



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-052600 Probation and Parole Division Placement Investigations	Issued: 2/21/94 Effective: 2/21/94	Reviewed: 2/28/20 Revised: 3/6/15
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

Section 31-21-7 (A, F, I), 31-21-5 (B), 31-21-10 (D) NMSA 1978, as amended

REFERENCE:

ACA Standards 4-APPFS-2C-01 and 4-APPFS-2C-02, *Performance Based Standards for Adult Probation and Parole Field Services*, 4th Edition.

PURPOSE:

To implement guidelines for New Mexico Corrections Department (NMCD), Probation Parole Division (PPD) staff to conduct investigations of inmate parole plans prior to inmate's release, and for interstate and intrastate transfer requests and reporting instructions for offenders being released to PPD supervision.

APPLICABILITY:

All PPD staff

FORMS:

Pre-Parole Investigation Report and Recommendation form (*CD-052601.1*)

ATTACHMENTS:

None

DEFINITIONS:

- A. *Inmate*: A person incarcerated within the New Mexico Corrections Department penal system regardless of whether the person was convicted in New Mexico or is in New Mexico pursuant to an interstate compact agreement.
- B. *Offender*: An adult placed under, or made subject to, supervision, probation and/or parole, as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

- C. Z Drive: A common drive accessible by NMCD staff and contracted facility staff, which provides storage and tracking for all parole plan transactions.

POLICY:

- A. The PPD will conduct investigations for placement of offenders requesting to parole from an institution, in-state or out-of-state, and for offenders wishing to transfer their supervision to a district from both in and out of state. No inmate shall be released on parole until an investigation has been completed and a parole plan has been approved. **[4-APPFS-2C-02]**
- B. The investigation shall determine the suitability of proposed residences for offenders, verify employment offers and assess programming for the inmate/offender upon release or transfer. When required, GPS protocols will also be assessed.
- C. The investigation response will provide reporting instructions for any offender to be supervised by the PPD.
- D. The PPD will not recommend a parole release, or recommend approval of any interstate transfer request for any offender until the investigating officer has completed the investigation and the offender has been accepted.
- E. For interstate compact case, the sending state determines the duration of the parole/probation period. The receiving state determines the degree of supervision.
- F. For interstate compact case, the arrival reports shall be sent to the sending state within thirty (30) days of the client's arrival within the receiving state.
- G. Unless precluded by statute or court order, the supervising agency requests pertinent information about a prospective releasee in advance of the release date. **[4-APPFS-2C-01]**
- H. The parole agency supports release policies that require employable inmates to have a visible means of support or a reasonable assurance of employment, rather than a promise of a specific job, before release on parole.
- I. The initial personal contact between the newly released parolee and the PPD staff shall take place as soon as practicable, but not later than one (1) business days after the parolee's release from custody, unless otherwise agreed upon prior to release. If the parolee is released on a weekend or holiday, the initial contact with the parolee shall take place on the next business day.



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AUTHORITY:

Policy *CD-052600*

PROCEDURES: [4-APPFS-2C-02]

A. Review:

1. Unless precluded by statute or court order, the supervising agency requests pertinent information about a prospective releasee in advance of the release date. **[4-APPFS- 2C-01]**
2. Before an inmate can be released for parole, the institution shall prepare a Parole Plan Investigation (PPI) packet and submit that packet to the probation and parole region where the inmate's proposed primary address is located for investigation. A secondary address should be included in the plan.
3. The district supervisor, or a designated staff member, shall assign all incoming PPI(s) to the appropriate PPO. The classification officer will properly upload the PPI to the APD folder on the Z drive prior to sending to the Region or District office. Once the PPI is uploaded to the Z drive, the classification officer will notify via email the appropriate region. PPD has created email distribution lists to streamline this process: NMCD-Region I PPI assignments, NMCD-Region II PPI assignments, NMCD-Region III PPI assignments, and NMCD-Region IV PPI assignments.
4. Once the PPI is received into the region email distribution list, designated PPD staff will forward the PPI to the supervisor of the appropriate district. Upon receipt of a PPI, the district supervisor shall review the plan to ensure the address is appropriate for their district and all required documents are included in the packet. The supervisor shall then enter the request into the CMIS Contact Supervision tab and assign it to a probation/parole officer (PPO). At the time of assignment, the PPD supervisor will move the PPI from the APD folder of the Z drive to the PPD folder.
5. The PPI will have a due date for completion of investigation of no later than fourteen (14) calendar days from the date it is assigned, unless special circumstances dictate a reduction or extension of that deadline. If an inmate is on in-house parole status, the investigation shall be completed no later than seven (7) calendar days from the date it is assigned.

6. The assigned PPO shall review the request and note any unusual factors that might affect the timing of various aspects of the investigation. The PPO shall document every step of the investigation in the supervision case notes in CMIS.
7. For interstate compact cases, the sending state determines the duration of the parole/probation period. The receiving state determines the degree of supervision.

B. Residence:

1. As soon as possible, the PPO will complete a home visit to the primary address, using the data supplied on the investigation request. The PPO may contact the individual listed as making the home offer (sponsor) or may visit unannounced, in order to examine the residence for suitability.
2. When the home visit is made, the PPO should observe if there is sufficient room to accommodate the offender and to observe for any appearance of instability among the occupants of the residence.
3. Parolees are mandated to live at the proposed primary address for six (6) months unless otherwise approved by the supervising officer and the Parole Board.
4. The investigating officer must also make an attempt to determine if any subjects in the household are currently under supervision by the Division, and if they are, contact should be made with the supervising officer of that offender to determine if he/she is aware of any problems with the household. If another offender is currently residing at the proposed residence, this does not automatically exclude the plan from being viable. All information must be reviewed on a case by case basis.
5. The PPO should discuss the proposed plan with the sponsor, to ascertain whether the sponsor is making the offer on their own accord. In addition, the PPO shall inform the sponsor of the crime committed by the inmate, in accordance with Department policy regarding dissemination of public information. The policies of parole or probation supervision must also be explained to the sponsor to prevent any misunderstanding about future home visits and supervision requirements.
6. The PPO should analyze the home offer in a context of its likelihood to enhance or weaken the offender's chances of having a successful adjustment on parole.
7. It should be understood that many offenders will parole to situations where economic instability exists and some offenders may have ex-offenders in their family who also live in the household. The investigating officer may deny a PPI based on financial requirements of supervision or family felons considered detrimental to their success, but economic instability or ex-offender family members will not automatically exclude the viability of the proposed plan.

8. The PPO should determine if there is some overwhelming negative factor associated with the offer, prior to making a recommendation that it be rejected. Rejections will be thoroughly reviewed by the district supervisor.
9. If the proposed residence is a transitional living residence or half way house, the residence should be investigated and approved by the Transitional Coordinator or Community Corrections Administrative staff. The Community Corrections Administrative staff maintains a list of all known half way houses and transitional living residences which have already been investigated and approved by the department. Similarly, they maintain a list of all known disapproved transitional living and half way houses. If the proposed residence is a half way house or transitional living residence which has not yet been approved by the Community Corrections Administrative Staff, the Transitional Coordinator may accompany the investigating PPO to complete the PPI investigation and determine whether the residence is conducive to success while on parole.

C. Employment:

1. The PPO shall make contact with the person listed as offering employment and will assess whether there are any conditions on which the employment is based that might hamper parole adjustment, or which might make the offer unavailable once the offender is released.
2. The PPO shall assess the nature of the employment to determine whether placing of the offender in such a position might seriously increase the risk of harm to the public or to the business or if it would violate any law (i.e. sex offender near a school, etc.).
3. The Probation and Parole Division supports release policies that require employable inmates to have a visible means of support or a reasonable assurance of employment, rather than a promise of a specific job, before release on parole.
4. If no proposed employment is listed the PPO shall engage the Transitional Coordinator to assist in employment needs to aid in success upon parole.

D. Disposition of Investigation:

1. The PPO should review the results of his/her investigation to ascertain if there is a need for special supervision conditions that might be beneficial for the offender or for the safety of the community, and should include those recommendations on the **Pre- Parole Investigation Report and Recommendation** form (*CD-052601.1*).
2. The **Pre-Parole Investigation Report and Recommendation** should be addressed to the chairperson of the Parole Board, with a copy provided to the inmate's institutional classification officer after being approved by the district supervisor. A copy shall also be forwarded to the applicable Region's Transitional Coordinator as available. All reports should clearly indicate if the request is being recommended for acceptance or rejection, and the rationale for either acceptance or rejection. All

approvals or denials will be saved into the Z drive for common access by NMCD and private facility access.

3. If the PPO is recommending rejection of a parole plan, the Plan will be referred to the alternative address listed to the respective Region. If there is no alternative address listed on the plan, the PPO will immediately contact the caseworker, by telephone, to inform them that the plan will be denied unless the caseworker can provide an immediate alternative address for investigation. All approved or denied parole plans **MUST** be reviewed and approved by the PPD district office supervisor prior to release to the institution or the classification officer. Parole plans will not be approved with a disclaimer indicating that an approval is based on another event.
4. In the case of sex offender parole, the case manager will ensure the PPO is given sufficient notice of parole date and arrange a GPS unit be placed on a probationer or parolee in accordance to policy.
5. The initial personal contact between the newly released parolee and the field parole staff shall take place as soon as possible, but not more than twenty-four (24) hours after the parolee's release from custody, or following business day if released on a weekend or holiday, unless otherwise agreed upon prior to release.
 - a. The recommendation shall list when and to whom the parolee or transferee is to report upon release or transfer, and list the address of the office where the offender must report. The parolee or probationer shall be instructed to report within twenty-four (24) hours of release during the week or, no later than 8:00 a.m. the next business day, if released on a Friday, weekend, or holiday.
 - b. Interstate transfer offenders shall be instructed to report immediately upon their arrival in the receiving district. Any different reporting arrangements made prior to release from custody or prior to transfer must have the approval of the Parole Board, warden, and transferring district supervisor, sending state or the receiving district supervisor. Arrival reports shall be sent to the sending state within thirty (30) days of the client's arrival within the receiving state.

**NEW MEXICO CORRECTIONS DEPARTMENT
PROBATION AND PAROLE DIVISION
Pre-Parole Investigation Report and Recommendation**

To: _____, Adult Parole Board

Date:

From:

Subject: Parole Plan,

NMCD #:

I have reviewed the proposed parole plan submitted by _____, Case Manager, and recommend it be **(Approved/Disapproved)** for the following reasons:

Residence:

Employment:

Treatment Plan:

Investigating Officer's Recommendations:

Investigating Officer's Comments:

Parolee should contact _____ at _____ immediately upon release.

Alternative plan requested from Classification Officer on Date: _____ Time: _____

Note: Pursuant to NMSA 1978, Section 31-21-6 (Repl. Pamp. 1994) Pre-Parole Reports obtained by the Parole Board are privileged and may not be released to any non-Correctional New Mexico Corrections Department personnel, including the inmate and/or his attorney, without permission of the Parole Board.

cc: Case Manager's Office
File

Approved:

District Supervisor