

Exhibit A

- Good work history;
- Reliable source of adequate income;
- Strong motivation to change; and
- Supportive prosocial community network of family and/or friends.

§ 350.30 Follow-Up Interview with the Offender

- (a) The purpose of conducting a thorough investigation and assessment is to gain additional knowledge about the level and type of supervision required to facilitate desired outcomes. Often, what officers learn in the process will require them to arrange additional meetings with the offender to review the information, discuss objectives that may differ from those explored at the orientation interview, and/or provide more detail on the specific requirements of certain conditions, such as monetary penalty payment schedules, community service hours or schedules, or criminal association.
- (b) Follow-up interviews also provide additional opportunities to discuss obstacles to desired outcomes and ways of addressing them and to provide information about what can be expected (and when) in terms of positive incentives for progress and disincentives for lack of progress. Potential disincentives are to be guided by the noncompliance intervention framework (see: Guide, Vol 8E, § 620.40), while positive incentives — such as reducing restrictions or offender reporting requirements or requesting early termination of supervision — are to be guided by the principles set forth in § 370.20.10 (The Six-Month Plan Evaluation). The usefulness of positive incentives should not be underestimated: Research indicates that rewards are a more potent influence on long-term behavior — and hence long-term public safety — than are punishments.

§ 360 Preparing the Initial Supervision Plan

The officer's initial supervision plan is to be completed within 30 days from the date that the term of supervision begins for previously incarcerated offenders who arrive for supervised release or parole with appropriate advance notification; and no later than 60 days from the date that the supervision term begins for other cases. The automated case plan form and its paper version are designed both to assist in the planning process and document its results. For specific instructions for completing the form, see: Probation Officers Manual: Post-Conviction Supervision Case Planning Module.

§ 360.10 Record the Results of the Assessment

The case plan should reflect the RPI score calculation; any identified risks, strengths, and special conditions; and the results of the third-party risk assessment. It should also

- (b) Officers are also to respond immediately to indications of heightened risk by formulating strategies designed to prevent or ameliorate the effects of noncompliant behavior. Among the early warning signs that an offender may be reentering a criminal lifestyle are:
- Offender can seldom be found at residence;
 - Offender does not report on time or fails to report;
 - Offender is evasive or not truthful;
 - Offender loses a job or fails to find work;
 - Offender changes jobs frequently for no apparent reason;
 - Offender has unexplained assets or lifestyle does not match income; or
 - Offender's demeanor and attitude toward the officer change dramatically.
- (c) An officer's identification of a new supervision issue by these or other behaviors is to trigger the beginning of an investigation, assessment, and planning cycle during which the officer should request an issue-driven case staffing and, in consultation with the supervisor and/or office specialists:
- (1) reorder the priorities of the plan and implement additional controlling and correctional strategies as appropriate; and
 - (2) document the changes on an interim or updated case plan or in the chronological record.

§ 370.20 Evaluation

The case planning process provides for formal evaluation of the offender's compliance with conditions and progress towards supervision objectives and the effectiveness of the supervision strategies in facilitating those objectives. The process is designed to utilize the combined professional expertise of officers, supervisors, and office specialists, as appropriate.

§ 370.20.10 The Six-Month Plan Evaluation

- (a) The first case evaluation is to take place six months from the start of the supervision term during an officer-supervisor staffing held for the purpose of reviewing all of the officer's cases that are due for evaluation that month. This timing requires both the officer and supervisor to evaluate the case at least twice during the first six months of supervision, a period critical to eventual success.

- (b) The purposes of this and all subsequent evaluations are to:
 - (1) assess offender compliance and progress towards accomplishing supervision objectives;
 - (2) evaluate the effectiveness of selected strategies; and
 - (3) determine what, if any, changes to the plan are warranted.
- (c) Officers are to prepare for the review by conducting a criminal record check; assessing whether any changes in statutes or policy affect required activities in the case (e.g., DNA testing); reviewing and, if necessary, updating the chronological record; and evaluating:
 - (1) the status of imposed conditions,
 - (2) the status of risk or need issues, and
 - (3) the offender's progress in meeting supervision objectives.
- (d) The result of the collaborative officer-supervisor evaluation is a plan for the next year of supervision that reflects the offender's behavior and progress — or lack thereof — in meeting supervision objectives. There are three exceptions to this 12-month scheduling interval:
 - (1) scheduling an evaluation at the one-year mark in appropriate cases to assess eligibility for early termination (**see: § 380.10**);
 - (2) more frequent evaluations required by supervisors for, e.g., newer officers; or
 - (3) more frequent evaluations required by supervisors or requested by officers for unstable, higher-risk/higher-profile offenders.
- (e) *If the offender is in compliance and has achieved all supervision objectives, the plan should provide for low intensity supervision (**see: Guide, Vol 8E, § 440**) and for an evaluation of the case at the one-year mark to assess eligibility for early termination. (**Note:** In probation misdemeanor cases, the assessment for early termination should be conducted as part of this six-month plan evaluation.)*
- (f) *If the offender is in compliance and has achieved some or all of the first set of prioritized objectives, the plan should specify the next set of objectives and reflect in its supervision strategies both planned*

achievement incentives for the offender (e.g., reduced restrictions or less frequent contact) and methods of addressing the next tier of objectives.

- (g) *If the offender is progressing satisfactorily, but has not yet accomplished supervision objectives, the plan should remain essentially the same, but should reflect any positive compliance incentives, as appropriate.*
- (h) *If progress toward objectives is marginal and/or there have been instances of low-severity noncompliance (see: Guide, Vol 8E, Ch 6), the revised plan should either remain the same or reflect any revision to the objectives and/or the correcting and controlling strategies undertaken to address the noncompliance.*
- (i) *If progress toward objectives has been unsatisfactory and/or there have been instances of moderate- or high-severity noncompliance (see: Guide, Vol 8E, Ch 6), the revised plan is to reflect any revision to the objectives and the correcting and controlling strategies undertaken to address the noncompliance.*

§ 370.20.20 Subsequent Evaluations

- (a) Subsequent formal case staffing evaluations are to be conducted no later than the 18th month of supervision (one year from the six-month review) and annually thereafter. The officer and supervisor are to reassess the offender; discuss progress, new issues, or concerns; and revise the case plan as necessary. The outcome will be a finalized revised case plan that will be in effect for the next year, unless the case has been earmarked for earlier consideration for early termination or the supervisor requires or the officer requests more frequent evaluations.
- (b) The areas of evaluation are the same as those for the six-month case staffing. There is, however a rebuttable presumption that *supervision activities are to be gradually reduced in intrusiveness and frequency in all appropriately monitored cases that have remained in compliance with the conditions of supervision throughout the previous year*. This presumption is in keeping with the principles of providing offenders with incentives to change and preparing them for eventual transition off supervision.
- (c) Accordingly, low intensity supervision standards (see: Guide, Vol 8E, § 440) would ordinarily be appropriate for any offender who does not meet the criteria for early termination (see: § 380.10) but who has met or is progressing satisfactorily on all supervision objectives and who has been:

- (1) under continuous supervision for more than 18 months and in full compliance with all conditions throughout the supervision term or
- (2) under continuous supervision for more than 30 months and in full compliance with all conditions throughout the last year.

Exceptions to this rule would be career violent and/or drug offenders as described in 28 U.S.C. § 994(h) and offenders convicted of a sex offense or terrorism predicate as described in 18 U.S.C. § 3583 (j) or (k) for which life terms of supervised release are authorized.

§ 380 The Transition Off Supervision

The transition out of the criminal justice system is a process, not an event. It is the culmination of a series of transitions that began when the offender was first arrested for the crime and is one of the most critical for achieving long-term public safety beyond the term of supervision. Transition off supervision is implemented throughout the supervision period by providing offenders with the tools — and connecting them to the social services — they require to function under decreasing levels of control.

§ 380.10 Early Termination

- (a) Under 18 U.S.C. §§ 3564(c) and 3583(e)(1), the court may terminate terms of probation in misdemeanor cases at any time and terms of supervised release or probation in felony cases after the expiration of one year of supervision if satisfied that such action is warranted by the conduct of an offender and is in the interest of justice. **(Note:** Early termination of parole cases is governed by the U.S. Parole Commission Rules and Procedures Manual, Nov. 2007, Section 2.43.)
- (b) Officers should consider the suitability of early termination for offenders as soon as they are statutorily eligible. The general criteria for assessing whether a statutorily eligible offender should be recommended to the court as an appropriate candidate for early termination are as follows:
 - (1) Stable community reintegration (e.g., residence, family, employment);
 - (2) Progressive strides toward supervision objectives and in compliance with all conditions of supervision;
 - (3) No aggravated role in the offense of conviction, particularly large drug or fraud offenses;

- (4) No history of violence (e.g., sexually assaultive, predatory behavior, or domestic violence);
 - (5) No recent arrests or convictions (including unresolved pending charges) or ongoing, uninterrupted patterns of criminal conduct;
 - (6) No recent evidence of alcohol or drug abuse;
 - (7) No recent psychiatric episodes;
 - (8) No identifiable risk to the safety of any identifiable victim; and
 - (9) No identifiable risk to public safety based on the Risk Prediction Index.
- (c) The existence of an outstanding financial penalty *per se* does not adversely affect early termination eligibility as long as the offender has been paying in accordance with the payment plan.
- (d) During the first 18 months of supervision, the appropriateness of early termination should be based on the offender's overall progress in meeting supervision objectives and should include an evaluation of all the circumstances in the individual case. Offenders with identified risks to community safety should not be recommended for early termination. However, the failure to meet other criteria listed should not automatically exclude an offender from further consideration.
- (e) At subsequent assessments, there is a presumption in favor of recommending early termination for probationers and supervised releasees:
- (1) Who have been under supervision for at least 18 months and
 - (a) are not career violent and/or drug offenders (as described in 28 U.S.C. § 994(h)), sex offenders, or terrorists,
 - (B) present no identified risk to the public or victims, and
 - (C) are free from any moderate (see: Guide, Vol 8E, § 620.40.20) or high (see: § 620.40.30) severity violations; and
 - (2) Who have been under supervision for at least 42 months and

- (a) are not career violent and/or drug offenders (as described in 28 U.S.C. § 994(h)), sex offenders, or terrorists, and
 - (B) are free from any moderate (see: Guide, Vol 8E, § 620.40.20) or high (see: § 620.40.30) severity violations.
- (f) Early termination assessments should be discussed with the supervisor as part of the periodic evaluation process. A request to the court for early termination consideration should include a summary of the offender's adjustment under supervision, along with justification for a request for early termination supported by the chronological record. The request should also include options for the court to revisit the offender's early termination at a later time.
- (g) Should the court order the termination of an offender's supervision, the case should be statistically closed immediately. Otherwise, until the next case evaluation, the case should ordinarily be supervised under low intensity supervision standards (see: Guide, Vol 8E, § 440).

§ 380.20 Case Closing Activities

- (a) For cases under active supervision, officers are to undertake the following case closing activities during the last six months of the supervision term.
 - (1) *For offenders who continue to present current risks and needs* (as documented on the last case plan), interview the offender and his or her family or significant others to discuss future plans, particularly as they relate to the need for ongoing services to address risks and needs; and refer the offender to appropriate service providers in the community for assistance with substance abuse or mental health counseling and support, medication, housing, and other basic needs.
 - (2) *For offenders with outstanding monetary penalties*, notify the Financial Litigation Unit of the U.S. attorney's office of the pending termination of supervision for offenders who will have outstanding fine and restitution balances and provide the unit with all available information on offender resources and ability to pay.
 - (3) *For all offenders*,
 - (a) Assess whether the offender is subject to any newly enacted or expanded statutory requirements and, if so, implement or