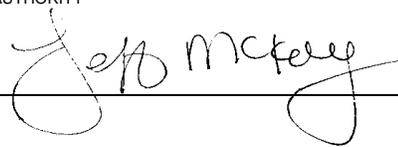


 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Guidance &amp; Counseling Services</b>		NO. 4401
			DATE 08/21/2020
SUPERSEDES DIR# 4401 Dtd. 12/05/19	DISTRIBUTION A B	PAGES PAGE 1 OF 15	DATE LAST REVISED
REFERENCES (Include but are not limited to)  See Section III	APPROVING AUTHORITY 		

**I. PURPOSE:** This directive describes the mission and functions of the Office of Guidance and Counseling and establishes standards and procedures for the operation of facility Guidance and Counseling Units. It is designed to assure that case management, purposeful counseling, and monitoring are performed in a consistent and systematic manner.

**II. POLICY:** The Department’s philosophy embodies a commitment to the development of the whole person. This commitment is demonstrated by the establishment and maintenance of a professional relationship between the Offender Rehabilitation Coordinator (ORC) and the incarcerated individual. The professional demeanor and appearance of the Guidance and Counseling staff will serve as a positive role model.

The Department’s policy is to provide comprehensive counseling to incarcerated individuals so that they may become aware that there are alternatives they may choose in order to take responsibility for their lives. Through the use of Motivational Interviewing techniques, ORCs increase incarcerated individuals’ intrinsic motivation to make positive changes in their lives. The ORC has the obligation to advise and prescribe program activities based on an assessment of the incarcerated individual’s strengths, needs, interests, and available facility resources. For counseling related matters, the ORC is the primary person through whom contacts with other Departmental Units, outside agencies, and other individuals are best channeled.

**III. REFERENCES:** The following sources contain additional information relative to this directive:

- ACA Expected Practice 4-4126
- ACA Expected Practice 4-4127
- ACA Expected Practice 4-4281-4
- ACA Expected Practice 4-4286
- ACA Expected Practice 4-4290
- ACA Expected Practice 4-4297
- ACA Expected Practice 4-4299
- ACA Expected Practice 4-4302
- ACA Expected Practice 4-4303
- ACA Expected Practice 4-4371
- ACA Expected Practice 4-4428
- ACA Expected Practice 4-4430
- ACA Expected Practice 4-4432
- ACA Expected Practice 4-4433
- ACA Expected Practice 4-4434
- ACA Expected Practice 4-4435
- ACA Expected Practice 2-CO-1E-02
- ACA Expected Practice 2-CO-1E-09
- ACA Expected Practice 2-CO-3C-01
- ACA Expected Practice 2-CO-4B-03
- ACA Expected Practice 2-CO-4B-04
- ACA Expected Practice 2-CO-4F-01
- ACA Expected Practice 1-ABC-1E-03
- ACA Expected Practice 1-ABC-3D-06-4
- ACA Expected Practice 1-ABC-4A-03
- ACA Expected Practice 1-ABC-4B-03
- ACA Expected Practice 1-ABC-4B-06
- ACA Expected Practice 1-ABC-4F-01
- ACA Expected Practice 1-ABC-4F-02
- ACA Expected Practice 1-ABC-4F-04
- ACA Expected Practice 1-ABC-4F-05
- ACA Expected Practice 1-ABC-4F-06

- ACA Expected Practice 1-ABC-4F-07
- ACA Expected Practice 5-ACI-2B-02
- ACA Expected Practice 5-ACI-2B-03
- ACA Expected Practice 5-ACI-3D-12
- ACA Expected Practice 5-ACI-5A-02
- ACA Expected Practice 5-ACI-5A-05
- ACA Expected Practice 5-ACI-5B-03
- ACA Expected Practice 5-ACI-5B-05
- ACA Expected Practice 5-ACI-5B-08
- ACA Expected Practice 5-ACI-5B-09
- ACA Expected Practice 5-ACI-6A-32
- ACA Expected Practice 5-ACI-5E-01
- ACA Expected Practice 5-ACI-5E-04
- ACA Expected Practice 5-ACI-5E-06
- ACA Expected Practice 5-ACI-5E-07
- ACA Expected Practice 5-ACI-5E-08
- ACA Expected Practice 5-ACI-5E-09
- ACA Expected Practice 5-ACI-4B-29
- ACA Expected Practice 5-ACI-6A-34
- Correction Law Sections 803, 805, 806
- 115 C.F.R. §§115.41, 115.42
- Temporary Release Manual
- CASAT Manual
- Guidance & Counseling Manual
- Shock Suitability Screening Manual
- Sex Offender Management & Treatment Act
- Standards of Incarcerated Individual Behavior
- Manual of Policy, Procedures and Standards for Programming Incarcerated Individuals
- Directive #2010 – Departmental Records
- Directive #4790 – Merit Time
- Directive #4791 – Presumptive Release
- Directive #4792 – Limited Credit Time Allowance
- Directive #4803 – Incarcerated individual Program Placement
- Directive #8500 – COMPAS Assessments/Case Plan
- Directive #4027A – Sexual Abuse Prevention & Intervention – Incarcerated individual-on-Incarcerated individual
- Directive #4027B – Sexual Abuse Reporting & Investigation – Incarcerated individual-on-Incarcerated individual
- Directive #4028A – Sexual Abuse Prevention & Intervention – Staff-on-Incarcerated individual/Staff-on-Parolee
- Directive #4028B – Sexual Abuse Reporting & Investigation – Staff-on-Incarcerated individual/Staff-on-Parolee

**IV. COMPONENTS:** Guidance and Counseling services are comprised of three major functions: Case Management, Counseling Services, and Program Committee.

A. Case Management: This function consists of gathering information about, and from incarcerated individuals, preparing thorough assessments, identifying strengths and needs, setting goals through collaboration with incarcerated individuals, evaluating progress, documenting information, screening incarcerated individuals for specific programs, making referrals, performing classification/reclassification procedures, and preparing and submitting the appropriate forms and reports. Programs and screening procedures that fall within the case management function are listed below.

1. *Earned Eligibility Program:* Pursuant to Correction Law, Section 805, the Earned Eligibility Program provides eligible incarcerated individuals with an incentive for addressing the reasons for their incarceration by assigning recommended programs as soon as practicable. Upon transferring to the first general population facility, a Program/Earned Eligibility Plan is developed for each eligible incarcerated individual and reviewed on a quarterly basis.

Prior to their Parole Board Interview, incarcerated individuals are assessed for compliance with the plan. Based on the assessment's outcome, incarcerated individuals are issued certificates, denied certificates, or assigned non-certifiable status. A copy of the determination is provided to the incarcerated individual and placed in the incarcerated individual's Guidance and Parole folders.

- Incarcerated individuals can initiate a review of the accuracy of their program needs/program status by contacting the Supervising Offender Rehabilitation Coordinator (SORC). If the issue regarding the accuracy of the record is not resolved at the SORC level, the incarcerated individual can request a final determination from the Deputy Superintendent for Program Services (DSP).
2. *Merit Time/Supplemental Merit Time:* Pursuant to Correction Law, Section 803(1)(d), eligible incarcerated individuals are evaluated for Merit Time if they satisfy certain programmatic criteria and have maintained an overall acceptable level of attendance, participation, and progress in the programs identified in his or her Program/Earned Eligibility Plan. Any incarcerated individual who is granted Merit Time will appear before a Merit Parole Board (reference Directive #4790).
  3. Eligible incarcerated individuals are evaluated for Supplemental Merit Time similar to Merit Time eligible incarcerated individuals if they satisfy certain programmatic criteria and have maintained an overall acceptable level of attendance, participation, and progress in the programs identified in his or her Program/Earned Eligibility Plan. Any incarcerated individual who is granted Supplemental Merit Time will appear before a Supplemental Merit Parole Board.
  4. *Presumptive Release:* Pursuant to Correction Law, Section 806, eligible incarcerated individuals are evaluated for Presumptive Release if they satisfy certain programmatic criteria, and are eligible for an Earned Eligibility certificate, following a criminal history evaluation (reference Directive #4791), they may be granted Presumptive Release Certificates. Any incarcerated individual who is granted a Presumptive Merit Allowance may be released to Community Supervision at a date computed by subtracting the Merit Allowance from his or her parole eligibility date. An incarcerated individual eligible for Presumptive Release may be released to Community Supervision at the expiration of the minimum sentence, or at the expiration of 5/6<sup>ths</sup> of the minimum sentence if the incarcerated individual also qualifies for Merit Time.
  5. *Temporary Release/CASAT Screening:* The Facility Temporary Release Program consists of screening incarcerated individuals for Work Release and CASAT when they become time eligible. When appropriate, incarcerated individuals are also assessed for Furloughs, Leaves of Absence, Community Services and Industrial Training Leaves, and Educational Release. Screening procedures are described in the "Temporary Release Manual" and the "CASAT Manual."
  6. *Shock Incarceration Screening:* Incarcerated individuals who have been deemed statutorily eligible and have also been deemed suitable through the automated screening process, will be manually screened for the Shock Incarceration Program by ORCs. Screening procedures are described in the "Shock Suitability Screening Manual."
  7. *Limited Credit Time Allowance Screening:* Pursuant to Correction Law, Section 803-b, incarcerated individuals who are eligible for the Limited Credit Time Allowance (LCTA) are screened by ORCs in accordance with established policy. Eligible incarcerated individuals must meet the program and disciplinary criteria to be granted LCTA (reference Directive #4792).

- B. Counseling Services: This aspect entails both individual and group sessions. Counseling is defined as an interpersonal process that uses evidence-based practices to assist individuals to understand themselves and their interactions with their environment, to address their identified needs, to set personal goals, and to develop skills to achieve these goals.

The aims of counseling are to assist individuals with making a positive adjustment to incarceration, preparing themselves for a successful reintegration into the community, and to prevent them from reoffending. ORCs may be assigned to facilitate and supervise group sessions as designated by the Deputy Superintendent for Program Services (DSP).

1. *Sex Offender Treatment Services*: The Sex Offender Counseling and Treatment Program (SOCTP) is a comprehensive program of counseling and treatment for convicted sex offenders and other offenders whom the Department identifies as likely to benefit from sex offender counseling and treatment based upon a review of their background. The SOCTP is offered to offenders who have been identified as low, moderate, and high risk to reoffend. Offenders are assigned a risk level for treatment using a comprehensive process that utilizes both actuarial tools and clinical assessment.

In accordance with established best practice standards and in compliance with the Sex Offender Management & Treatment Act (SOMTA), offenders will have the opportunity to participate in the program as time permits and according to their assessed risk level. Once an offender is placed in the program, an individualized treatment plan will be created based on the participant's static and dynamic risk factors that will guide the offender's treatment. Within the moderate and high-risk programs, the duration of services delivered will vary based upon the assessed risk factors of the individual participant.

- a. Length of Services
    - (1) Low Risk: 6 months
    - (2) Moderate Risk: 9-12 months
    - (3) High Risk: 15-18 months
  - b. Admission Requirements
    - (1) Incarceration for a sex offense or any crime where the description of the incident contains sexual offending behavior.
    - (2) Guilty findings at a tier hearing per Incarcerated Individual Standards of Behavior for any sexually abusive and/or assaultive act.
    - (3) Parole violation for sexual offending behavior, or offender returned to custody who was originally assessed prior to release as needing to participate in the SOCTP and did not complete the program, or whose violation characteristics meet the Department's standard for required re-admittance to the program.
2. *Case Plan*: Upon transfer to a general confinement facility, the assigned ORC will review the Reception COMPAS Assessment, Bar Chart, and Narrative during the Initial Interview within five business days of arrival. The ORC, in conjunction with the incarcerated individual, will create a Case Plan based on the incarcerated individual's needs at their first scheduled quarterly review.

Case Plans are developed through a collaborative approach with the incarcerated individual (reference Directive #8500).

3. *Veteran's Services*: Each facility will assign a Facility Veterans Liaison, who will interact with the Central Office Veterans Guidance Specialist to address the readjustment, and reentry needs of veterans within the facility. The Facility Veterans Liaison may be any staff member; however, if this is not a Guidance staff member, then someone in Guidance will be assigned to ensure the veterans documentation is updated on a monthly basis. The designated staff member will participate in training with the Veterans Guidance Specialist on an annual basis.

The facility list of veterans shall be sent by Central Office to the DSP each month, who will then distribute this to designated facility staff members. The required video of basic veteran's information and benefits is to be shown during Facility Orientation. The importance of incarcerated veterans obtaining a copy of US Department of Defense Form DD214, "Certificate of Release or Discharge from Active Duty," is discussed. When received, the DD214 is to be entered in F451 and in KGNC.

The Veteran's Liaison will assist eligible and interested veterans with applying for the Residential Veterans Therapeutic Program. They will also facilitate access between the Veterans Administration Reentry Specialist and the veterans who will be reentering the community within one year, as specified in our Memorandum of Understanding with the Veterans Administration.

#### C. Program Committee

1. The purpose of the Program Committee is to provide general population incarcerated individuals with program assignments designed to address their needs and the vital operational needs of the facility.
2. The Program Committee is responsible for all program placement and program removals per the Manual of Policy, Procedures and Standards for Programming Incarcerated Individuals. The Program Committee works with an incarcerated Individual's Program/Earned Eligibility Plan to help him or her address priority program needs within the context of the safety and security needs of incarcerated individuals and staff. The Program Committee makes every reasonable effort to help each incarcerated individual satisfy program needs.
3. All program and work assignments shall be made without regard to an incarcerated individual's age, race, religion, national origin, sex, sexual orientation, or non-violent political views. The Program Chairman will ensure that work assignments reflect, to the extent possible, the demographic composition of the facility's incarcerated individual population.
4. An incarcerated individual with disabilities shall not be disqualified from participation in a program if the individual is otherwise qualified and meets the criteria set forth in Directive #4803.
5. The Program Committee shall place an incarcerated individual in an assignment deemed most appropriate for the incarcerated individual and the facility. Programs may include counseling and treatment, academic study, vocational training, transitional services, industrial training, and maintenance work assignments. An incarcerated individual can be assigned to any combination of programs and to any available program module to meet the needs of the facility.

6. Whenever possible, an incarcerated individual will be seen by the Program Committee within five working days of arrival at a new facility. The incarcerated individual's needs and eligibility for outside clearance will be assessed by an ORC. Based on this information, and the needs of the facility, the incarcerated individual will be assigned to an appropriate program. Upon completion of or removal from an assigned program, the incarcerated individual will be referred to the Program Committee for reassignment.
7. If an incarcerated individual refuses to accept assignment to a recommended program, he or she should be advised that failure to do so may result in a loss of good behavior allowance as authorized by Correction Law, Section 803, and [Form #3617](#), "Program Refusal," should be completed.

Incarcerated individuals who refuse program assignments may be subject to administrative action. Incarcerated individuals refusing educational, vocational, and/or therapeutic programs will not be placed in work assignments earning more than Grade 1, Step 1, non-industry pay. Incarcerated individuals refusing educational therapeutic programming may also be subject to pay grade and/or rate decreases in their assigned work program.

In addition, in accordance with Directive #4803, the Program Committee Chairperson may place an incarcerated individual who refuses all assignments in limited privilege program status without a hearing.

#### **V. SUPERVISING OFFENDER REHABILITATION COORDINATOR'S RESPONSIBILITIES:**

A SORC shall be in charge of the Guidance and Counseling Unit under the direction of the Deputy Superintendent or Assistant Deputy Superintendent for Program Services.

Responsibilities include:

##### **A. Staff Supervision**

1. Ensure that ORCs and support staff are aware of and have access to all written policies, procedures, and guidelines pertaining to their job functions and responsibilities, including case management and counseling activities.
2. Ensure newly hired ORCs and support staff are provided with on the job training and development.
3. Ensure that Guidance staff adheres to the programs and policies of the Department consistent with ethical standards that are appropriate in a professional relationship between an incarcerated individual and an ORC.
4. Ensure that all incarcerated individuals have a Program/Earned Eligibility Plan that identifies their program needs.
5. Ensure that all incarcerated individuals eligible for Earned Eligibility, Merit Time, Supplemental Merit Time, Presumptive Release, LCTA, or scheduled for Temporary Release, CASAT, Case Plans, and Scheduled Transfer Reviews are processed within the required time frames.
6. Reinforce the Department's mission and goals within all aspects of guidance and to staff.

##### **B. Assignments**

1. Ensure that incarcerated individual caseloads are equitably distributed and accurately assigned among ORCs. All ORCs will carry caseloads.

2. Ensure that each incarcerated individual is assigned an ORC upon admission to the facility by using Function 30 of the Guidance Information Management System (GIMS).
  3. Counseling is provided to all incarcerated individuals without regard to an incarcerated individual's age, race, religion, national origin, sex, sexual orientation, non-violent political views, or health status.
  4. Conduct incarcerated individual disciplinary hearings when assigned.
- C. Parole Board/Community Preparation: Supervise staff in the preparation of the comprehensive release reports, risk and needs assessments, community preparation investigation materials, and related reports for Parole Board appearances and case reviews.
1. Coordinates and supervises the monthly Parole Board interview and case review.
  2. Ensure that incarcerated individuals/residents receive a copy of the final Parole Board Report and corresponding Parole Board packet prior to the scheduled Parole Board.
  3. Coordinate the delivery of Parole Board decision notices to ensure that incarcerated individuals/residents are the first to be notified of the decision.
  4. Plan, coordinate, and implement supervision plans for incarcerated individuals who meet the criteria of having disabilities and/or special needs.
  5. Perform pre-Board, Parole Board, and discharge planning services for clients in the custody of the Office of Children and Family Services (OCFS) and Office of Mental Health (OMH).
  6. Arrange for multi-disciplinary case conferences as required, in order to develop and coordinate implementation of discharge plans. Maintains a liaison role with various agencies including OCFS and OMH.
  7. Provide notification and service documents to the Field Supervision Team, and where appropriate, utilize the Field Supervision Team for incarcerated individuals who require additional services or specialized treatment.
  8. Write and submit timely report and documents related to discharge planning.
  9. Attend Parole Board Interviews and oversee operation of hearings.
  10. Complete post-Board activities; supervise preparation of disposition reports; distribute disposition reports to OCFS and OMH; and ensure appropriate notification is provided to incarcerated individuals.
- D. Liaison with Office of Guidance and Counseling: One SORC at each facility will be designated to serve as the liaison with the Office of Guidance and Counseling. This SORC liaison will submit monthly reports via email to the Office of Guidance and Counseling, and other reports as requested.
- E. Access to Counseling: Counseling is provided to all incarcerated individuals without regard to an incarcerated individual's age, race, religion, national origin, sex, sexual orientation, non-violent political views, or health status.
- F. Records Management
1. Ensure that a Guidance and Parole folder is created and properly maintained for each incarcerated individual in accordance with established procedures.
  2. Ensure that all counseling, contacts, and other pertinent activities are documented in the incarcerated individual's case folder as a chronological entry.

3. Ensure that information is released in accordance with established standards of confidentiality (reference Directive #2010).

G. **Professional Development:** Ensure that all ORCs participate in a minimum of 40 hours of training each calendar year, January 1 to December 31. Of those hours, 30 must be in areas directly related to activities in the Guidance and Counseling Unit such as; individual/group counseling (Motivational Interviewing, Thinking for a Change, Moving On), special needs incarcerated individuals, cultural awareness and diversity, communication skills, ethics, or other appropriate topics. Staff training activities will be reported to the Hub Training Office.

**VI. FUNCTIONS:** Under the direction of the SORC, the Guidance and Counseling Unit at each facility provides counseling and caseload management.

A. **Counseling Activities**

1. *Incarcerated Individual Assessment:* Each incarcerated individual is interviewed and assessed by the assigned ORC within five business days of arrival at a new facility. This assessment should include the following components:

- a. Incarcerated Individual Overview;
- b. Incarcerated Individual Program Overview;
- c. Security and Current Classifications;
- d. Education Summary/Employment History;
- e. Family;
- f. Emergency Contact and Information;
- g. Mental Health;
- h. Family History/Social Dynamics;
- i. Program/Earned Eligibility Plan;
- j. Personal Concerns;
- k. Strengths and Needs;
- l. Security Alerts; and
- m. Personal Documentation.

2. *Individual and Group Counseling:* Each incarcerated individual has access to appropriate individual and/or group counseling in consultation with the designated ORC.

3. *Identification of Needs and Concerns:* When the need for specialized counseling programs or a security concern is identified, the following steps shall be taken:

- a. In keeping with the Department's "Policy on the Prevention of Sexual Abuse of Incarcerated Individuals" (Directives #4027A, 4027B, 4028A, and 4028B), at each Initial and Case Plan Review an ORC will inquire whether or not an incarcerated individual has any issues, concerns or questions related to sexual abuse document the response as part of the respective review and initiate any required action, including referrals. Placement and programming assignments for each transgender or intersex incarcerated individual shall be reassessed during each Case Plan Review to review any threats to safety experienced by the incarcerated individual. [Form #115.41GI](#) will be reviewed, verified as current and accurate, or updated at the Case Plan Review, or, as necessary, at any time there is a change in circumstances.

Upon review, if the information contained in [Form #115.41G](#) remains current and accurate, the ORC shall note the same in the chronological entry of the Guidance File.

A transgender or intersex incarcerated individual's own view with respect to their own safety shall be given serious consideration.

- b. ORCs will direct incarcerated individuals to participate in specialized counseling/treatment programs which best meet their needs. Necessary referrals will be made by the assigned ORC and documented in the incarcerated individual's case folder.
- c. For incarcerated individuals with special needs who require contact with outside resources or agencies, the ORC shall discuss the case with the SORC. The SORC will relay the information to the appropriate person(s) prior to referral. The contact or referral will be documented in the incarcerated individual's case folder.
- d. The ORC will provide any information regarding security concerns, incarcerated individual enemies, or danger to self or others to the SORC, who will immediately forward the information to the Security Supervisor.

#### B. Caseload Reviews

1. *Case Plan Reviews*: ORCs review incarcerated individuals on their caseloads on a quarterly basis, using Function 40 of the GIMS and COMPAS 8.0 on the E-Justice Portal. ORCs are not required to have a face-to-face interview with incarcerated individuals on their caseload who are four or more years from their Earliest Release Date every quarter; these incarcerated individuals are to be seen every other quarter. The reviews shall include:
  - a. Assessment of incarcerated individual's attendance, participation and progress in programs, counseling, and institutional adjustment;
  - b. Assessment of personal goal achievement and program participation;
  - c. Establishment of incarcerated individual's goals for the next quarter (the goals will be written and signed by the incarcerated individual and the ORC); and
  - d. Case management activities including referral services, verification of emergency contact, potential for outside clearance, etc. This also includes review of personal documentation section, and making changes to the Incarcerated Individual Telephone and Incarcerated Individual-to-Incarcerated Individual Correspondence lists.
2. *Other Reviews*: On an as needed basis, the following reviews will be conducted:
  - a. Scheduled Transfer Reviews (Function 40) - incarcerated individuals will be screened semi-annually for possible reclassification and eligibility for area of preference transfers. ORCs will provide incarcerated individuals with 48-hour notice prior to the Scheduled Transfer Review interview;
  - b. Unscheduled Transfer Reviews (Function 40);
  - c. Unscheduled Incarcerated Individual Reviews (Function 40);
  - d. Transfer Summary (Function 40);
  - e. Temporary Release/Work Release (Function 50);
  - f. Earned Eligibility/Merit Time/Supplemental Merit Time/Presumptive Release Reviews (Function 61), LCTA;

- g. CASAT (Function 70); and
  - h. Shock (KPSM Function 90).
3. *Transgender/Intersex Incarcerated individual Placement*: Upon request from an incarcerated individual who identifies as transgender or intersex for a transfer from a male classified facility to a female classified facility, or vice versa:
- a. The assigned ORC shall complete an updated [Form #115.41GI](#), documenting the incarcerated individual's responses to questions regarding their gender identification, expression, and preferences, as well as their statement regarding their safety in connection with their housing and placement. The ORC shall notify the SORC upon completion of the updated "Gender Identity Interview," [Form #115.41GI](#).
  - b. The SORC shall notify the Deputy Superintendent for Program Services and the facility's designated Assistant Deputy Superintendent PREA Compliance Manager. The Deputy Superintendent for Program Services shall notify the Director of Classification and Movement of the incarcerated individual's request via electronic mail, including the completed [Form #115.41GI](#) and the most recently completed gender-appropriate PREA Risk Screening [Form #115.41M](#) or [Form #115.41E](#), which shall be used to assist the Department in making an individualized assessment of the incarcerated individual's placement and program assignments, in order to maximize the incarcerated individual's safety. The request will be forwarded to the Central Office Transgender Placement Review Committee for a case-by-case assessment. Housing assignment by gender identity will be made when appropriate.
  - c. An incarcerated individual who identifies as transgender or intersex will not be placed in a gender-specific facility, housing unit, or program based solely on their external genital anatomy.
  - d. A transgender or intersex incarcerated individual's own view with respect to his or her own safety shall be given serious consideration. Housing assignment by gender identity will be made when appropriate.
- C. Earned Eligibility/Merit Time/Presumptive Release Program and Parole Board/Community Preparation: The specifics about the procedures are provided in the Earned Eligibility Manual and Function 61 of the GIMS. Incarcerated individuals are assessed and a Program/Earned Eligibility Plan is developed based on their identified needs. The plan must be signed by the incarcerated individual and approved by the SORC. The ORC will assist all incarcerated individuals with preparation for release.
- 1. *Satellite Facilities*: Incarcerated individuals without Program/Earned Eligibility Plans must have one developed and signed at the Initial Interview or the first Case Plan Review. At each Case Plan Review, the ORC reviews with the incarcerated individual the progress made toward his/her Program/Earned Eligibility Plan and has the incarcerated individual sign the Case Plan.
  - 2. *Earned Eligibility/Merit Time/Supplemental Merit Time/Presumptive Release Evaluations for Earned Eligibility Purposes*
    - a. For Earned Eligibility purposes, the record of each incarcerated individual who has an indeterminate sentence with a minimum term of eight years or less shall be evaluated by his or her ORC two months prior to the incarcerated individual's scheduled Parole Board Interview.

The ORC shall consider the incarcerated individual's overall attendance, participation, and progress in the programs identified in his or her Program/Earned Eligibility Plan. Each evaluation will then be reviewed by a SORC and the DSP and a recommendation forwarded to the Central Office Earned Eligibility staff, who will make the final determination as the Commissioner's designee.

Thereafter, the incarcerated individual will either be issued a certificate of Earned Eligibility for successful participation in appropriate programs, denied a certificate because of unsatisfactory participation in appropriate programs or unsatisfactory behavior, or assigned to non-certifiable status because the incarcerated individual has not been able to participate in programs, through no fault of his or her own, for a significant period of time.

- b. For Merit Time purposes, the record of each Merit Time eligible incarcerated individual (reference Directive #4790 for eligibility criteria) shall be evaluated by his or her ORC three months prior to the incarcerated individual's scheduled Merit Parole Interview. Each evaluation will then be reviewed by a SORC and the DSP and a recommendation forwarded to the Central Office Earned Eligibility staff, who will make the final determination as the Commissioner's designee. If the incarcerated individual has satisfied Merit Time requirements, he or she will be issued a Merit Time Certificate.
- c. For Supplemental Merit Time purposes, the record of each Supplemental Merit Time eligible incarcerated individual shall be evaluated by his or her ORC three months prior to the incarcerated individual's scheduled Supplemental Merit Parole Interview. Each evaluation will then be reviewed by a SORC and the DSP and a recommendation forwarded to the Central Office Earned Eligibility staff, who will make the final determination as the Commissioner's designee. If the incarcerated individual has satisfied Supplemental Merit Time requirements, he or she will be issued a Supplemental Merit Time Certificate.
- d. For Presumptive Release purposes, the record of each Presumptive Release eligible incarcerated individual (see Directive #4791, for eligibility criteria) shall be evaluated by his or her ORC three months prior to the incarcerated individual's scheduled merit or initial Parole Interview. The ORC shall consider the incarcerated individual's overall attendance, participation and progress in the programs identified in his or her Program/Earned Eligibility Plan. Each evaluation will then be reviewed by an SORC and the DSP and a recommendation forwarded to Central Office Earned Eligibility staff, who will make the final determination as the Commissioner's designee.

The Commissioner's designee shall consider the incarcerated individual's entire criminal arrest record, any recommendations from the sentencing court and the District Attorney's office, any statements made by crime victims, whether the incarcerated individual has been designated a Central Monitoring Case, and any active Orders of Protection.

Thereafter, the incarcerated individual will either be issued a certificate of Presumptive Release for successful participation in appropriate programs, denied a certificate because of unsatisfactory participation in appropriate programs or unsatisfactory behavior, assigned to non-certifiable status because the incarcerated individual has not been able to participate in programs, through no fault of his or her own, for most or all of the period of incarceration, or the determination is made that the release decision can best be made following the incarcerated individual's appearance before the Board of Parole.

3. *Protection of Incarcerated Individual Rights:* In lieu of an appeal mechanism, the Earned Eligibility/Merit Time/Supplemental Merit Time/Presumptive Release Program provides ongoing opportunities for the incarcerated individuals to review and sign off on their Program/Earned Eligibility Plan and quarterly progress reviews.
4. *Distribution:* Prior to the Parole Board Interview, copies of the final Earned Eligibility/Merit Time/Supplemental Merit Time/Presumptive Release determinations are to be given to Community Supervision and each incarcerated individual and placed in the incarcerated individual's Guidance and Parole folders.
5. *Preparation for Release*
  - a. Implement discharge planning activities in order to prepare incarcerated individuals for release and reintegration into the community.
  - b. Prepare comprehensive evaluative summary reports for Board of Parole consideration and review including, but not limited to, the Parole Board Report.
  - c. Attend Board of Parole Interviews and, when necessary, provide panel members with additional case specific information and documentation needed to complete the interview.
  - d. May serve the incarcerated individual with the Board of Parole decision notice and advise the incarcerated individual regarding further release opportunity and the administrative appeal process.
    - (1) At Adolescent Offender Residential Facilities, the SORC/ORC will hand deliver the Parole Board decision(s) to the resident(s) and explain the following:
      - (a) The Parole Board Decision;
      - (b) Procedures for release or, in the case of a denial notice, review the length of the Parole Board hold; and
      - (c) Preparation for the next scheduled appearance (if applicable) and earliest release date.
  - e. Participate in rescission and preliminary violation hearings.
  - f. Coordinate with field parole staff in the development of the final discharge and supervision plan.
  - g. Update the Guidelines Entry System and Case Management System and review PARMIS and Violators systems as needed.

6. *Restitution*
  - a. The ORC will review the case folder/record with particular reference to the Sentencing Minutes, Order of Sentencing and Commitment, letters from the Judge and District Attorney, or an Undischarged Restitution Order to determine if there is a Restitution Order against an incarcerated individual.
  - b. If there is a Restitution Order, the ORC will indicate so on the case folder/records and in the Parole Board Report under the restitution section.
  - c. The ORC will include a special condition mandating payment of restitution on the Parole Board Report.
  - d. The ORC will discuss restitution with the incarcerated individual before release to the community and stress the importance of compliance with respect to payment of restitution and mandatory surcharges.
- D. Receipt of Work and Program Progress Reports and Treatment Evaluations:

Information about incarcerated individuals is collected from other units. The units shall submit evaluations and progress reports to the Guidance and Counseling Unit (or SORC) according to the designations indicated below:

  1. *Quarterly Basis:* Incarcerated Individual Progress Reviews will be forwarded to the Guidance and Counseling Unit on a quarterly basis if the information is not obtainable from the mainframe computer. Progress reviews should be sent from the following areas when the incarcerated individual wage time sheet identifies a due progress review with two asterisks:
    - a. Sex Offender Counseling and Treatment Program: The ORC assigned to the Sex Offender and Counseling Treatment Program shall provide information pertinent to progress made in the program.
    - b. Transitional Services Program: The ORC assigned to Transitional Services shall provide information pertinent to progress made in the program.
    - c. Substance Abuse Programs ASAT, RSAT, CASAT: The ASAT ORCs shall provide information pertinent to progress made in the program.
    - d. Education and Vocational Programs: The Education Supervisor shall be responsible for the submission of progress reports in accordance with established procedures. These reports shall consist of an evaluation of the incarcerated individual's progress, skills developed, information acquired, attitudes demonstrated, and grade level achieved.

In vocational areas, the content of these reports should contain information regarding tasks the incarcerated individual is capable of performing and machines he or she can operate.
    - e. Work Assignment Program: The Work Assignment Supervisor shall submit progress reports on the incarcerated individual's skill development, attitude, and work habits in the work assignment.
  2. *As Warranted*
    - a. Chaplains: The Chaplains shall submit relevant information that does not violate religious confidentiality.
    - b. Security Personnel: Security personnel shall promptly inform the SORC of any change in incarcerated individual behavior that requires counseling intervention. Security Personnel should also inform the SORC about improvements in the incarcerated individual's attitude and behavior.

- c. Health Services: Nurse Administrators shall forward to the Guidance and Counseling Unit a report of significant medical and dental issues, when dissemination of such information does not violate the patient's right of confidentiality. The record of hospitalization should indicate the following for each admission:
  - (1) Date of admittance and discharge;
  - (2) Diagnosis, when confidentiality is not breached;
  - (3) Restrictions and recommendations; and
  - (4) Provision of dentures, eyeglasses, or any prosthetic devices.
- d. Office of Mental Health: The Office of Mental Health shall provide the Guidance and Counseling Unit with a list of incarcerated individuals being seen or status changes.
- e. Incarcerated Individual Records Office: The Inmate Records Coordinators shall forward to the Guidance and Counseling Units information about personal documents contained in the incarcerated individual's personal property such as: social security card, DD214, marriage license, driver's license, or birth certificate.

**VII. WORK RELEASE FACILITIES - SPECIAL FUNCTIONS:** The Guidance and Counseling Unit will focus on work release activities and developing resources and release plans for incarcerated individuals.

- A. Incarcerated Individual Assessment: The Guidance staff will interview all new incarcerated individuals upon arrival at Work Release Facilities within five days. In addition to establishing a relationship with the incarcerated individual, the following should be discussed:
  - 1. Expectations of Work Release;
  - 2. Needs of incarcerated individuals and resources available;
  - 3. Personal document needs;
  - 4. Housing arrangements;
  - 5. Job possibilities;
  - 6. Development of a time schedule; and
  - 7. Budgeting of finances.
- B. Counseling: The Guidance staff will discuss counseling or other resources in the community.
- C. Reviews: The Guidance staff will review incarcerated individuals on their caseloads frequently. Additionally, Guidance staff are to maintain on-going chronological entries throughout an incarcerated individual's temporary release status. Matters that require review are to be submitted to the facility's Temporary Release Committee.
- D. Release Planning: ORCs will assist incarcerated individuals in developing a release profile prior to their release. The release profile consists of a checklist of their personal documents, a draft/completed resume, and tentative release plans. The incarcerated individuals should be encouraged to discuss their release profile with their assigned ORC.

**VIII. GUIDANCE AND COUNSELING MANUAL:** By authority of the Director of Guidance and Counseling, the Guidance and Counseling Manual sets forth policies and procedure concerning Guidance and Counseling case management, case recording, counseling, and related activities for all correctional facilities.