

PROPOSED AMENDMENTS/PART 351 PROBATION SUPERVISION RULE

Subdivision (c) of Section 351.6 of 9 NYCRR is amended by amending paragraphs 9 and 10 and adding a new paragraph 11 to read as follows:

- (9) Residential programming or treatment; [or]
- (10) In Immigration and Customs Enforcement (ICE) custody or deported[.]; or
- (11) United States military deployment.

Section 351.7 of 9 NYCRR is amended by relettering subdivision (a) to subdivision (g).

A new subdivision (a) to Section 351.7 of 9 NYCRR is added to read as follows:

(a) Probationer Engagement

- (1) Engage the probationer by using motivational interviewing and other evidence-based tools to prompt an understanding for the need to change criminal thinking and behavior, and to lead a law-abiding life.
- (2) Document in the case file the probationer's progress in changing his/her thinking and behavior.
- (3) Advocate for the probationer's timely commencement of services and work closely through on-going communication with the service provider(s) and monitor the probationer's motivation, participation, and progress in services that address the criminogenic needs identified in the case plan.
- (4) Document in the case file the probationer's initiation of services.

Subdivision (b) of Section 351.7 of 9 NYCRR is amended to read as follows:

(b) Probationer Referrals and services:

- (1) Advocate for the probationer's timely commencement of services and work closely, through on-going communication, with the service provider(s) to monitor a probationer's participation and progress in completing the services that address the criminogenic needs identified in the case plan.
- (2) Document in the case file the probationer's participation in services, the nature of their progress, and completion of services.
- ~~(3)~~[2] Probation officers shall refer probationers and/or their families to services available in the community. Probation officer efforts to engage probationers and to manage service referrals are intended to increase probationer motivation, identify incentives and/or barriers for behavior change, and help the probationer find solutions to reduce resistance to change.
- ~~(4)~~[(3)] Probation officers should be knowledgeable of the services that are available in the jurisdiction and, based on information from the assessment and case plan, shall match the probationer to services that can specifically address the targeted criminogenic needs.
- ~~(5)~~[(4)] Probationers with higher risk and needs shall be referred, if available, to more intensive interventions which target those risk and needs.
- ~~(6)~~[(5)] Probation officers shall provide information to the service provider about the probationer's criminogenic needs so that services may be more targeted to those criminogenic needs.

Paragraphs 2-7 of subdivision (d) of Section 351.7 of 9 NYCRR are renumbered paragraphs 3-8 respectively, and a new paragraph 2 is added to read as follows:

- (2) Reviewing and documenting stages of change, participation in services, and progress in addressing criminogenic needs.