



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco, III
Secretary

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Gloriann Moroney
Chair

Kevin Keefe
Executive Director

EXECUTIVE MEMO

FY20-04

To: Parole Board Staff

From: Gloriann Moroney, Chair
Kevin Keefe, Executive Director

Re: Coronavirus & LS CMI

Date: March 24, 2020

Please note that Multi Health Systems, (MHS) has provided the following guidance for conducting the LS CMI during this state of emergency with the Coronavirus:

1. In-person Interview: staff should seek to conduct the interview in-person if safe to do so; in correctional setting, steps to be taken to optimize safety may include conducting the interview through a glass window, if available.
2. In consultation with MHS, if an in-person interview is not possible, MHS highly recommends a videoconference interview: this would be dependent upon availability of technology both for staff and the inmate/parolee. NOTE: correctional facilities may not have ready availability of inmate videoconference equipment due to court, parole and/or other hearing matters, which take priority.

3. Telephone Interview: if videoconference is not available due to connectivity issues, etc.. please consult with your supervisor to discuss utilizing this option as a last resort. Please NOTE: the possibility of this option will **not** apply to life sentence interviews.



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EXECUTIVE MEMO

FY20-05

To: Parole Board Staff

From: Pamela Murphy, General Counsel
Shara Benedetti, Deputy General Counsel

Re: Coronavirus (COVID-19) and Life Sentence Hearings

Date: March 24, 2020

On March 23, 2020, Governor Baker issued COVID-19 Order No. 13, effective until April 7, 2020, which prohibits gatherings of more than 10 people throughout the Commonwealth. Pursuant to G.L. c. 127 § 133A parole release hearings for individuals serving a life sentence are open to the public and involve attendance of members of the public, staff and the inmate.

In an effort to comply with Governor Baker's order and minimize possible exposure to COVID-19, all life sentence hearings scheduled from March 17, 2020 to and including April 7, 2020 have been postponed. In the event future postponements are necessary, a supplemental executive memo will be issued. Additionally, if there are any requests for postponement due to COVID-19 concerns, such hearings shall be treated in the manner described in this memo.

All life sentence hearings postponed as a result of the COVID-19 pandemic shall be maintained on a separate PONAL list and shall be given scheduling priority over the regularly maintained PONAL list. In the event a subject is denied parole, any set-back

shall be effective as of the date his or her hearing was originally scheduled prior to any postponement.



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Executive Director

EXECUTIVE MEMO

FY20-06

To: Parole Board Staff

From: Pamela Murphy, General Counsel
Shara Benedetti, Deputy General Counsel

Re: Coronavirus (COVID-19) and Life Sentence Hearings Addendum

Date: April 1, 2020

On March 23, 2020, Governor Baker issued COVID-19 Order No. 13, effective until April 7, 2020, which prohibits gatherings of more than 10 people throughout the Commonwealth. On March 31, 2020, Governor Baker extended this order until May 4, 2020. Pursuant to G.L. c. 127 § 133A parole release hearings for individuals serving a life sentence are open to the public and involve attendance of members of the public, staff and the inmate.

In an effort to comply with Governor Baker's order and minimize possible exposure to COVID-19, all life sentence hearings scheduled from March 17, 2020 to and including May 4, 2020 have been postponed. In the event future postponements are necessary, a supplemental executive memo will be issued. Additionally, if there are any requests for postponement due to COVID-19 concerns, such hearings shall be treated in the manner described in this memo.

All life sentence hearings postponed as a result of the COVID-19 pandemic shall be maintained on a separate PONAL list and shall be given scheduling priority over the

regularly maintained PONAL list. In the event a subject is denied parole, any set-back shall be effective as of the date his or her hearing was originally scheduled prior to any postponement.



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Gloriann Moroney
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Kevin Keefe
Executive Director

EXECUTIVE MEMO

FY20-07

To: Katherine Moran, Chief of Victim Services Unit
Michelle Wetherbee, Chief of Transitional Services Unit
Tim Simons, Chief of Field Services Unit

From: Pamela Murphy, General Counsel
Shara Benedetti, Deputy General Counsel

cc: Gloriann Moroney, Chair
Kevin Keefe, Executive Director

Re: Coronavirus (COVID-19) and Parole Reserve Dates

Date: April 9, 2020

On March 10, 2020, Governor Baker declared a state of emergency in response to the COVID-19 pandemic. On April 3, 2020 the Supreme Judicial Court, in Committee for Public Counsel Services & another v. Chief Justice of the Trial Court & others, No. SJC-12926, urged the Parole Board in part to expedite the release of individuals who have received a positive parole vote.

In an effort to respond to the ongoing pandemic of COVID-19 and the SJC's opinion all reserve dates will be set within seven (7) days the inmate is served with a positive parole decision. Field services will complete the home plan investigation and victim services will make all notifications within the seven-day time period.

120 CMR 400.02(5)(a) provides that CORI certified victims are to be provided notice 14 days in advance of an inmate's release. However, 120 CMR 400.02(5)(b) provides that where there is a short parole release date that prohibits 14 days advance notice, immediate notification must be made by telephone and mail to CORI registered individuals. As such, the victim service coordinator will make immediate contact with all CORI registered individuals. A letter should also be sent simultaneously when practicable. In the event that a CORI registrant cannot be contacted via telephone, the victim service coordinator shall notify Chief Katherine Moran immediately.

Pleased be advised that the procedures described in this memorandum are temporary in response to the COVID-19 pandemic and are in effect until further notice.



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Gloriann Moroney
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Kevin Keefe
Executive Director

EXECUTIVE MEMO

FY20-08

To: Parole Board Members

From: Pamela Murphy, General Counsel
Shara Benedetti, Deputy General Counsel

cc: Gloriann Moroney, Chair
Kevin Keefe, Executive Director
Michelle Wetherbee, Chief of Transitional Services Unit

Re: Coronavirus (COVID-19) and Early Consideration of Parole Release

Date: April 17, 2020

On March 10, 2020, Governor Baker declared a state of emergency in response to the COVID-19 pandemic. On April 3, 2020 the Supreme Judicial Court, in Committee for Public Counsel Services & another v. Chief Justice of the Trial Court & others, No. SJC-12926, urged the Parole Board in part to expedite the release of individuals who have received a positive parole vote.

In an effort to respond to the ongoing pandemic of COVID-19 and the SJC's opinion, the Board will be processing and entertaining requests for early consideration of parole release pursuant to 120 CMR 200.10 until further notice. Pursuant to 120 CMR 200.10, you may release an individual early within 60 days of his or her parole eligibility date if they present a compelling reason including specific risk factors for COVID-19. Specific risk factors may include, but are not limited to, a preexisting medical condition, advanced age or any other risk factor that would render that individual particularly vulnerable to COVID-19. In the event that a request is for early consideration of release more than 60 days prior to the parole eligibility date, the full board is required to vote on those requests. All requests for early consideration will be determined by

an office vote, and if granted, a hearing will be scheduled as soon as practicable before a panel in the normal course. If you receive an office vote for early consideration, please enter your vote as soon as possible. Please be advised that you may or may not be the board member who is ultimately assigned to conduct the hearing.

If you choose to grant an early parole release, the reserve should be seven (7) days from the date of the hearing and you should cite in your decision that early release was granted pursuant to 120 CMR 200.10. In the event you issue any votes allowing early consideration of parole release, **you are required** to contact the Office of General Counsel **by the close of business of the day you issue vote**. Pursuant to 120 CMR 200.10(6), the Board **is required** to provide notice to various parties including the sentencing judge, the district attorney, victims and any CORI certified petitioners. The Office of General Counsel will make the required notifications.

If you choose to grant early consideration of parole release, you may utilize the following suggested language in your decision: "For compelling reason(s) presented at hearing pursuant to 120 CMR 200.10, early consideration of parole release is granted and release is approved prior to subject's parole eligibility date. Reserve on or after [7 days from date of hearing]." You may also wish to include the specific compelling reasons that were considered in your decision. Conversely, if early release is not granted after hearing, you must indicate in your decision specific reasons why the request was denied.

Please also be advised that if you decide that an individual meets the standard for release and presents compelling reasons, you may consider advancing parole eligibility of an inmate on your own review without a request having been made.

Inmates who are serving a sentence for a conviction listed in the excluded offenses list in Committee for Public Counsel Services & another v. Chief Justice of the Trial Court & others, No. SJC-12926 are not eligible for early consideration of parole release. The list of offenses is attached to this memorandum as "Attachment A." Additionally, only house of correction inmates or an inmate serving a state prison sentence for an offense committed prior to July 1, 1994 are eligible for early consideration of parole release. If you have any questions about the list of offenses, or an inmate's eligibility, please contact Office of General Counsel.

Please be advised that the procedures described in this memorandum are temporary in response to the COVID-19 pandemic and are in effect until further notice.

“Attachment A”

Excluded Offenses

1. Any crime punishable by imprisonment in a State prison that (i) has as an element the use, attempted use or threatened use of physical force or a deadly weapon against the person of another; (ii) is burglary, extortion, arson, or kidnapping; or (iii) involves the use of explosives. See G. L. c. 140, § 21; G. L. c. 276, § 58A. This includes, but is not limited to, the following offenses: murder (G. L. c. 265, § 1); manslaughter (G. L. c. 265, § 13); mayhem (G. L. c. 265, § 14); assault with the intent to murder or maim (G. L. c. 265, § 15); assault and battery by means of a dangerous weapon (G. L. c. 265, §§ 15A, 15B, 15C); strangulation (G. L. c. 265, § 15D); assault and battery or attempt by discharge of firearm (G. L. c. 265, §§ 15E, 15F); attempted murder (G. L. c. 265, § 16); armed robbery (G. L. c. 265, § 17); assault with the intent to rob or murder (G. L. c. 265, § 18); armed assault in a dwelling (G. L. c. 265, § 18A); use of a firearm in the commission of a felony (G. L. c. 265, § 18B); home invasion (G. L. c. 265, § 18C); unarmed robbery (G. L. c. 265, § 19); and stealing by confinement (G. L. c. 265, § 21);
2. Any crime involving allegations of domestic violence, including assault or assault and battery on a family member (G. L. c. 265, § 13M); violation of an abuse prevention order under the provisions of G. L. c. 209A, and all violations of harassment prevention orders issued pursuant to G. L. c. 258E;
3. Intimidation of witnesses, jurors, or persons furnishing information in connection with criminal proceedings (G. L. c. 268, § 13B);
4. Any third or subsequent violation of driving while under the influence (G. L. c. 90, § 24) within ten years of the previous conviction for such violation;
5. Motor vehicle homicide or manslaughter while operating a motor vehicle (G. L. c. 90, § 24G, and G. L. c. 265 § 13 1/2);
6. All offenses punishable by a minimum mandatory sentence involving illegal possession of a firearm, machine gun, sawed off shotgun, large capacity weapon, or feeding device (G. L. c. 269, § 10);
7. The following sex offenses: aggravated rape (G. L.c. 277, § 39); rape (G. L. c. 265, § 22); rape of a child under the age of sixteen with force (G. L. c. 265, § 22A); aggravated rape of a child under the age of sixteen with force (G. L. c. 265, § 22B); rape and abuse of a child (G. L. c. 265, § 23); aggravated rape and abuse of a child (G. L. c. 265, § 23A); assault with intent to commit rape (G. L. c. 265, § 24); assault of a child with intent to commit rape (G. L. c. 265, § 24B); kidnapping of a child (G. L. c. 265, § 26); indecent assault and battery on a child under the age of fourteen (G. L. c. 265, § 13B); aggravated indecent assault and battery on a child under the age of fourteen (G. L. c. 265, § 13B 1/2); indecent assault and battery on an intellectually disabled person (G. L. c. 265, § 13F); indecent assault and battery on a person age fourteen or over (G. L. c. 265, § 13H);

enticing a child under the age of sixteen for the purposes of committing a crime (G. L. c. 265, § 26C), enticing a child under the age of eighteen via electronic communication to engage in prostitution, human trafficking or commercial sexual activity (G. L. c. 265, § 26D); trafficking of persons for sexual servitude (G. L. c. 265, § 50); a second or subsequent violation of human trafficking for sexual servitude (G. L. c. 265, § 52); enticing away a person for prostitution or sexual intercourse (G. L. c. 272, § 2); drugging persons for sexual intercourse (G. L. c. 272, § 3); inducing a minor into prostitution (G. L. c. 272, § 4A); living off or sharing earnings of a minor prostitute (G. L. c. 272, § 4B); incestuous marriage or intercourse (G. L. c. 272, § 17); posing or exhibiting a child in a state of nudity (G. L. c. 272, § 29A); and unnatural and lascivious acts with a child under sixteen (G. L. c. 272, § 35A);

8. Any violation involving trafficking in cocaine or heroin in excess of 200 grams (G. L. c. 94C, § 32 [b] [4],[c] [4]); or trafficking in fentanyl or carafentanil G. L. c. 94C, § 32 [c 1/2], [c 3/4]); and
9. All attempts, conspiracies, or accessories after the fact of the aforementioned offenses.



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Gloriann Moroney
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Kevin Keefe
Executive Director

EXECUTIVE MEMO

FY20-08A

To: Parole Board Members

From: Pamela Murphy, General Counsel
Shara Benedetti, Deputy General Counsel

cc: Gloriann Moroney, Chair
Kevin Keefe, Executive Director
Michelle Wetherbee, Chief of Transitional Services Unit

Re: Coronavirus (COVID-19) and Early Consideration of Parole Release

Date: June 15, 2020

On March 10, 2020, Governor Baker declared a state of emergency in response to the COVID-19 pandemic. On April 3, 2020 the Supreme Judicial Court, in Committee for Public Counsel Services & another v. Chief Justice of the Trial Court & others, No. SJC-12926, urged the Parole Board in part to expedite the release of individuals who have received a positive parole vote.

In an effort to further respond to the ongoing pandemic of COVID-19 and the SJC's opinion, the Board will continue to process and entertain requests for early consideration of parole release pursuant to 120 CMR 200.10 until further notice. Pursuant to 120 CMR 200.10, you may release an individual early within 60 days of his or her parole eligibility date if they present a compelling reason including specific risk factors for COVID-19. Specific risk factors may include, but are not limited to, a preexisting medical condition, advanced age or any other risk factor that would render that individual particularly vulnerable to COVID-19. In the event that a request is for early consideration of release more than 60 days prior to the parole eligibility date, the full board is required to vote on those requests. All requests for early consideration will be determined by an office vote, and if granted, a hearing to determine suitability for parole will be scheduled as

soon as practicable before a panel in the normal course. If you receive an office vote for early consideration, please enter your vote as soon as possible. Please be advised that you may or may not be the board member who is ultimately assigned to conduct the hearing.

If you choose to grant an early parole release, the reserve should be seven (7) days from the date of the hearing and you should cite in your decision that early release was granted pursuant to 120 CMR 200.10. In the event, after hearing, you issue any votes allowing early consideration of parole release, **you are required** to contact the Office of General Counsel **by the close of business of the day you issue a vote on the hearing on early release**. Pursuant to 120 CMR 200.10(6), the Board **is required** to provide notice to various parties including the sentencing judge, the district attorney, victim(s) of the governing offenses, as registered by the Department of Criminal Justice Information Services. If an office vote for early is granted and an early hearing is to be scheduled (PONAL), the institutional staff must connect with the Chief and/or Deputy Chief of the Transitional Services Unit and the Chief of the Victim Services Unit to ensure that victim notifications have been made. The Office of General Counsel and the Victim Services Unit will make the required notifications.

If you choose to grant early consideration of parole release, you may utilize the following suggested language in your decision: "For compelling reason(s) presented at hearing pursuant to 120 CMR 200.10, early consideration of parole release is granted and release is approved prior to subject's parole eligibility date. Reserve on or after [7 days from date of hearing]." You may also wish to include the specific compelling reasons that were considered in your decision. Conversely, if early release is not granted after hearing, you must indicate in your decision specific reasons why the request was denied.

Please also be advised that if you decide that an individual meets the standard for release and presents compelling reasons, you may consider advancing parole eligibility of an inmate on your own review without a request having been made.

Additionally, only house of correction inmates or an inmate serving a state prison sentence for an offense committed prior to July 1, 1994 are eligible for early consideration of parole release. If you have any questions about an inmate's eligibility, please contact Office of General Counsel.

Please be advised that the procedures described in this Memorandum are temporary in response to the COVID-19 pandemic and are in effect until further notice. This Executive Memorandum replaces and supersedes any prior memorandums and or directives on early consideration of parole release.



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EXECUTIVE MEMO

FY20-09

To: Parole Board Staff

From: Pamela Murphy, General Counsel
Shara Benedetti, Deputy General Counsel

Re: Coronavirus (COVID-19) and Life Sentence Hearings Addendum

Date: April 29, 2020

On March 23, 2020, Governor Baker issued COVID-19 Order No. 13, effective until April 7, 2020, which prohibits gatherings of more than 10 people throughout the Commonwealth. On March 31, 2020, Governor Baker extended this order until May 4, 2020. Then on April 28, 2020, Governor Baker extended the order until May 18, 2020. Pursuant to G.L. c. 127 § 133A parole release hearings for individuals serving a life sentence are open to the public and involve attendance of members of the public, staff and the inmate.

In an effort to comply with Governor Baker's order and minimize possible exposure to COVID-19, all life sentence hearings scheduled from May 4, 2020 to and including May 18, 2020 have been postponed. In the event future postponements are necessary, a supplemental executive memo will be issued. Additionally, if there are any requests for postponement due to COVID-19 concerns, such hearings shall be treated in the manner described in this memo.

All life sentence hearings postponed as a result of the COVID-19 pandemic shall be maintained on a separate PONAL list and shall be given scheduling priority over the regularly maintained PONAL list. In the event a subject is denied parole, any set-back shall be effective as of the date his or her hearing was originally scheduled prior to any postponement.



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Gloriann Moroney
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Kevin Keefe
Executive Director

EXECUTIVE MEMO

FY20-10

To: Parole Board Members

From: Pamela Murphy, General Counsel
Shara Benedetti, Deputy General Counsel

Cc: Gloriann Moroney, Chair
Kevin Keefe, Executive Director
Michelle Wetherbee, Chief of Transitional Services

Re: Coronavirus (COVID-19) and Hearing Examiners

Date: May 5, 2020

Due to the state of emergency and the ongoing COVID-19 pandemic, the Board began conducting hearings via Webex videoconferencing solutions ("Webex"). Then, on April 3, 2020 the Supreme Judicial Court, in Committee for Public Counsel Services & another v. Chief Justice of the Trial Court & others, No. SJC-12926, urged the Parole Board in part to expedite the release of individuals who have received a positive parole vote.

In an effort to further respond to the ongoing pandemic of COVID-19, to conduct hearings in in expeditious fashion and to respond to the SJC's recent opinion, the Agency's hearing examiners will be conducting house of correction parole release hearings as early as this week. The hearing examiners will be conducting the hearing and will be making a recommendation to the Board as to the decision. You will

determine whether or not you agree with the hearing examiner's recommendation pursuant to 120 CMR 300.03(2).

You should make your decision immediately upon receipt of the recommendation so that the individual can have notification of the decision within 24 hours of the hearing. In your decision, you should write whether you agree or disagree with the hearing examiner's recommendation and reference the pertinent regulation (120 CMR 300.03(2)).

MASSACHUSETTS PAROLE BOARD FIELD SERVICES
COVID-19 COMMUNITY SUPERVISION GUIDANCE

In conjunction with the Executive Office of Public Safety (EOPSS), the Massachusetts Parole Board has determined that continued release of parolees and community supervision are CORE functions of the Agency, which must continue operations during the COVID-19 state of emergency. Parole Officers, in consultation with supervisory and/or management staff, may be required to modify community supervision and investigative activities to reduce risk of exposure to the virus. The Agency is working with EOPSS to increase the availability of personal protective equipment (PPE) moving forward. PPE should be utilized as available and as situations dictate. Such equipment includes, but is not limited to, gloves, masks, hand sanitizer, Lysol/Clorox wipes, etc... The following guidelines (in addition to DPH and HRD guidance) should be followed during this state of emergency:

Screening

POs should employ employee screening questions provided in Executive Memo 20-01 regarding office visitors as well as in conducting supervision activities prior to entering home(s).

Parolee Education

All parolees should be given the attached DPH guidance and/or verbally informed regarding hygiene and health safety related to COVID-19. This should be documented in case notes.

Home Investigations

If a Parole Officer (PO) determines that an individual in a proposed home plan residence is confirmed to have coronavirus, may be exhibiting symptoms and/or is subject to self-quarantine, then the PO will not move forward with the investigation and shall advise the home sponsor to make telephone contact when the quarantine is cleared and/or there is no longer illness in the home. No parolee will be approved for release if there is evidence that there is an active COVID-19 situation within the home. In other situations where the PO determines there are health safety implications but the above characteristics are not present, if the PO is able to communicate with the home sponsor in an open area and obtain all pertinent information regarding the home investigation, as opposed to a full tour of the home, then the PO may proceed with the investigation. The PO will consult with a supervisor and document any reasons for suspension of a home investigation.

Home Visits

A PO shall not enter a home if he/she determines that a member of the household has a confirmed case of coronavirus, may be exhibiting symptoms and/or is subject to self-quarantine. The PO will consult with local law enforcement or emergency medical service (EMS) if he/she discovers an unreported case and/or an emergency exists that requires entry. A PO may modify home visit activities, when health safety concerns are presented, by speaking to a parolee through a window, doorway or in an open area on the property, being mindful of social distance (6 feet). The reasons of any modification of home visit protocols should be documented in case notes. Home Visits, as always, should be prioritized by risk level and special population (Lifers/Sex Offenders). In inability to meet supervision standards, 120 PAR 408, should be documented, discussed with supervisory staff with notification to the DCPS/CPS.

Drug Testing

Once the initial provisions of the Drug Testing Policy, 120 PAR 605, have been met POs are only required to test based upon other provisions of the policy, i.e. transfer/reduction in supervision level, and/or if there is a specific suspicion of drug/alcohol use. If the PO has a health safety concern based upon the parameters outlined for Home Visit section above, then the matter should be referred to supervisory staff who may consult with the DCPS/CPS on appropriate. Any inability to comply with policy or standards should be documented in case notes.

Employment

It is understood that parolees who are currently unemployed or become unemployed during this state of emergency, may be unable to find new employment through no fault of their own. POs should remain flexible in terms of refraining from Graduated Sanctions if the lack of employment appears to be for good faith reasons. Employment difficulties should still be documented in case notes.

Supervision Fees

While all parolees have their fee waived for the first year, parolees who have been out for more than 1 year may have difficulty in paying fees due to impacts from this state of emergency. Waiver and/or reduction requests should be used to the greatest extent possible and Graduated Sanctions should be a last resort.

Other Special Conditions

It is understood that access to counseling and/or self-help services may be limited during this time period. If parolees and/or staff have alternative telephone/internet options for services, then those should be provided. Graduated Sanctions should only be issued if the parolee is able, but refuses to access available services.

Arrests/Transportation

Supervisors should continue to contact the DCPS/CPS prior to issuance of detainer, until further notice. Protective equipment, i.e. gloves and masks (if available and necessary), should be used to extent possible. Arrests should be made with law enforcement partners to the extent feasible, to ensure more immediate access to EMS services when necessary. Any health emergencies during arrests, as always, must be noted.

Office Operations

Offices should be staffed with the minimum amount necessary for daily operation, i.e. at least one supervisory staff person and one PO. Other staff should be mobile and remain available for need, i.e. arrests, etc.. Intakes must be completed, with proper screening, but case conferences should be reserved only for serious issues and alternative, such as teleconference should be explored for this purpose.

Personal Protective Equipment Supplies

The Agency will continue to work with EOPSS to access additional PPE, including but not limited to the following:

- Gloves
- Masks
- Hand Sanitizer
- Clorox/Lysol Wipes

PPE will be distributed as it becomes available. Questions regarding additional supplies or equipment needed should be channeled via supervisory channels to the CPS/DCPS.