agent should also examine the Alpha Index of cases on the microfiche unit for possible dual supervision. The intake agent may hold the intake up to ten (10) working days but thereafter must forward it to the supervising agent who then becomes responsible for obtaining any outstanding information. The intake agent will have noted in the appropriate spaces of Form DPP-SUP-53 those items which subsequently must be obtained by the supervising agent.
- e. Assignment to Field Office for Supervision

Upon completing the intake interview, the agent is to inform the client of the field office he/she will be reporting to and to facilitate the initial supervision interview, will assign the offender a report date, preferably within ten (10) working days. If this is not possible, the field entry made by the intake agent is to reflect what reporting instructions were given the client.

f. Review Status

Cases newly received at intake in which the instant offense is not a major crime, or for which a criminal history is not available, or in which no order for maximum supervision has been made by the court or Parole Commission may be classified review cases. No case may remain in this category for more than ten (10) working days from the date of intake.

The completed intake is to be referred to the intake supervisor or, in smaller offices, to a staff member designated by the office supervisor to make assignments to classification. This person is responsible for making the assignment to a supervision category.

Assignment to the appropriate level of supervision will be based on record checks, the intake interview itself, existing pre-sentence reports, or any other reasonable means necessary to make an accurate classification.

g. Emergency Problems

Where there appears to be an immediate problem such as alcoholism, drug abuse, or an emotional disturbance, the intake agent with the concurrence of the supervisor should make every effort either to refer the case to a treatment agency or to accelerate assignment of the case through review status so that the supervising agent can make a direct referral for emergency assistance.

h. Fines, Costs, and Restitution

Where restitution has been ordered and the amount owed and recipients determined by the court, the payment plan will be established by the intake agent. When information is lacking, any correspondence necessary to obtain the needed information should be initiated by the intake agent and copies attached to Form DPP-SUP-53. After ten (10) working days, the case is to be passed on to the appropriate office, and the supervising agent is to assume responsibility for establishing the payment plan.

Further information relating to the collection of fines, costs, and restitution is found in Chapter 8.

i. Transfer of Supervision

When an offender is convicted in one jurisdiction and will be supervised in another, i.e. another county or region, the intake agent should complete all sections of Form DPP-SUP-53. A call must be made to the receiving jurisdiction to obtain "office location" and "agent name." All materials will be forwarded to the receiving jurisdiction which then is responsible for completing an Initial After Transfer Report on Form DPP-SUP-43.

j. Non-Reporters

As soon as an intake unit has verified that a parolee or probationer has failed to report, a letter is to be sent to his/her address of record (return receipt requested) directing the individual to report within seven (7) working days of receipt of the letter or face possible revocation proceedings. Costs for mailing these letters are reimbursable to the agent if the office has not developed its own plan for covering postage. Failure to comply with the instructions in the letter or the return of the letter undelivered to the intake office is to be treated as a technical violation.

If the individual has failed to report as directed, the agent completing the intake is responsible for opening the case in the appropriate category of active supervision (based on available classification information) and assigning the case to a supervising agent. The intake unit must also forward to the supervising agent written documentation on all efforts made to locate the non-reporter. The supervising agent is then responsible for preparing and submitting to the appropriate releasing authority a special report requesting a warrant which cites the releasee as a non-reporter.

In offices where supervising agents perform intakes, the supervisor will assign the case to a supervising agent. Based upon available information the agent will attempt to locate the offender. If all else fails, the agent will send a letter (return receipt requested) to the parolee or probationer directing him/her to report within seven working days of the receipt of the letter or face possible revocation or violation. Regardless of the agent's success in locating the parolee

or probationer, the agent will open the case within ten (10) working days of receiving the case.

Section IV: Supervision Treatment Plan

1-0 Purpose

1-1 The treatment plan is designed to insure that the contacts during the year of supervision are goal directed and geared to the needs and best interests of the client and the community. Each case must be diagnosed as to its particular needs as soon as possible after the agent receives it. The diagnosis of the client's needs is essential for developing a viable treatment and supervision plan.

2-0 Procedure

2-1 Formal treatment plans are to be developed for all cases classified as maximum and medium. They are to be recorded on Form DPP-SUP-14B, Case Assessment, Treatment, and Supervision Plan. The following procedures are to be followed in completing treatment plans:

- a. Initial Interview - As soon as possible after receiving the case, the supervising agent should begin to collect the information necessary to formulate a treatment plan and affect its implementation. This requires an initial interview with the client and the further development of case file material. In particular, the supervising agent must obtain any information designated on Form DPP-SUP-53 which was not available at intake.

The initial interview allows the agent to establish a tentative schedule for subsequent supervision contacts, to obtain any additional information about the client's background, prior record, and instant offense and to note any problems and complete a needs assessment.

Additional information such as record checks and job verification may have to be obtained if a PSI was not completed. Once all the information is accumulated, and no later than 30 days from the date of the first meeting, the agent and client should meet again to prepare the treatment plan. The plan will be implemented with the immediate supervisor's approval as indicated by his/her initials and the date on the treatment plan following this meeting.

- b. Needs Assessment Rating Scale - To complete a needs assessment on each medium and maximum case the agent should refer to the Needs Assessment Rating Scale included as Appendix H. The Needs Assessment Rating Scale displays a graduation from the least desirable situation to the most desirable situation in eleven (11) life-style elements. In some categories little can be done to show improvement of a poor rating, for example, a permanent physical disability.

The needs assessment process serves two functions. First, it helps the agent concentrate on taking a diagnostic approach with each case. Second, the needs assessment displays an accurate case summary for use by the agent and his/her supervisor when reviewing caseload activity.

The process should assist supervision agents to identify clients who are in need of financial assistance and those who can benefit from enrollment in educational or vocational training programs. Once clients are identified as needing assistance, agents will help in any way possible, including appropriate referrals.

- c. Six Month Reevaluation - The needs assessment and treatment plan require the agent to reevaluate the client six months after opening the case. If low ratings have been improved and there has been no decline in the overall rating, the plan should continue on the prescribed time schedule. However, if deterioration is noted in any ratings, consideration must be given to revising the treatment plan and establishing new and more realistic goals for the final six months of supervision. Problems can be discussed with the field supervisor.
- d. Final Evaluation - At the end of the full year of supervision a final rating is made. The majority of cases will then be transferred to the next lower category of supervision. When a case is transferred from maximum to medium or from medium to minimum the treatment plan material accumulated during the year along with other file materials will be transferred to the new supervising agent. When a case is transferred from maximum to medium a supplemental treatment plan will be developed compatible with medium contact standards. If a case is retained in maximum or medium supervision for more than one year, a supplemental treatment plan will be developed.

Section V: Categories of Supervision

1-0 Maximum Supervision

1-1 The following procedures govern maximum supervision:

- a. Caseload Size and Construction - Cases in this category should not exceed 60 active cases per agent. In addition to the active cases, agents are required to monitor those cases placed in the non-active and delinquent categories.

Cases assigned to this category include those classified at intake as a result of the current criminal offense or prior criminal history, those where the type of supervision has been stipulated by the court or Parole Commission, and those which have been transferred from medium or minimum.

- b. Criteria for Assignment - Cases classified as maximum must have satisfied one of the following criteria before being assigned to this category of supervision:

1. Conviction for, a history of involvement in, or prior conviction for a major crime which includes offenses of murder, manslaughter, rape, robbery, aggravated assault, burglary, all forms of breaking and entering (commercial and residential), abduction, arson, assault or abuse of a child, mayhem, and serious narcotic offenses. If a major crime is part of the "factual record" of the criminal offense, it is not to be ignored because of a conviction obtained as the result of a plea bargain. The case is still to be assigned to maximum supervision.

NOTE: Aggravated assault includes: (1) any assault committed during the commission or attempted commission of a crime; and (2) assault with intent to kill or for the purpose of inflicting severe bodily injury by shooting, cutting, stabbing, maiming, poisoning, scalding, or by the use of acids, explosives, or other means. It includes simple assaults.

Serious narcotic offenses are those which involve the use of hard narcotics as cited in Article 27, Section 279, and include heroin, amphetamines, barbiturates, and the sale or

distribution of all controlled dangerous substances. Offenses such as possession of marijuana or glue sniffing are generally not to be placed in maximum supervision though judgement must be made as to the individual's involvement as discerned by information contained in the police report.

2. A known or apparent psychiatric or emotional disorder which could indicate a predisposition to violent behavior.
 3. A directive by either the court or Parole Commission that the case receive maximum supervision.
 4. Any mandatory release case.
- c. Period of Supervision - One of the fundamental objectives of the differentiated caseload management system is a one year guaranteed period of supervision within a classification before transferring a case to another. Therefore, cases initially assigned to maximum supervision will generally remain in that category for one year unless an early transfer is initiated.

If a case has been classified as maximum by division staff (not as the result of a directive from either the court or Parole Commission) and both the agent and the immediate supervisor agree that it could be transferred to a lesser category of supervision before the end of one year, the court or Parole Commission should be notified before the reassignment is made. However, if the reassignment is the result of incorrect placement at the time of intake, no such notification is necessary.

If maximum supervision is ordered by either the court or the Parole Commission, the case must remain in that category for the life of the court order or term of parole unless the order is rescinded. However, at the end of one year of maximum supervision, an agent will submit a request for permission to move the case to medium if the client has made a satisfactory adjustment.

On occasion, cases will be reclassified to maximum from either the medium or minimum categories of supervision when deterioration of the client's adjustment is indicated by alleged criminal activity or where conditions precipitating criminal involvement have been observed. A reclassification from a lower category of supervision

to a higher one must receive the approval of the immediate supervisor, and such a case will remain in maximum until the situation is remedied and the conditions for transfer to medium are fulfilled.

- d. Required contacts - For each maximum supervision case the following minimum contacts are required:
1. Two positive face to face contacts with the client every calendar month (efforts should be made to space the contacts throughout the month). An appropriate mix of home, employment, community, and office contacts consistent with the needs assessment and treatment plan and related to the goals of supervision should be made with the guidance and direction of the immediate supervisor. Clients should not be required to miss time from their job in order to report during normal business hours.
 2. A records check every six months through the State Police or local police department to determine whether any new arrests have occurred.
 3. An employment verification every calendar month. This check will occur only when the client is employed and may be accomplished through observation of the pay stub, telephone conversation with the employer, or a visit to the client's place of employment.
 4. A verifying home visit which is either positive or collateral within 20 working days of the date the supervising agent receives the case and within 10 working days any time the offender changes his place of residence within the area supervised by the agent.
 5. Verification during every calendar month of compliance with any special conditions ordered by either the court or the Parole Commission.
 6. Whenever the caseload exceeds the ceiling of 60 cases, face to face contacts can be substituted for by other positive contacts in those cases in excess of the ceiling. The immediate supervisor with the assistance of the supervising agent is to designate which cases are in excess of the ceiling and to determine the appropriate contact substitutions for these cases.
- e. Case Movement - Transfer to another category of supervision can be automatic at the end of one year of supervision or earlier at the request of the agent (with the approval of his/her supervisor) and with the approval of the courts or Parole Commission. If maximum supervision is required as a special condition by either the court or the Parole Commission, the case must remain in that category for the life of the court order or term of parole unless the special condition is rescinded. However, at

the end of one year of maximum supervision, an agent should submit a request for permission to move the case to medium if the client has made a satisfactory adjustment.

Before a case can be transferred from maximum to medium, the following conditions must have been fulfilled:

1. No pending criminal charges or convictions for any criminal offense (including Article 27, Section 292 or Section 641 Dispositions) during the past year as confirmed by a State Police records check. Charges pending when client was placed on probation should not be considered.
2. If court costs, fines, restitution, and/or attorney's fees have been ordered, the client must be current with the agreed payment schedule as defined in division Form DPP-COL-1, or the court has been notified by a special report on non-compliance and does not object to the category change.
3. The client is complying with or has completed the provisions of any and all special conditions imposed by the court or the Parole Commission.

Should one or more of these conditions not be fulfilled, the case shall remain in maximum until all are met.

When preparing to transfer a case, the agent transferring the case is to note in the case field sheets a transfer entry summarizing progress made in the case, status of special conditions, payments, and particular problems. The agent's supervisor then will review the summary and confirm that all transfer requirements have been met by placing his initials and date underneath the summary. The agent receiving the transferred case shall complete Form DPP-SUP-43 formalizing and acknowledging that the transfer has occurred.

2-0 Medium Supervision

2-1 The following procedures govern medium supervision:

- a. Caseload Size and Construction - Cases in this category should not exceed 125 active cases. In addition to the active cases, agents are required to monitor those cases placed in the non-active and delinquent categories.

Cases assigned to medium supervision include new intakes and transfers from both maximum and minimum categories of supervision.

b. Criteria for Assignment - Cases classified as medium at intake must have satisfied at least one of the following criteria:

1. A present conviction for a criminal offense not serious enough to meet the criteria required for assignment to maximum supervision. Such offenses would include but are not limited to larceny, common assault, forgery, vandalism, fraud, vice, less serious narcotic offenses such as possession of marijuana, and drug and alcohol related traffic offenses.

NOTE: Common assault is any assault not fitting the definition of aggravated assault.

2. A court order that a significant amount (relative to the offender's ability to pay) in fines, court costs, restitution and/or attorney's fees are to be paid. Exceptions would be those cases which would be assigned to specialized collection units according to already established policies and guidelines.

c. Period of Supervision - A case initially assigned to medium supervision normally is to remain in that category for a one year period after which it is to be transferred to minimum for an additional one year period of supervision. Occasionally, cases will be transferred to medium from minimum or non-active supervision when a deterioration of the offender's adjustment has been discovered. When this occurs, the case will remain in medium until (1) the situation is remedied and the conditions for transfer back to minimum or non-active are fulfilled, or (2) a determination is made that maximum supervision is necessary and the case is transferred to that category.

d. Required Contacts - For each medium case, the following minimum contacts are required:

1. One positive contact with each case every calendar month. A minimum of one face to face contact every other month. An appropriate mix of home, employment, community, and office contacts consistent with the needs assessment and treatment plan and related to the goals of supervision should be made with the guidance and direction of the immediate supervisor. Clients should not be required to miss time from their job in order to report during normal business hours.
2. A monthly verification of special conditions as appropriate for each case.

3. A records check every six months through the State Police or local police to determine whether any new arrests have been made.

4. Other contacts as deemed by individual case needs.

5. Whenever the caseload exceeds the ceiling of 125 cases, face to face contacts can be substituted for by other positive contacts in those cases in excess of the ceiling. The immediate supervisor with the assistance of the supervising agent is to designate which cases are in excess of the ceiling and to determine the appropriate contact substitutions for these cases.

e. Case Movement - A case initially assigned to medium supervision will normally remain in that category for one year before being transferred to minimum for an additional one year period of supervision. Before a case can be transferred from medium to minimum, the following conditions must have been fulfilled:

1. No pending criminal charge or conviction for any criminal offense (including Article 27, Section 292 or Section 641 Dispositions) during the past year as confirmed by a State Police records check. Charges pending when a client was placed on probation should not be considered.
2. If court costs, fines, restitution, and/or attorney's fees have been ordered, the client must be current with the agreed payment schedule as defined in division Form DPP-COL-1, or the court has been notified by a special report of non-compliance and does not object to the category change.
3. The client is complying with or has completed the provisions of any and all special conditions imposed by the court or Parole Commission.

When preparing to transfer a case, the agent transferring the case is to note in the case field sheets a transfer entry summarizing progress made in the case, status of special conditions, payments, and particular problems. The agent's supervisor will then review the summary and confirm that all transfer requirements have been met by placing his/her initials and date underneath the summary. The agent receiving the transferred case shall complete Form DPP-SUP-43 formalizing and acknowledging that the transfer has occurred.

In cases transferred from maximum to medium, a recommendation for early termination or abatement is required at the end of the year under medium supervision if the criteria for closing have been met and the sentencing judge will honor such requests.

If the agent's contacts with the client indicate that his/her adjustment has deteriorated, or if a new offense occurs that otherwise qualifies the client for medium or maximum supervision, the agent should proceed to investigate and document the problem and discuss it with the field supervisor. The agent should make any contacts necessary for crisis intervention. If the problem cannot be resolved, the case is to be upgraded to an appropriate level of supervision with the supervisor's approval.

3-0 Minimum Supervision

3-1 The following procedures govern minimum supervision:

- a. Caseload Size and Construction - Cases assigned to minimum supervision should not exceed 225 active cases per agent. In addition to these active cases, agents must monitor those cases placed in the non-active and delinquent categories.

Cases can be assigned to minimum supervision as a result of intake and classification or through the case movement process from the medium category of supervision. In addition, cases recommended for early termination, but not accepted by the court, are to remain in or be transferred to this category. These cases will be supervised until legal expiration or until approval to terminate is obtained from the court.

Also assigned to minimum are cases transferred to other states in which fines, costs, restitution and/or Public Work Program requirements have been ordered. Positive contacts are not required for these cases.

- b. Criteria for Assignment - Cases initially classified as minimum must have satisfied at least one of the following criteria:
1. A present conviction for a minor offense such as loitering, violation of liquor laws, minor traffic offenses which are not drug or alcohol related, disorderly conduct, and minor gambling law violations.
 2. Fines, costs, restitution and/or attorney's fees have been imposed but are not a significant problem in terms of the offender's ability to pay.
- c. Period of Supervision - Cases assigned to minimum supervision normally are guaranteed only one year of supervision in that category before a recommendation for early termination or abatement is to be made.

- d. Required Contacts - For each minimum supervision case the following minimum contacts are required:

1. A positive contact is required on each client every calendar month. The positive contact must be fact to face at least once every three months. Clients should not be required to miss time from their job to report during normal business hours.
2. Compliance with special conditions must be checked on alternate months as appropriate for each case.
3. A State Police or local police records check must be made on each case at the end of six (6) months of supervision and again before the end of the supervision term.
4. As appropriate to the circumstances of each case, contacts with other persons and community agencies are to be made.
5. Whenever the caseload exceeds the ceiling of 225 cases, face to face contacts can be substituted for by other positive contacts in those cases in excess of the ceiling. The immediate supervisor with the assistance of the supervising agent is to designate which cases are in excess of the ceiling and to determine the appropriate contact substitutions for these cases.

- e. Case Movement - All minimum cases will normally receive supervision for a period of one year before being recommended for abatement or early termination.

If the agent's contacts with the client indicate that his/her adjustment has deteriorated, or if a new offense occurs that otherwise qualifies the client for medium or maximum supervision, the agent should proceed to investigate and document the problem and discuss it with the field supervisor. The agent should make any contacts necessary for crisis intervention. If the problem cannot be resolved the case is to be upgraded to an appropriate level of supervision with the supervisor's approval.

4-0 Non-Active Status

4-1 The following procedures govern cases placed in non-active status:

- a. Criteria for Assignment - Cases appropriate for classification in this category include multiple cases, those temporarily incarcerated, in military service, or hospitalized. In addition, cases transferred to other states which do not owe fines, costs or restitution and those not having community service program requirements are to be placed in this category.

- b. Required Contacts - Although active supervision cannot be rendered in such cases, the agent is still responsible for monitoring these cases monthly (unless the requirement is waived by the supervisor) to determine when the case is expected to be returned to active supervision. In certain circumstances, it may be unavoidable that payment cases and some with special conditions fall into this category. In such instances, the agent is still responsible to follow division policy regarding reporting non-compliance.

Although there are no contact requirements for non-active cases, the parolee or probationer still has the obligation to follow all rules of supervision even though he/she may not be reporting.

It is the duty of the agent to notify the parolee or probationer at the time of his/her transfer to non-active status of the continuing obligation to maintain a good adjustment and to report any residence or employment changes even though contacts, visits, and written or telephone reports may not be required. The agent's case notes will document fully the instructions given to the parolee or probationer.

The agent is still responsible for maintaining an open case file on the client and for remaining alert to any difficulties encountered by the client. Should any problems become apparent which require the attention of an agent, the case must be reactivated and a determination made as to the appropriate category of supervision.

5-0 Delinquent Status

5-1 The following procedures govern cases placed in delinquent status:

- a. Criteria for Assignment - A case in which a violation warrant has been issued is classified delinquent from the time the warrant is issued to the time the violation hearing is held and the matter finalized. The agent will continue to supervise all clients accessible in the community after the warrant has been served. For cases in which a summons has been issued and/or served, active supervision is to be continued and these cases are not to be categorized as delinquent cases.
- b. Required Contacts - Generally, field offices will retain supervision and case files of delinquent cases until the offender is apprehended and final adjudication has been rendered by the Parole Commission or court. Probation absconder cases will be transferred to the office serving the court of original jurisdiction when the warrant has been outstanding over 90 days.

- c. Service of Warrants - Agents are to encourage law enforcement officials to serve warrants in a timely fashion. If the law enforcement official so requests, the agent is to accompany him/her to make a positive identification of the person for whom the warrant is intended. The agent should also complete additional information gathering actions to assist law enforcement officials in locating and apprehending alleged violators.
- d. Violation/Revocation Hearings - If the agent who requested the warrant is still in the employ of the division, that person is responsible for making any necessary appearances as directed by the court or Parole Commission in any violation/revocation hearing on the delinquent case.
- e. Recording Requirements - Delinquent cases are recorded as "delinquent" on the Agent Monthly Workload Summary (Form DPP-ADM-64) and the Office Monthly Workload Summary (Form DPP-ADM-65) from the date the warrant is issued and until the violation hearing is held, and the matter finalized. In addition, when a warrant is issued, a Case Status Report (Form DPP-SUP-43) must be completed.

6-0 Review Status

6-1 The following procedures govern cases placed in review status:

- a. Criteria for Assignment - Cases newly received at intake in which the instant offense is not a major crime, or for which a criminal history is not available, or in which no order for maximum supervision has been made by the court or Parole Commission may be classified as review cases.
- b. Required Contacts - The agent will perform those activities necessary to classify the case. No case may remain in this category for more than 10 working days from the date of intake. Assignment to the appropriate level of supervision must then be made.

Section VI: Record Keeping

1-0 Introduction

- 1-1 Each agent is required to maintain a field book and to make notes regarding all contacts and documenting significant events for each case during the client's probation or parole. Field notes are the primary case records from which all supervision reports are prepared. They are official division

records and used by agents when testifying at probation violation hearings and parole revocation hearings. When cases are transferred from one agent to another, well maintained field notes assure a smooth transition. The notes are also reviewed by pre-sentence investigators when compiling a client's parole and probation history and by supervisors when agent performance evaluations are being completed. The importance of documenting in a timely fashion all activities by the client and actions and efforts by the agent with each case cannot be overstated.

2-0 Field Books

2-1 The field book is a binder in which field notes for all cases are kept by the supervising agent. Field books are to be kept in the possession of the agent or in a secure place accessible to the agent, who will be responsible for their safekeeping. Agents will make reasonable efforts to assure that field books are not lost, stolen, or destroyed. When the supervising agent will be on leave for more than one day, the field books will be given to the agent's immediate supervisor prior to the agent beginning his/her leave. The field books will be picked up by the agent immediately after he/she returns from leave. Field books are to be surrendered to the agent's supervisor upon his/her request.

3-0 Field Notes - Organization

3-1 Only one set of field notes is kept for each client's case(s). The sets of notes are kept in the field book, arranged in alphabetical order by client's last names. The page order for each set of notes is as follows:

- a. Page 1 - Face Sheet (Form DPP-SUP-14) The front of the face sheet contains basic identifying information about the client, the client's probation or parole status and category of supervision. The front of the face sheet also contains a space for the client's address and employer's address. When a client changes his/her address or employment, the agent will list the new information on the face sheet with the date the change occurred. After several changes the agent should have a duplicate face sheet prepared and place the original in the case file folder.
- b. The back of the face sheet contains three (3) columns of boxes labeled by month and year in which the contact code and date of each contact is recorded. There are also two (2) small columns labeled "R" and "S" for each month. The "R" column is used to note the date of receipt of monthly report forms and progress reports on interstate cases. The "S" column is used to record the date of supervision reports prepared by the agent.

- c. The back of the face sheet also has a space in which all special conditions of probation or parole are listed. The agent will indicate the client's completion of special conditions by placing the date of the client's completion and the agent's initials adjacent to the condition.
- d. In instances of multiple cases on one client, all face sheets for that client will be placed in front of all other pages and notes for the client. Only one set of notes will be kept in multiple cases. The case which is designated as being actively supervised will be first followed by the face sheet(s) for the non-active case(s). Contacts are recorded on the back of all face sheets. When one of the cases closes, the face sheet for that case and field notes up to the date of closing will be duplicated and filed with the closed case material. A field note entry in red ink will be made indicating that the case was closed and the field notes duplicated. If the active case was closed, the agent will have his/her supervisor designate active supervision for one of the remaining non-active cases.
- e. Page 2 - Treatment Plan (Form DPP-SUP-14B) for maximum and medium cases only.
- f. Page 3 - Ledger Sheet (Form DPP-SUP-14C) for all cases in which fines, costs, and restitution are ordered paid through the division.
- g. Subsequent pages are the agent's notes. Each sheet will have the client's name and the page number written at the top of the page.

4-0 Field Notes - Entries

4-1 The first field note entry will be made by the agent completing the intake on the client. It will indicate that the conditions of parole or probation were reviewed with the client and his/her understanding of the conditions.

If reporting instructions, referrals to programs, or payment plans are made by the intake agent, this information will be included. Other information, such as the intake agent's assessment of the client's attitude or directions to the client's home, is also appropriate and should be included when necessary.

4-2 When the supervising agent receives the cases, he/she will make an entry in the field notes indicating the date the case is received. This will be done in all cases, regardless of whether the case is received from intake or from another agent in transfer.

4-3 The supervising agent will record in the field notes for each case a general narrative of every contact made with or about the client. All entries will include the date, time, and proper contact code for each contact. The contact codes listed on the following pages indicate the setting of each contact and whether the contact was positive, collateral, or negative.

4-4 Field note entries should be made immediately upon the conclusion of the contact but in no case later than the end of the day in which the contact was made.

4-5 Field note entries are to be made for all correspondence received from or about any person under supervision. Information contained on the Monthly Report Form (Form DPP-SUP-16) will be extracted and entered in the field notes. Similarly, field note entries will be made for all correspondence sent to or about any person under supervision.

4-6 All field note entries are to be made in ink and will be neat and legible so that they are easily readable by another agent or supervisor. They should contain sufficient information so that a new supervising agent could write a comprehensive report or adequately testify at a violation/revocation hearing using only the information contained in the field notes.

4-7 Field notes are never to be destroyed by the agent. If errors in recording are made, they are to be noted as errors and a note explaining what correction was made will be added adjacent to the error. When a case expires, all field notes are placed in the closed file folder with the final report and all other case material.

5-0 Contacts - Definitions

5-1 All contacts are classified as positive, collateral or negative in accordance with the definitions below (contacts made by authorized volunteers or supervisors are to be treated the same as contacts made by agents):

a. Positive Contact - Occurs when an agent speaks directly to a client. A message left by the client with a secretary or a written report form or letter is not a positive contact.

b. Collateral Contact - Occurs when an agent speaks with someone about a client. This person should be identified in the notes by name and relationship to client (for example: Mr. Smith - next door neighbor or Sgt. Jones - arresting officer). A message left with a secretary or non-division personnel (for example: agent's spouse) is a collateral contact.

c. Negative Contact - Occurs when the agent attempts to make a contact but is unable to locate or speak to anyone. This note will indicate not only the date, time, and contact code but also will include what action was taken by the agent when it was determined that a negative contact had been made (for example: 7-1-81 HN 5:00 p.m. left note instructing client to telephone agent tomorrow before 12 noon).

6-0 Contacts - Recording Code

6-1 In recording contacts, agents are to use the following code:

a. Home Contacts

1. Home Positive (HP) - on site contact with the client in his home
2. Home Negative (HN) - a home visit in which no contact was made
3. Home Collateral (HC) - on site contact in the home with someone other than the client

b. Employment Contacts

1. Employment Positive (EP) - on site contact with the client at his place of employment
2. Employment Collateral (EC) - contact with the employer of the client or some other employee working with the client. This contact need not occur on the actual employment site. This contact also includes any written verification of employment (i.e., pay stub, letters from employers)
3. Employment Negative (EN) - an employment visit in which no contact is made

c. Office Contacts

1. Office Positive (OP) - contact in the office with the client
2. Office Collateral (OC) - contact in the office with someone other than the client

d. Telephone Contacts

1. Telephone Positive (TP) - contact with the client by telephone
2. Telephone Collateral (TC) - contact about the client by telephone or when the client telephones and leaves a message for the agent

e. Miscellaneous Contacts

1. Miscellaneous (MP or MC) - explain type of contact in field notes. This category covers any type of contact not specifically listed above and may be positive or collateral

f. Failure to Report

1. Failure to Report (FTR) - failure of the client to appear for a scheduled office appointment to be noted in bold red print

g. Special Condition Verification

1. Special Condition Verification (SCV) - contact which verifies special conditions

h. Record Check

1. Record Check Submitted (RCS) - record check request submitted by agent
2. Record Check Received (RCR) - record check received by agent

7-0 Case Files

- 7-1 The case file is a folder maintained on each client and contains all records related to his/her case. The file should only be taken from the office for the purpose of conducting official agency business.
- 7-2 Agents are responsible for the general upkeep of their case records, file contents, and file drawers.
- 7-3 Folder contents are to be "loose filed". However, if an office is experiencing problems with lost papers or chronological arrangement of papers, two-prong fasteners may be used.
- 7-4 Normally, if a folder becomes too full (75 to 100 papers), a new folder should be established. The folder label of the filled file should show the beginning and ending dates of the contents. The new label should show the beginning date of material in the continuation file to be placed in front of the old folder. The new folder should begin at a logical time such as the beginning of a month or year.
- 7-5 The intake data, legal documents, Pre-Sentence Investigation and supervision history are to be arranged in the case file folder in date sequence or chronological order (latest material on top). The case folder should contain a complete history of the offender from intake to discharge.
- 7-6 All correspondence received by an agent concerning any person under his/her supervision is to be placed in the case file and a field note entry made of the date the correspondence was received, from whom it came, and its contents. Likewise, copies of letters written by the agent about a client are to be placed in the case file and also noted in the field notes. Monthly Report Forms (Form DPP-SUP-16) received from a client should be kept in the case file and the information contained on the form extracted and entered in the field notes.

Section VII: Contact With Employers

1-0 Job Development

- 1-1 Agents are to make intermittent telephone calls and/or visits to employers in the community to establish lines of communication for the purpose of securing employment opportunities for parolees and probationers.

1-2 Agents are to take positive steps to help parolees and probationers find employment. Agents may require unemployed clients to register with Employment Security Administration, to produce verification of their attempts to locate employment, enroll in vocational training programs, to develop job skills, etc.

2-0 Notification to Employers

2-1 During book checks, supervisors are to check the employment of parolees and probationers who have been convicted of sexual assaults, crimes against children, violent crimes of a serious nature, embezzlement, and other crimes potentially related to employment situations.

2-2 Any employer, who has in his/her employ a parolee or probationer whose job situation in combination with his/her conviction record would raise serious questions of public safety or risk of recidivism, should be notified confidentially in person, if feasible, or by letter as to the parolee's or probationer's supervision status and conviction history only. Whenever a correctional officer employed by the Division of Correction or a county correctional agency is placed under supervision, the supervising agent is to notify in writing the appropriate institutional or county correctional agency administrator of the parolee or probationer's conviction history. All written notification to employers and responses to requests for additional information must be countersigned by the agent's immediate supervisor.

2-3 Before notifying the employer, the agent should discuss with his/her client the advisability of taking the proposed employment and/or continuing in his/her present position, whichever situation applies. If the client decides to take the employment or maintain his/her present employment, the client is to be allowed an opportunity to notify the employer of his/her status with the division and his/her criminal conviction history. After speaking with the client about his/her need to notify his/her employer, the agent is to initiate contact with the employer by personal visit or letter. Whenever a client seeks employment as a correctional officer with the Division of Correction or a county correctional agency, the supervising agent is to notify in writing the appropriate institutional or county correctional agency administrator of the applicant's conviction history.

IN COMMUNICATING WITH THE EMPLOYER, AN AGENT IS TO BE AS SUPPORTIVE OF THE PAROLEE OR PROBATIONER AS TRUTH ALLOWS.

2-4 An agent may require a client to change jobs if it is determined, after consultation with the field supervisor, that the client's present employment situation poses an undue risk to public safety in light of the client's criminal history and potential for recidivism as measured by the client's general attitudes and behavior in the community.

Section VIII: Transfers to Other Offices

1-0 Transfer of Cases with No Pending Charges

1-1 When a case is transferred, all field notes, the case file, and a Transfer Report (Form DPP-SUP-42) are to be sent to the new supervising office. The last field note entry will be titled "transfer entry" and will summarize the parolee's or probationer's status and cite possible problem areas for the next agent. When cases are transferred from one region to another, a recent records check must be completed prior to transferring the case.

1-2 When the case is assigned at intake to another office, a transfer report is not required.

1-3 Upon receipt of the case, the agent is to date and initial the field notes indicating his/her assumption of responsibility. Within ten (10) working days from the time he/she receives the case, the receiving agent is to verify the client's home address. Once verified the receiving agent is to submit an Initial After Transfer Report (Form DPP-SUP-43).

1-4 If a parolee or probationer's whereabouts are unknown, the receiving agent will return the case material to the sending office with a memorandum explaining why the case is being returned.

1-5 If a case is mistakenly assigned at intake, the receiving office is to forward the case to the appropriate office and notify the sending office of this by transmittal.

2-0 Transfer of Cases with Pending Charges

2-1 In some instances parolees and probationers with "pending charges" (new arrests or charges) change their residences (with or without proper permission) to jurisdictions supervised by other field offices. A decision must be made to either transfer the case immediately to the office servicing the parolee's or probationer's new residence or to retain supervision of the case until such time as the pending charges are adjudicated.

2-2 Before the transfer may take place, the supervising agent must report the new arrest in a Special Report to the court or Parole Commission and complete all supervision tasks that are possible (example - restitution follow-up).

2-3 If the pending charges occurred in the jurisdiction of the office servicing the parolee's or probationer's new residence, the case should be transferred to that office as quickly as possible for supervision follow-up. The office receiving the

case in transfer may require the prior supervising agent to appear for any subsequent violation of parole or probation hearings deemed necessary as a result of the adjudication of the pending charges.

2-4 If the pending charges occurred in an area other than the jurisdiction of the parolee's or probationer's new residence, the transferring office may temporarily retain the case if adjudication of the pending charges is anticipated within 30 days. The office servicing the area where the parolee or probationer resides may be asked to provide courtesy supervision (type and number of contacts to be determined by the receiving supervisor) until the transfer process is finalized.

2-5 The receiving office should request the office servicing the area where the pending charges occurred to advise them promptly of any court action or adjudication of the charges. If the parolee's or probationer's whereabouts are unknown, the receiving agent will return the case material to the sending office with a memorandum explaining why the case is being returned.

Section IX: Abatement of Parole Supervision

1-0 Definition

1-1 Abatement of parole occurs when the Parole Commission terminates active supervision of a parole case because of satisfactory adjustment. However, the parolee still remains subject to the rules of parole, and the Parole Commission retains jurisdiction over the client until the expiration of his/her sentence. All parole cases are evaluated for abatement at the end of two years of supervision.

2-0 Automatic Abatement

2-1 The following procedures apply to automatic abatement:

a. Eligibility - A parolee is eligible for automatic abatement if he/she:

1. Was sentenced to less than life;
2. Has completed two consecutive years of crime free behavior on parole (except minor traffic convictions). Any charges pending adjudication, any stetted cases, and any charges adjudicated under Article 27, Section 292 (Expunging Criminal Arrest Record of Person Not Convicted: Probation and Discharge of First Offenders), or Section 641 (Probation Prior to Judgement, Power of Court to Provide Terms and Conditions, Violation of Probation, and Fulfillment of Terms of Probation), would not be considered crime free behavior;

3. Is deemed to be not in need of supervision for society's protection from continued criminal activity.

b. Procedures - When the above conditions exist, the supervising agent is to do the following within 30 days prior to the request:

1. Conduct local, state and FBI criminal records checks and an MVA records check (after obtaining the driver's license number from the parolee);

2. Complete Form DPP-SUP-42, Request for Automatic Abatement with the following sections:

Section 1: Introduction

Section 2: History of Supervision

Section 3: Evaluation - including why abatement is requested and why there is no likelihood of continued criminal involvement

3. Attach copies of the records checks to Form DPP-SUP-42 and forward all to the Warrant Unit at headquarters.

4. The director has the authority to sign and issue a Discharge from Parole Supervision. When the Discharge from Parole Supervision is received, the agent should follow those procedures outlined in subsection 4-0 Final Procedures.

c. Ineligibility - If the conditions which make the parolee eligible do not exist at the completion of two years of supervision, the parolee is considered ineligible for automatic abatement. Upon making this determination, the agent is to follow the procedure listed below:

d. Procedure

1. Complete Form DPP-SUP-42, Request to Deny Abatement and include the following sections:

Section 1: Introduction

Section 2: History of Supervision

Section 3: Evaluation - why abatement should be denied.

2. This information will be forwarded to the Parole Commission which will order continued supervision for a specified period of time it deems appropriate.

3-0 Regular Abatement

3-1 The following procedures apply to regular abatement:

- a. Eligibility - A parolee is eligible for regular abatement at any time if conditions of the case indicate that no sufficient reason exists to continue supervision.
- b. Procedures - Within 30 days prior to making the request to abate supervision the agent is to:

1. Conduct local, state and FBI criminal records checks and an MVA records check (after obtaining the driver's license number from the parolee);
2. Make a home visit (HC or HP);
3. Verify employment and any special conditions which were imposed;
4. Make a face to face positive contact;
5. Complete Form DPP-SUP-42, Request for Regular Abatement and include the following sections:

Section 1: Introduction

Section 2: History of Supervision - include dates of home visit, employment verification, and face-to-face positive contact.

Section 3: Evaluation - include reasons for requesting abatement and evidence that the likelihood of continued criminal involvement is minimal.

6. Attach copies of all records checks to Form DPP-SUP-42 and forward to the Warrant Unit at headquarters;
7. The Parole Commission considers all regular abatement cases and orders either abatement or continued supervision. If a Discharge from Parole Supervision is received, the agent should follow those procedures outlined in subsection 4-0 Final Procedures.

4-0 Final Procedures

4-1 Upon receipt of the official notice, "Discharge from Parole Supervision" the agent is to follow the procedures listed below:

- a. Give the discharge order to the parolee in person.
- b. Instruct the client that although he is no longer being actively supervised, he is still under obligation to abide by the conditions of parole.
- c. Submit a Form DPP-SUP-43, Parole Supervision Abatement Report, within 10 working days of receipt of the discharge. When submitting this report, the computer element for "Supervising Agent" should be changed from the agent's name to Abated Parole. The Form DPP-SUP-43 section on "Case Closed" should be left blank since the parole case cannot be closed prior to the expiration date. All abated parole file material is then to be placed in a secure file cabinet within each office for later retrieval. Each office will receive on a monthly basis a case assignment by agent print-out containing information on all cases assigned to that office where parole supervision has been abated. It is the responsibility of each office manager or his/her designee to monitor the office's abated parole cases and to submit a Final Report (Form DPP-SUP-43) when such cases reach their maximum expiration date and are to be closed. The Final Report may be brief and reference the Request for Automatic Abatement Report or Request for Regular Abatement Report previously submitted. Once closed, the parole case material is to be filed the same as any other closed parole case.
- d. If the division subsequently learns that the former parolee has become involved in any criminal activity or is otherwise behaving in a manner dangerous to the community, the agent who processed the abated case is responsible for preparing a special report detailing the present facts of the case and including reasons for reactivating supervision.

Section X: Early Termination of Probation

1-0 Requesting Early Termination

1-1 In seeking the early termination of probation, agents must follow the guidelines listed below:

- a. Eligibility - Early termination of probation supervision may occur at any time based on the satisfactory adjustment

of the client. However, a recommendation for early termination is required when the case has been active for two years (one year if opened in minimum) and has met the following criteria:

1. The sentencing judge will honor requests for early termination;
 2. The client has made a satisfactory adjustment under supervision;
 3. No pending charges (a State Police records check must be made);
 4. No convictions for any crimes committed during the last year of supervision;
 5. No fines, court costs, restitution, attorney fees, or collection fee to be paid;
 6. Special conditions must have been either fulfilled or abated.
- b. Procedure - After determining eligibility, the agent is to prepare an appropriate written request for early termination of probation supervision and submit it through the originating office to the court for approval.

2-0 Approval of Early Termination

- 2-1 The judge will make the final decision of whether the case will be terminated or will remain under active supervision. When the agent is notified that supervision is to be terminated, he/she must promptly notify the client of this fact, and submit a Final Report.

3-0 Disapproval of Early Termination

- 3-1 If the recommendation to the court is not accepted, the case will remain in, or be transferred to, the minimum category of supervision unless otherwise directed by the court until its date of expiration or until approval to terminate is obtained from the court.

Section XI: Discharge from Supervision

1-0 Procedure

- 1-1 Upon expiration of a case, the agent is to prepare a written report within ten (10) working days of the case closing. The report is to summarize the performance of the offender during the entire period of supervision and will be a second page to

Form DPP-SUP-43 which also must be completed. Instructions for writing the Final Report are contained in Section XV: Supervision Report Writing. The agent also is responsible for notifying the client that the period of probation and/or parole is over. Agents are to provide assistance and service to discharges who request such help.

Section XII: Death of Client

1-0 Verification and Procedure

- 1-1 Where death of a client has occurred, the supervising agent must obtain proof of death in order to close the case. If the client has died in Maryland, request proof of death from the Bureau of Vital Statistics, Maryland State Health Department, State Office Building, 301 West Preston Street, Baltimore, Maryland 21201. There is no charge for this service. In the event the client dies out of state, the supervising agent will request a death certificate from the appropriate state. If reasonable attempts have been made without success, the agent may proceed to close the case indicating efforts made to secure the death certificate in the final report.

Section XIII: Expungement

1-0 Procedure

- 1-1 Expungement in Maryland involves the removal of a person's criminal record from active or closed files and its placement in a separate, secure area in the office. Files can be expunged by the division if the case falls under the jurisdiction of Article 27, Section 292 or Article 27, Section 641 and the court so orders the files removed.

An agent informed by the court of an expungement request is to inform his/her supervisor. Complete directions for expungement procedures are included in the Supervisor's Manual.

Section XIV: Cases Under Appeal

1-0 Procedure

- 1-1 Whenever a probation case has been appealed, the agent supervising the case is to comply with appropriate local and/or regional procedures.

Section XV: Supervision Report Writing

1-0 Introduction

1-1 During the course of supervision, agents must write various reports on the progress or lack thereof regarding parolees or probationers. These reports are called Supervision Reports and include the following: Special Reports, Transfer Reports/Initial After Transfer Reports, Supplemental Reports and Final Reports.

2-0 Purpose

2-1 The supervision report is used to communicate information to the court or Parole Commission and/or to request action (e.g., request a warrant, request a new special condition, request for termination). Supervision reports become permanent records for the case with the original going to the court or Parole Commission (channeled through the Warrant Unit); a copy to the file and in some cases, a copy to accounting and collections. The supervision report not only serves one or both of the previously stated purposes, but it also serves many other purposes. The report can also be used by an agent to testify in court at a violation hearing, before the Parole Commission at a revocation hearing, by an investigator doing a pre-sentence investigation, by correctional officials to determine parole eligibility. Generally, the report is written because the court or Parole Commission or Interstate Compact representative has to make a decision on the information presented therein. The report, therefore, must be complete, accurate, and based on facts.

3-0 Style

3-1 Special Reports are read by numerous persons, some of whom are not members of the division. Complete and accurate content, proper grammar, and readable style reflect well upon the agent, the supervisor, and the division.

3-2 Always cite the sources of information. Since the Special Report is a legal document, the agent might be called upon at a hearing to substantiate allegations and data. Conclusions and opinions are to be labeled as such and should be restricted to the Evaluation and Recommendation section of the report.

3-3 Avoid pejorative comments or slang terms.

3-4 The Special Report is divided into sections, not paragraphs. Use as many paragraphs as good grammar would dictate.

3-5 All Special Reports must include the submitting agent's office location and telephone number below the agent's signature.

4-0 Approval

4-1 All supervision reports require the immediate supervisor's signature. His/her signature signifies approval of the contents of the report. If a supervisor does not approve of the recommendation, he/she will hold a case conference with the agent. If an agreement is not reached on the best method for handling the case, the supervisor will prepare a cover letter to the court or Parole Commission detailing his/her evaluation and/or recommendation of the case. This procedure maintains the integrity of the agent and places before the court or commission all the facts and recommendations available for their final decision.

5-0 Format

5-1 Agents are required to write a number of different kinds of supervision reports. Each report consists of one or more of the following sections:

- Section 1 - Introduction
- Section 2 - History of Supervision
- Section 3 - Reason for Report
- Section 4 - Specification of Conditions Violated
- Section 5 - Evaluation and Recommendation

The title of each section will be capitalized and underlined (e.g., Reason for Report).

Except for Section 4, each section will consist of as many paragraphs as is necessary to convey the information required in an organized and concise fashion. In the discussion of each section which follows, information is suggested for inclusion in each section. It need not always be included but is required when relevant to the client's adjustment or decision to be made in the case.

a. Section 1 - Introduction

This section of the report is used to introduce several vital dates and events in every case as well as to bring the court or Parole Commission up to date regarding the last previous action taken in the case. Included when appropriate are the following:

1. The date the client initially reported to the office.
2. The date and statement that the rules and conditions of parole or probation were read and explained to the client.

3. A statement detailing all special conditions the client is under as of the writing of the report. Any modifications, additions, or deletions of special conditions should be explained in this section. If there are no special conditions, include a statement to this effect.
4. A statement indicating the fines, costs, restitution or attorney's fees that have been imposed by the court.
5. Agent(s) who previously supervised the case (summarize if several agents were involved).
6. Name of supervising agent and date of case assignment. (Note: If the writer of the report has never met the client or has done limited field work in the case, a statement should be included that the report is being written exclusively or partially from material in the file.)
7. When previous supervision reports have been written, this section will be used to summarize the action/decision, etc. taken by the agent, court or Parole Commission. This statement is used to make the transition from the previous report to the present, and depending on the case, this can be a very short or a very long statement.

b. Section 2 - History of Supervision

This section is used to provide information to the court or Parole Commission about significant factors involved in the supervision of the case. Generally, this section is used to describe the events that have occurred during the period covered. However, information from previous reports or investigations may be referred to when necessary.

Depending on the purpose of the report, the circumstances of the case, and the significance of the information, the following can be included in this section:

1. Home Information - This information, when included, should aid the parole commissioner or judge in understanding why a client is not succeeding under supervision, some of the problems related to the home situation, or the strengths and/or weaknesses of the home program. It is not necessary to list the previous addresses of the client unless these will be used at a revocation hearing.

2. Employment Information - This information by its very nature is more specific than home information. When included, give the date(s) the employment began, terminated, wages, job title and functions, work record, and any other relevant information. Also include dates and circumstances of a client's problems in the employment area including unemployment, being fired, trouble on the job, etc. Since the Parole Commission uses the employment record of the parolee to a large degree to determine "street time", accuracy and completeness of this information is imperative. In addition to the preceding information, efforts to help clients during employment difficulties should be documented where appropriate. Finally, if a client is scheduled for a revocation hearing, the agent should detail the client's current employment status and/or possible future employment prospects.
3. Treatment Approach or Goals - When included, this part of the report is used to detail or summarize the progress or lack of progress towards accomplishment of the client's goals and the efforts of the agency to assist a client under supervision to achieve those goals. Also included would be information concerning the agency's use of referrals, the client's response or participation in the program, and the opinion of the program representative concerning the client's progress.
4. Conferences - During the course of supervision, clients may be formally (by summons, letter, etc.) brought before a division supervisor, judge, or parole commissioner for a conference because of some problem or for a reprimand. When this occurs, the date of the conference or reprimand is reported along with a summary of the conference and the results, if any, which were an outcome of the meeting.
5. Special Conditions - When special conditions are imposed by the court or commission, follow-up is necessary to verify compliance. If the special condition(s) is being complied with, a brief statement to this effect is made. If one or more special conditions are not being met, describe the what, when, how, where, and why of the situation. In addition, detail the efforts of the agency to gain compliance.
6. Fines, Costs, and Restitution - The status of fines, costs, and restitution payments should be included when appropriate as well as additional information relating to the client's ability to pay.

c. Section 3 - Reason for Report

The purpose of this section is to report the major and minor reasons why the report has been written. Therefore, begin this section with a sentence that states the major reason that the report is being written, e.g. to request a new special condition, to report the new arrest of, etc. The primary use of this section is to provide in detail the necessary information concerning the problem area requiring a decision or to describe how conditions are violated.

When the major reason for the report is a new arrest, a technical violation(s), or absconding, include the following when applicable:

1. New Offenses/New Conviction - When reporting a new offense and/or conviction, note the offense and the date it occurred and attach the offense report (police reports) or the application for warrant when an offense record is unavailable. If neither is available, report what information is known and the source of that information. Indicate the current status of the client - in custody, released on personal recognizance, bond, etc. All subsequent information regarding court proceedings resulting from the case should be included.
2. Technical Reasons - Describe the client's violations of his/her conditions and the agent's efforts to counsel the client regarding the violations. Include the dates and types of all alleged technical violations.
3. Absconders - A Special Report - Request for Warrant must be written if a client cannot be contacted in 60 days. An absconder will be charged with leaving his/her home and employment and failing to report. Relate all the facts which lead the agent to believe that the client has absconded and all efforts made to locate the client. A client cannot legitimately be considered an absconder unless the agent has made every reasonable effort to locate the client.
 - (a) It must be determined that the client is no longer residing at his/her stated address and that his/her present address is unknown.
 - (b) It must be determined that the client is no longer working at his/her last place of employment.

- (c) If there is a chance that the client has left a forwarding address with the post office, send the client a letter instructing him/her to report the new address.
- (d) Contact known relatives or friends for information.
- (e) Check with local authorities to verify that the client is not incarcerated.
- (f) If the client has a problem such as alcoholism, emotional instability, etc., that might require hospitalization, the agent is to verify that the client is not hospitalized.
- (g) Note any indicators that the client has left Maryland.

d. Section 4 - Specification of Conditions Violated

The purpose of this section is to summarize the client's alleged violation of the conditions of parole and probation. Information from this section is used to prepare the warrant to be served on the client. The accuracy of this information is very important as a wrong date or omitted sentence could mean the difference between the client's being revoked or the matter being dismissed because of an error in the warrant.

When the agent is requesting a warrant or summons from the court, this section is to be inserted in proper numerical sequence within the body of the report.

When the agent is requesting a warrant or subpoena from the Parole Commission, this section will be typed on a separate page titled, "Statement of Charges" and attached as the last page of the report. An original and two copies are required. Any additional charges placed against the parolee are to be added by the agent to the original "Statement of Charges" and attached to the required Supplemental Special Report.

The following procedures should be observed in completing this section:

1. In all reports to the court begin this section with the phrase: "It is alleged that the subject of this report has violated the following conditions:". This is to be omitted on the "Statement of Charges" prepared for the Parole Commission.

2. List the conditions alleged to have been violated in decreasing order of importance.
3. Generally, listing the number of the condition allegedly violated will be sufficient. The actual condition is to be written out only upon the request of the court or when an alleged violation of a special condition (parole or probation) has occurred.
4. For each condition cited, the agent must provide a concise statement of how the client is alleged to have violated the condition. Do not repeat a long narrative from the "Reason for Report" section. This statement should include the date of the violation and other descriptive information. In some instances multiple violations of a condition occur. If they do, include a separate statement for each violation.
5. Multiple conditions are to be separated into parts when completing this section. For example,

Condition 3a - by leaving his last known residence of 111 South Street, Baltimore, Maryland, on or about 7-4-81.
6. Arrests not yet adjudicated usually are not considered violations of the condition of probation "to obey all laws" unless the arrest involves other serious violations; e.g., use of a handgun or narcotics.

The Parole Commission has the power in its discretion to issue retake warrants whenever a parolee is charged with the commission of a new offense. It is not necessary to await conviction. An acquittal of a criminal offense does not necessarily relieve the parolee from answering to the commission. Therefore, whenever facts are known which constitute a violation of parole, a warrant may be immediately issued without prior adjudication by the court.
7. Only condition violations occurring since the last revocation or violation hearing are to be cited.
8. All violations of the conditions, no matter how minor, will be cited when a new criminal arrest is reported. If a condition violation is cited, the agent must be prepared to prove the violation.

9. In the case of Michael Eric Wilson vs. the State of Maryland, the Maryland Court of Special Appeals established on October 30, 1979, that:

"If the additional offense was committed prior to the defendant being placed on probation, even though the arrest and subsequent conviction occurred during the period of probation, the defendant or probationer cannot be cited for violation of probation."

10. If a violation of a condition is cited in this section, more detailed information on the violation must have been included in section 2 or section 3.

e. Evaluation and Recommendation

This section will contain a brief evaluation of the information contained in the report. The evaluation should be objective and directed to the factors relevant to the decision making process. Of most importance are factors demonstrating whether the client may remain on supervision or is a threat to the public safety.

This section will also contain the agent's recommendation or a statement that no action is requested. Recommendations must be specific and feasible. In the case of a Special Request for Warrant for a parolee, a recommendation about the amount of street time the parolee should be allowed if he/she is revoked must be included.

The following is a list of some of the common Parole Commission or court actions and some guidelines for determining when a recommendation for a particular action is appropriate.

1. Warrant Request - A warrant should be requested:
 - a. Whenever a client presents such a danger to the community that he/she cannot remain within the community without seriously and/or continuously endangering personal safety and/or the property rights of the other members of the community.
 - b. When the agent wishes to initiate violation/revocation proceedings against a client who is already in the custody of law enforcement or correctional officials.

This is a grave action and should not be taken lightly.

2. Subpoena/Summons Request - This can be recommended when there is evidence to indicate that the client might be able to successfully continue in the community even though possible violation(s) of the conditions have occurred. This action reduces the possibility that a client would jeopardize his/her employment status.
3. Request for a Meeting with a Commission Member or the Court - This can be recommended when the client has been convicted of a new offense or there are continuing technical violations. In such cases the client's behavior does not justify incarceration but does justify a reprimand from the commission or court. Before requesting a meeting, a supervisory reprimand must have been made, and the results documented in section 2 and/or 3 of the report.
4. Await Adjudication of Charges - This can be recommended when a client has been arrested for a new offense and public safety is not jeopardized.
5. Recommend Addition of Special Conditions - This can be recommended when it appears the client would benefit from a formalized treatment modality such as drug therapy, alcohol therapy, psychotherapy, etc. A special condition is needed to order a client into an in-patient setting.
6. Recommend Deletion and/or Modification of Special Conditions - This can be recommended when it appears the client has achieved maximum benefits from a formalized treatment modality.
7. Request the Case be Closed - This can be recommended only if there exists extraordinary circumstances to justify removal of the offender's probation/parole obligation and court policy allows for it.
8. No Action be Taken/No Action be Taken at this Time - This can be recommended when the situation does not require any of the other actions listed above. This might be recommended if a client is acquitted of a new charge or has been found guilty of a minor offense.

6-0 Types of Supervision Reports

6-1 Agents are required to write many types of supervision reports. Listed below are the types of reports used throughout the division.

a. Special - Request for Warrant

1. The basis for the warrant request is a new conviction, a habitual or serious technical violation, absconding from supervision or any combination of these.
2. This report is submitted on Form DPP-SUP-42 and follows the five section format outline in section 5-0 Format.
3. Retake or Violation of Probation Warrants are not often issued by the courts or Parole Commission before disposition of new charges. Generally, there must be additional factors to cause a warrant to be issued prior to disposition. The Parole Commission, under certain circumstances, issues warrants when a parolee is suspected of using a gun in the commission of a new offense. Some judges issue warrants based on new arrests but delay the violation hearing until the new charge has been adjudicated. If the violation or revocation hearing is scheduled in advance of a trial on the new charge(s), the agent should request the court or Parole Commission to postpone the hearing pending adjudication of the new charges.
4. Minor technical violations are not to be used as the sole reason for requesting a warrant unless the agent has exhausted the less punitive methods of gaining client compliance with the conditions of supervision. These methods include, but are not limited to, supervisor's conferences, informal hearings, and additional special conditions.
5. Violent, potentially violent, professional, or habitual offenders must be identified as public safety risks and appropriate and reasonable legal safeguards initiated whenever it becomes apparent that community supervision cannot be successful.
6. In accordance with regional policy the agent will attach to the Special - Request for Warrant a Notice of Court Disposition (Form DPP-SUP-42B). If the agent has not received an answer in 15 working days, he/she will immediately follow up personally or forward to the court another request for notification of the court's decision. If no response is received to the second Notice of Court Disposition the agent is required to contact the court to determine the status of the warrant request.

b. The Special - Informative Report

1. This report is used to:

- (a) Advise the court or commission of a new arrest.
- (b) Advise the court or commission of a significant event occurring in the case.
- (c) Request certain types of actions, e.g. add or delete special conditions.

2. This report is always submitted on Form DPP-SUP-42; however, the format of the report varies with the purpose of the report. If the report is used to document a significant event which does not involve a condition violation the report will consist of sections 1, 2, 3 and 5. If the report is used to document the violation of a condition and to request action, the report will consist of sections 1, 2, 3, 4, and 5.

c. Special Report - Informative - New Arrest for Minor Offense

1. The sole purpose of this report is to inform the court or Parole Commission of a client's new arrest for a minor offense. Minor offense is defined as any offense which would result in a client being placed in medium or minimum supervision.

If the client is experiencing any adjustment problems in addition to that reflected in his/her new arrest or if the agent wishes to request action, he/she must submit a Special - Informative Report or Special - Request for Warrant.

2. This abbreviated report is to be submitted using Form DPP-SUP-42 with the following modifications.

(a) Title - Special Report - Informative - New Arrest for Minor Offense

(b) Additional Information - Do not use the five section format. List only the following:

- . Arrest Date
- . Place
- . Charge
- . Custody
- . Court Date
- . Location

. Offense report attached:

Yes

No

. Action Request: None pending adjudication and further report.

d. Report of Probation Violation (Payment)

- 1. The sole purpose of this report is to inform the court of the client's failure to pay fines, costs, attorney's fees, and/or restitution ordered by the court.
- 2. The report is submitted on Form DPP-SUP-42A. The form requires the agent to assess the client's ability to pay and allows the agent to request that a summons or warrant be issued or not be issued.

e. Supplemental Report

- 1. A Supplemental Report is used to update a previously submitted report. Reference should be made to the date, purpose, and content of the earlier report.
- 2. This report is submitted on Form DPP-SUP-42. It can include any or all of the sections of a supervision report depending on its purpose. If the supplemental is reporting conviction information for a new offense, all five (5) sections included in a supervision report must be completed.

f. Transfer Report

- 1. These reports are used when transferring a case between offices.
- 2. This report should be submitted on Form DPP-SUP-42. Content should loosely include Section 2 information. The agent should also include any observations on the client's problems and progress. In addition, the agent should record the reporting instructions given the client.

g. Initial After Transfer Report

- 1. The purpose of this report is to acknowledge receipt of a case received in transfer from another agent.
- 2. This report is submitted on Form DPP-SUP-43.

h. Final Report

1. When a case is closed, the agent is to prepare a written report that summarizes the performance of the offender during the entire period of supervision.
2. This report is submitted on Form DPP-SUP-43. A second page should be attached which incorporates sections 1, 2, and 5. When a Final Report is submitted shortly after a detailed special report has been completed, the "Additional Information" section of the Final Report may simply refer to the earlier report and indicate the circumstances surrounding the closing of the case.

END