

appropriation therefor.

(2) The Director of Correction shall:

(a) supervise and be responsible for the administration of the Department;

(b) establish and administer, with the advice of the Commission of Correction and Community Services, programs and policies for the operation of the institutions in the Department, and for the correction and rehabilitation of prisoners;

(c) appoint and remove deputy directors as provided by law and delegate appropriate powers and duties to them;

(d) appoint and remove subordinate officers of the Department, other than the Board and Division of Parole [Division of Probation and Parole], in accordance with law, and delegate appropriate powers and duties to them;

(e) make rules and regulations for the government, correctional treatment and rehabilitation of prisoners, the administration of institutions in the Department, and the regulation of officers and employees under his jurisdiction;

(f) order the assignment and transfer of prisoners committed to the custody of the Department of Correction to institutions of the Department;

(g) collect, develop and maintain statistical information concerning offenders, sentencing practices and correctional treatment as may be useful in practical penological research or in the development of treatment programs;

(h) exercise, in accordance with law, supervisory power over all institutions in the State for the detention of persons charged with or convicted of an offense, or for the safekeeping of such other persons as may be remanded thereto in accordance with law;

(i) transmit to the Governor annually, on or before the

day of           , a detailed report of the operations of the Department for the preceding calendar year, which report shall be transmitted by the Governor to the legislature;

(j) exercise all powers and perform all duties necessary

and proper in carrying out his responsibilities.

#### 401.3. Organization of Department of Correction

(1) There shall be in the Department of Correction the following divisions and independent boards:

- (a) Division of Treatment Services;
- (b) Division of Custodial Services;
- (c) Division of Young Adult Correction;
- (d) Division of Fiscal Control;
- (e) Division of Prison Industries;
- (f) Division of Research and Training;
- (g) Division of Parole
- (h) Division of Probation:
- (i) Commission of Correction and Community Services;
- (j) Board of Parole.

The Director of Correction may, after consultation with and on the advice of the Commission of Correction and Community Services, establish additional divisions, consolidate such additional divisions with other divisions, or abolish them, and he may establish, consolidate or abolish bureaus or other administrative subdivisions in any division.

(2) There shall be in each institution in the Department of Correction a warden or other administrative head and [two] associate wardens or administrative heads [designated, respectively, as associate warden on treatment and associate warden on custody]. The Warden in each institution shall be responsible to the Director of Correction for the custody, control and correctional treatment of prisoners and for the general administration of the institution. Associate wardens in each institution shall advise and be responsible to the Warden, and shall have such powers and duties as the Warden may delegate to them in accordance with law or pursuant to the directions of the Director of Correction.

#### 410.4. Division of Treatment Services; Deputy Director

## for Treatment Services

(1) The Division of Treatment Services shall be charged with the supervision of programs of education and training, including academic, vocational and industrial training, and correctional treatment and rehabilitation, and parole preparation in the institutions of the Department, excepting only institutions for young adult offenders.

(2) The Division of Treatment Services shall be headed by the Deputy Director of Treatment Services, who shall act as the staff advisor of the Director of Correction in regard to correctional treatment, and who shall exercise such power and perform such duties as the Director of Correction may delegate to him. The Deputy Director of Treatment Services shall be appointed by, and serve during the pleasure of, the Director of Correction. He shall be a person with appropriate experience in the field of education, correctional treatment or rehabilitation, and appropriate training in relevant disciplines. His salary shall be fixed by the Governor [the Director of Correction] within the appropriation therefor.

## 401.5. Division of Custodial Services; Deputy Director for Custodial Services

(1) The Division of Custodial Services shall be charged with the custody, control, safekeeping, protection and discipline of prisoners in the institutions of the Department, excepting only institutions for young adult offenders.

(2) The Division of Custodial Services shall be headed by the Deputy Director for Custodial Services, who shall act as the staff advisor of the Director of Correction in regard to matters of custody and discipline, and who shall exercise such powers and perform such duties as the Director of Correction may delegate to him. The Deputy Director for Custodial Services shall be appointed by, and serve during the pleasure of, the Director of Correction. He shall be a person with appropriate experience in a position of responsibility in the management of institutions or in law enforcement work. His salary shall be fixed by the Governor [the Director of Correction] within the appropriation therefor.

## 410.6 Division of Young Adult Correction; Deputy Director for Young Adult Correction

(1) The Division of Young Adult Correction shall be charged with the supervision of institutions and facilities for the

custody, control, treatment and rehabilitation of young adult offenders, and in cooperation with the Commission of Correction and Community Services, with the planning and establishment of diversified facilities and programs for the treatment and rehabilitation of young adult offenders.

(2) The Division of Young Adult Correction shall be headed by the Deputy Director for Young Adult Correction, who shall act as the staff advisor of the Director of Correction in regard to matters of custody, control and treatment of young adult offenders, and who shall exercise such powers and perform such duties as the Director of Correction may delegate to him. The Deputy Director for Young Adult Correction shall be appointed by, and serve during the pleasure of, the Director of Correction. He shall be a person with appropriate experience in the fields of youth guidance, correctional treatment and rehabilitation, or appropriate training in relevant disciplines at a recognized university. His salary shall be fixed by the Governor [the Director of Correction] within the appropriation therefor.

#### 401.7. Division of Prison Industries; Deputy Director for prison Industries

(1) The Division of Prison Industries shall be charged with the general supervision of industries in the institutions of the Department.

(2) The Division of Prison Industries shall be headed by the Deputy Director for Prison Industries, who shall be the staff advisor of the Director of Correction in regard to the industries in the institutions of the Department, and who shall exercise such powers and perform such duties as the Director of Correction may delegate to him. The Deputy Director for Prison Industries shall be appointed by, and serve during the pleasure of, the Director of Correction. He shall be a person with appropriate experience in the management of institutional industries, or in industrial management. His salary shall be fixed by the Governor [the Director of Correction] within the appropriation therefor.

#### 401.8. Division of Fiscal Control; Deputy Director for Fiscal Control

(1) The Division of Fiscal Control shall be charged with the establishment and maintenance of an accounting and auditing system [in accordance with the state finance law] for the Department of Correction, its institutions, and all of its

division, and boards other than the Division of Parole and the Board of Parole. The Division of Fiscal Control shall also be responsible for the preparation of the Department's proposed annual budget, except for the annual budget of the Division of Parole and the Board of Parole, which shall be prepared in accordance with Section 404.1.

(2) The Division of Fiscal Control shall be headed by the Deputy Director for Fiscal Control, who shall be the staff advisor of the Director of Correction in regard to fiscal matters, and who shall exercise such powers and perform such duties as the Director of Correction may delegate to him. The Deputy Director for Fiscal Control shall be appointed by, and serve during the pleasure of, the Director of Correction. He shall be a person with appropriate experience in a position of responsibility in accounting or managerial work, or with appropriate training in relevant disciplines at a recognized university or school of business or administration. His salary shall be fixed by the Governor [the Director of Correction] within the appropriation therefor.

#### 401.9. Division of Research and Training; Deputy Director for Research and Training

(1) The Division of Research and Training shall be charged:

(a) with the collection, development and maintenance of statistical and other information concerning the dispositions by criminal courts of the State, length of sentences imposed and length of sentences actually served, release on parole, success or failure on parole, discharge from parole supervision, success or failure on probation, recidivism, and concerning such other aspects of sentencing practice and correctional treatment as may be useful in practical penological research or in the development of treatment programs; and

(b) with the conduct of training programs designed to equip personnel for duty in the correctional institutions and services of the State and to raise and maintain the educational standards and the level of performance of correctional personnel.

(2) The Division of Research and Training shall be headed by the Deputy Director for Research and Training, who shall be the staff advisor of the Director of Correction in regard to all matters of penological research in the Department and who shall exercise such powers and perform such duties as the Director of Correction may delegate to him. The Deputy Director for Research and Training shall be appointed by, and serve during the

pleasure of, the Director of Correction. He shall be a person with appropriate experience in statistical research or research in the social sciences, with appropriate training in relevant disciplines. His salary shall be fixed by the Governor [the Director of Correction] within the appropriation therefor.

401.10. Commission of Correction and Community Services;  
Organization; Functions

(1) The Commission of Correction and Community Services shall consist of the Director of Correction, the Chairman of the Board of Parole, the Parole Administrator, the Probation Administrator [alternate: the Probation and Parole Administrator], the Deputy Director for Treatment Services, the Deputy Director for Young Adult Correction, two judges sitting in courts of general criminal jurisdiction [or special parts of courts dealing with young adult offenders], designated by the Governor, and four public members, appointed by the Governor, one of whom shall be a psychiatrist and one a professional educator. The judicial and public members shall be appointed for a term of years [alternate: serve for the remainder of the term of office of the Governor during whose incumbency they were appointed, unless sooner removed for cause]; all other members shall serve during their terms of office. The Director of Correction shall act as chairman of the Commission. All members of the Commission shall serve without compensation, but each member shall be reimbursed for his necessary travel and other expenses actually incurred in the discharge of his duties on the Commission.

(2) The Commission of Correction and Community Services shall meet at least every three months, and whenever called into session by the chairman, at the request of the Governor, of the Deputy Director for Young Adult Correction under Subsection (4) of this Section, of any two or more members of the Commission, or on his own motion.

(3) The Commission of Correction and Community Services shall advise the Governor and the Director of Correction concerning correctional policy and programs, including particularly the following:

(a) the need for, and the development of new or specialized institutions, facilities, or programs;

(b) the need for, and the effectuation of collaboration and liaison within the Department, and between the Department and community agencies and resources, in order to promote the

readjustment and rehabilitation of offenders in institutions or under parole or probation supervision in the community;

(c) the need for, and the development of useful researches in penology, correctional treatment, criminal law, or in the disciplines relevant thereto.

(4) Whenever requested by the Deputy Director for Young Adult Correction, the Commission of Correction and Community Services shall meet to consider, and to advise the Department of Correction concerning the need for, and the development of, services and facilities for young adult offenders, and concerning researches necessary or useful in evaluating the effectiveness of correctional treatment of such offenders.

(5) The Commission or one or more of its members may visit and inspect any institution, state or local, for the detention of persons charged with or convicted of an offense, and for the safekeeping of such other persons as may be remanded thereto in accordance with law, and may inform and advise the Director of Correction in regard to any such institution's physical or other condition, its discipline, management, program, and its general adequacy or inadequacy. The Commission or one or more of its members shall have full access to the grounds and buildings and to the books and records belonging or relating to any such institution, as well as the right to subpoena witnesses, take proof or hear testimony under oath relating to any such institution.

(6) The Commission may employ a staff director and such other personnel as may be necessary to help perform its functions, and may prescribe their duties.

#### 401.11. Visitation and Inspection of Institutions

(1) The Director of Correction, or any person to whom he has delegated such power in writing, shall visit and inspect any institution in the State for the detention of persons charged with or convicted of an offense, or for the safekeeping of such other persons as may be remanded thereto in accordance with law. He shall have full access to the grounds, buildings, books and records belonging or relating to any such institution, and may require the Warden or other head of such institution to provide information relating thereto in person or in written response to a questionnaire. He shall have the power, in connection with the inspection of any such institution, to issue subpoenas, compel the attendance of witnesses and the production of books, papers and other documents relating to such institution or its

officers, and to administer oaths and to take the testimony of persons under oath.

(2) If the Director of Correction finds, after inspection of an institution, that the laws or regulations relating to the construction, management and affairs of such institution and the care, custody, treatment and discipline of its prisoners are being violated, or that the prisoners are cruelly, negligently or improperly treated, or that there is improper or inadequate provision for their sustenance, clothing, care or other condition necessary to their discipline and welfare, the Director may in writing order the Warden or other head of such institution to remedy the situation within such period of time as the Director may deem appropriate under the circumstances. If the Director's order is not complied with within the time provided, the Director may order the institution to be closed until such time as he finds that his order has been or is being complied with. When an order closing an institution is made, it shall be unlawful to detain or confine any person therein. Whenever an inspection of an institution discloses violation of law in its management or conduct, the Director of Correction shall report such violation to the appropriate law enforcement official.

#### 401.12. Appointment and Promotion of Employees; Department Under Civil Service Law [Merit System]

Except as otherwise provided by the Code, the officers and employees of the Department, its divisions and boards, shall be appointed, promoted and discharged in accordance with the state civil service law [merit system], and the Civil Service Commission [or other appropriate body] shall set standards, in accordance with law, for the appointment and promotion of such personnel.

### ARTICLE 402

#### BOARD OF PAROLE

##### 402.1. Board of Parole; Composition and Tenure

(1) There is hereby created within the DePartmēt of Correction an independent Board of Parole, to consist of members•[not less than three or more than nine], to be appointed by the Governor with the advice of [from a panel of candidates submitted by] the Commission of Correction and Community Services. Members selected shall be persons of good character and judicious temperament who possess specialized skills



evidenced by training or past experience in fields related to correctional administration and criminology. At least one member of the Board shall be a member of the bar of this State. The term of office of each member of the Board shall be six years and until his successor is appointed, except that of the members first appointed to the Board,                    shall be appointed to serve for a term of two years,                    for a term of four years, and for a term of six years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term of the member whom he succeeds. Members may be reappointed for additional six year -terms. They may be removed by the Governor solely for corruption or disability, and after an opportunity to be heard. The Governor shall, from time to time, designate one of the members to serve as chairman of the Board during such member's term of office.

(2) Each member shall devote full time to the duties of his office, and shall not engage in any other business or profession, or hold any other public office. No member shall, at the time of his appointment or during his tenure, serve as the representative of any political party, or of any executive committee or governing body thereof, or as an executive officer or employee of any political party, organization, association, or committee. Each member of the Board shall receive an annual salary to be fixed by the Governor, within the appropriation therefor, at not less than                    and shall be reimbursed for his necessary travel and other expenses actually incurred in the discharge of his duties.

#### 402.2. Powers and Duties of the Board of Parole

(1) The Board of Parole shall, in accordance with Article 305:

(a) determine the time of release on parole of prisoners eligible for such release;

(b) fix the conditions of parole, revoke parole, issue or authorize the issuance of warrants for the arrest of parole violators, and impose other sanctions short of revocation for violation of conditions of parole;

(c) determine the time of discharge from parole [;

(d) appoint the Parole Administrator in accordance with Article 404, and establish policies for the Division of Parole and supervise their execution].

(2) The Board of Parole shall, when requested by the Governor, advise him concerning applications for pardon, reprieve, or commutation, and shall when so requested make such investigation and collect such records concerning the facts and circumstances of a prisoner's crime, his past criminal record, social history, and physical, mental or psychiatric condition as may bear on such application.

(3) The Board of Parole shall cooperate with the Commission of Correction and Community Services in the development and promotion of effective parole policies.

(4) The Board of Parole shall annually, on or before the day of       , transmit to the Director of Correction a detailed report of its work for the preceding calendar year. The annual report shall be transmitted by the Director of Correction to the Governor for submission to the legislature.

(5) The Board or any member thereof shall have the power, in the performance of official duties, to issue subpoenas, compel the attendance of witnesses, and the production of books, papers and other documents pertinent to the subject of its inquiry, and to administer oaths and to take the testimony of persons under oath.

#### 402.3. Young Adult Division of Board of Parole

(1) The Board of Parole may from time to time designate one or more of its members to serve as a Young Adult Division of the Board. All decisions of the Young Adult Division shall be by majority vote, but if the Young Adult Division consists of less than three members, its decisions shall not be effective until voted by a majority of a quorum of the whole Board of Parole. When the Young Adult Division has been established, it shall have all of the powers and duties of the Board in respect to young adult offenders committed to the custody of the Division of Young Adult Correction of the Department of Correction.

(2) The Board of Parole, or if the Young Adult Division has been established, the Division shall:

(a) hold a parole hearing of every young adult offender sentenced in accordance with Section 6.05(2) to a term of imprisonment without a minimum and with a maximum of four years, within ninety days of such offender's date of commitment, in order to fix his release date or to defer the case for later reconsideration;

(b) interview every young adult offender who has been

remanded to the Department of Correction prior to sentence for observation and study in a reception center, study his record and advise the Court of its findings and recommendations before sentence;

(c) consult with the Deputy Director of Young Adult Correction concerning correctional policy and programs in institutions and treatment facilities serving young adult offenders, and concerning such special programs of intensive correctional and rehabilitative treatment as may be required for such offenders.

## ARTICLE 403

### ADMINISTRATION OF INSTITUTIONS

#### 403.1. Appointment of Personnel

(1) The Director of Correction by and with the advice of the Commission of Correction and Community Services and in accordance with the state civil service law [merit system] shall appoint and assign the Wardens or other administrative heads for each of the correctional institutions of the Department. The Director shall appoint professional, technical, skilled, and other subordinate officers and employees as may be required for the effective administration of the correctional institutions of the Department in accordance with the state civil service law [merit system] and in the case of institutional employees he shall consider the recommendations of the respective Wardens or other administrative heads of institutions.

(2) The [appropriate authority] of the county, city or [other appropriate political subdivision of the state] shall appoint and assign the Wardens or other administrative heads for each of the correctional institutions of such political subdivision, in accordance with the state civil service law [merit system] and subject to approval by the Director of Correction. In the case of correctional institutions serving more than one such political subdivision of the State, the appointment shall be made in the same manner by the [appropriate authorities] of such subdivisions acting jointly. The Warden or other administrative head of such correctional institution shall appoint professional, technical, skilled, and other subordinate officers and employees as may be required for the effective administration of the correctional institution in accordance with the state civil service law [merit system] and with the regulations of the Department of Correction.

(3) Personnel in the custodial and treatment program of institutions shall have such special training or experience in correctional matters as the [State Civil Service Commission] may require upon the advice of the Director of Correction.

(4) No male person shall be appointed or assigned to positions involving the immediate supervision and control of female prisoners.

(5) Civilian instructors certified by the [State Department of Education] shall, as far as practicable, be employed for the academic and vocational training of prisoners.

(6) Each new officer or employee in the custodial or treatment program of a correctional institution shall participate in an institutional training program for new employees. Every officer and employee in the Department of Correction shall participate in such in-service training programs as the Director of Correction may require from time to time.

#### 403.2. Powers and Duties of Wardens and Other Administrative Heads of State and Local Institutions

The Warden or other administrative head of each, correctional institution in the Department of Correction and of each correctional institution of a county, city or [other appropriate political subdivision of the State] shall be its chief executive officer, and, subject to the supervisory authority conferred by law on the Director of Correction, shall be responsible for its efficient and humane maintenance and operation, and for its security. The duties and powers of his office shall include the following:

(1) to receive, retain in imprisonment, and to release, in accordance with law, prisoners duly committed to the Department and transferred to the institution, or duly committed to the institution;

(2) to enforce the provisions of law and the regulations of the Department for the administration of the institution, the government of its officers, and the treatment, training, employment, care, discipline and custody of the prisoners;

(3) to take proper measures to protect the safety of the prisoners and personnel of the institution;

(4) to take proper measures to prevent the escape of prisoners and to effect their recapture;

(5) to maintain and improve the buildings, grounds and appurtenances of the institution;

(6) to make recommendations to the Director concerning the appointment of professional, technical, skilled and other subordinate officers and employees, in accordance with Section 403.1(1) in the case of institutions in the Department of Correction, and to appoint such subordinate officers and employees, in accordance with Section 403.1(2) in the case of institutions of counties, cities, or [other appropriate political subdivision of the State].

(7) to establish and administer rules, including rules for the operation of the institution and for the proper classification and separation of prisoners therein, consistent with the provisions of this Code, the general policies and regulations of the Department, and subject to the prior approval of such rules by the Director of Correction;

(8) to maintain and preserve the central prisoner file, in accordance with Section 303.2 or Section 304.3, and to maintain and preserve records on the management and operation of the institution, including records concerning its industries and the wage funds of prisoners, and to report thereon to the Director of Correction at such times as the Director may require.

#### 403.3. Separation of Female Prisoners

No female prisoner committed to the Department shall be kept in any correctional institution used for the imprisonment of men.

### ARTICLE 404

#### DIVISION OF PAROLE

##### 404.1. Division of Parole; Parole Administrator

(1) The Division of Parole shall be charged with the administration of parole services in the community. The Division shall consist of the field parole service and of such other employees as may be necessary in carrying out its functions.

(2) The Division of Parole shall be under the direction of the Parole Administrator, who shall be appointed by, and serve during the pleasure of, the Governor [the Director of Correction] [alternative: the Board of Parole.] The Parole

Administrator shall be a person with appropriate experience in a field of correctional administration, or appropriate training in relevant disciplines at a recognized university. His salary shall be fixed by the Governor [the Director of Correction] [the Board] within the appropriation therefor.

(3) The Division of Parole shall establish and maintain its own accounting and auditing system [in accordance with the state finance law] and shall prepare and submit its own proposed annual budget, including therein the proposed annual budget of the Board of Parole, separate from the proposed annual budget of the Department of Correction.

#### 404.2. Powers and Duties of the Parole Administrator

[Subject to the policy direction of the Board of Parole,] the Parole Administrator shall:

(1) establish and administer standards, policies and procedures for the field parole service;

(2) appoint district parole supervisors, field parole officers and such other employees as may be required to carry out adequate parole supervision of all parolees from correctional institutions of the State, and prescribe their powers and duties;

(3) cooperate closely with the Board of Parole, the criminal courts, the Deputy Director for Treatment Services, the institutional parole staffs, and other institutional personnel;

(4) make recommendations to the Board of Parole in cases of violation of the conditions of parole, issue warrants for the arrest of parole violators when so instructed by the Board, notify the Wardens or other administrative heads of institutions of determinations made by the Board, and upon instruction of the Board issue certificates of parole and of parole revocation to the institutions, and certificates of discharge from parole to parolees;

(5) carry out the provisions of Section 404.1(3) in cooperation with the Board of Parole.

#### 404.3. Field Parole Service; Organization and Duties

(1) The field parole service, consisting of field parole officers working under the immediate direction of district parole supervisors, and under the ultimate direction of the

Parole Administrator, shall be responsible for the investigation, supervision and assistance of parolees. The field parole service shall be sufficient in size to assure that no parole officer carries a case load larger than is compatible with adequate parole investigation or supervision.

(2) Field parole officers shall:

(a) make investigations, prior to a prisoner's release on parole, in cooperation with institutional parole officers and the Board of Parole, to determine the adequacy of parole plans submitted by prisoners who are candidates for parole, and make reasonable advance preparations for their release on parole;

(b) help parolees in conforming to the conditions of parole, and in making a successful adjustment in the community;

(c) supervise parolees, and in supervising them visit each parolee's home from time to time, and require that each parolee report to his parole officer as frequently as may be required in the light of his personality and adjustment, but no less frequently than twice a month during the first year of parole, except in unusual cases;

(d) admonish parolees who appear in danger of violating the conditions of parole, and report to the appropriate district supervisor serious or persistent violations which may require action by the Board of Parole, and, in emergency situations, exercise the power of arrest as provided in Section 305.16.

(3) District parole supervisors shall:

(a) make regular reports to the Parole Administrator concerning the adjustment of parolees under their supervision:

(b) inform the Parole Administrator when, in the district parole supervisor's opinion, any eligible parolee's conduct and attitude warrant his discharge from supervision, or when any parolee's violation of the conditions of parole is of sufficient seriousness to require action by the Board of Parole, and, in emergency situations, exercise the power of arrest as provided in Section 305.16.

ALTERNATIVE ARTICLE 404

DIVISION OF PROBATION AND PAROLE

404.1. Division of Probation and Parole; Probation and Parole

## Administrator

(1) The Division of Probation and Parole shall be charged with the administration of probation and parole services in the community. The Division shall consist of the field probation and parole service and of such other employees as may be necessary in carrying out its functions.

(2) The Division of Probation and Parole shall be under the direction of the Probation and Parole Administrator, who shall be appointed by, and serve during the pleasure of, the Governor [the Director of Correction]. The Probation and Parole Administrator shall be a person with appropriate experience in a field of correctional administration, or appropriate training in relevant disciplines at a recognized university. His salary shall be fixed by the Governor [the Director of Correction] within the appropriation therefor.

## 404.2. Powers and Duties of the Probation and Parole

### Administrator

The Probation and Parole Administrator shall:

(1) supervise the administration of probation and parole services in the State and, with the advice of the Commission of Correction and Community Services, establish policies, standards and procedures, and make rules and regulations for the field probation and parole service, regarding probation and parole investigations, supervision, case work and case loads and record keeping;

(2) appoint district probation and parole supervisors, field probation and parole officers, and such other employees as may be required to carry out adequate probation supervision of persons sentenced to probation and adequate parole supervision of all parolees, and prescribe their powers and duties;

(3) cooperate closely with the Commission of Correction and Community Services, the Board of Parole, the criminal courts, the Deputy Director for Treatment Services, the institutional parole staffs, and other institutional personnel;

(4) make recommendations to the Board of Parole in cases of violation of the conditions of parole, issue warrants for the arrest of parole violators when so instructed by the Board, notify the Wardens or other administrative heads of institutions of determinations made by the Board, and upon instruction of the Board, issue certificates of parole and of parole revocation to



the institutions, and certificates of discharge from parole to parolees.

#### 404.3. Field Probation and Parole Service; Organization and Duties

(1) The field probation and parole service, consisting of field probation and parole officers working under the immediate direction of district probation and parole supervisors, and under the ultimate direction of the Probation and Parole Administrator, shall be responsible for the investigation, supervision and assistance of parolees, presentence and other probation investigations, and for the supervision of persons sentenced to probation. The field probation and parole service shall be sufficient in size to assure that no probation and parole officer carries a case load larger than is compatible with adequate investigation or supervision.

(2) Field Probation and Parole Officers shall:

(a) make pre-sentence and other probation investigations as may be required by law or directed by the Court in which they are serving, and make investigations, prior to a prisoner's release on parole, in cooperation with institutional parole officers and the Board of Parole to determine the adequacy of parole plans submitted by prisoners who are candidates for parole, make reasonable advance preparation for their release on parole, help them in conforming to the conditions of parole, and in making a successful adjustment in the community;

(b) supervise probationers and parolees, and in supervising them visit each probationer's or parolee's home from time to time, and require that he report to the officer as frequently as may be required, in the case of a probationer, by the order of the Court in accordance with Section 301.1, or as may be required in the case of probationers and parolees, by the officer himself, in the light of such probationer's or parolee's personality and adjustment, but no less frequently than twice a month during the first year of probation or parole, except in unusual cases;

(c) admonish probationers who appear in danger of violating the conditions of the order of probation, in accordance with Section 301.1, and report, in accordance with procedures established by the appropriate district supervisor, serious or persistent violations to the sentencing court, and advise the sentencing court, in accordance with procedures established by the appropriate district supervisor, when the situation of a

probationer requires a modification of the conditions of the order of probation, or when the probationer's adjustment is such as to warrant termination of probation, in accordance with Section 301.2;

(d) admonish parolees who appear in danger of violating the conditions of parole, and report to the appropriate district supervisor serious or persistent violations which may require action by the Board of Parole and, in emergency situations, exercise the power of arrest as provided in Section 305.16.

(3) District probation and parole supervisors shall:

(a) establish procedures for the direction and guidance of probation and parole officers under their jurisdiction and advise such officers in regard to the most effective performance of their duties;

(b) supervise probation and parole supervisors under their jurisdiction and evaluate the effectiveness of their case work;

(c) make regular reports to the Probation and Parole Administrator concerning the activities of probation and parole officers under their jurisdiction and concerning the adjustment of probationers and parolees under their supervision;

(d) inform the Probation and Parole Administrator when, in the district probation and parole supervisor's opinion, any eligible parolee's conduct and attitude warrant his discharge from supervision, or when any parolee's violation of the conditions of parole is of sufficient seriousness to require action by the Board of Parole, and, in emergency situations, exercise the power of arrest as provided in Section 305.16.

## ARTICLE 405

### Division OF PROBATION

#### 405.1. Division of Probation; Probation Administrator

(1) The Division of Probation shall be charged with the general supervision of the administration of probation services in the State, with the establishment of probation policies and standards, and with the administration of field probation services in any county or other governmental subdivision of this State which has no probation service of its own. The Division shall consist of the field probation service and of such other employees as may be necessary in carrying out its functions.

(2) The Division of Probation shall be under the direction of the Probation Administrator, who shall be appointed by, and serve during the pleasure of, the Governor [the Director of Correction]. The Probation Administrator shall be a person with appropriate experience in a field of correctional administration, or appropriate training in relevant disciplines at a recognized university. His salary shall be fixed by the Governor [the Director of Correction] within the appropriation therefor.

#### 405.2. Powers and Duties of the Probation Administrator

The Probation Administrator shall:

(1) supervise the administration of probation services in the State and, with the advice of the Commission of Correction and Community Services, establish policies and standards and make rules and regulations regarding probation investigation, supervision, case work and case loads, record keeping, and the qualification of probation officer;

(2) keep informed of the operations of all probation departments throughout the State and inquire into their conduct and efficiency, and, in this connection, he shall have access to all probation records and probation offices in the State, and he may issue subpoenas to compel the attendance of witnesses or the production of books and papers;

(3) recommend, in an appropriate case, the removal of any probation officer from any probation department in the State;

(4) appoint district probation supervisors, field probation officers and such other employees as may be required to carry out adequate probation supervision of persons sentenced to probation in any county or other governmental subdivision of this State which has no probation service of its own, and prescribe their powers and duties;

(5) cooperate closely with the Commission of Correction and Community Services and with the criminal courts.

#### 405.3. Extension of Probation Field Services by Division of Probation

The Probation Administrator, with the advice of the Commission of Commission and Community Services, may direct the extension of probation field services to any county or other governmental subdivision if he finds that such county or other

governmental subdivision is not supplying adequate probation services to its criminal courts. The Administrator shall determine, after consultation with the [criminal courts in the county or other governmental subdivision concerned], the extent and duration of such services to be furnished. The Administrator may make agreements with the appropriate authorities concerning partial or full reimbursement to the Department of Correction for the costs of such services.

#### 405.4. Field Probation Service; Organization and Duties

(1) The field probation service, consisting of probation officers working under the immediate direction of district probation supervisors, and under the ultimate direction of the Probation Administrator, shall be responsible for presentence and other probation investigations and for the supervision of persons sentenced to probation by a court in any county or other governmental subdivision which receives field probation services in accordance with Section 405.3. The field probation service shall be sufficient in size to assure that no probation officer carries a case load larger than is compatible with adequate probation investigation or supervision.

(2) Probation officers shall:

(a) make pre-sentence and other probation investigations, as may be required by law or directed by the Court in which they are serving;

(b) supervise probationers, and in supervising them visit each probationer's home from time to time, and require that he report to the probation officer as frequently as may be required by the order of the Court in accordance with Section 301.1, or as may be required by the probation officer himself in the light of the probationer's personality and adjustment, but no less frequently than twice a month during the first year of probation, except in unusual cases;

(c) admonish probationers who appear in danger of violating the conditions of the order of probation, in accordance with Section 301.1, and report, in accordance with procedures established by the appropriate district probation supervisor, serious or persistent violations to the sentencing court;

(d) advise the sentencing court, in accordance with procedures established by the appropriate district probation supervisor, when the situation of a probationer requires a modification of the conditions of the order of probation, or

when a probationer's adjustment is such as to warrant termination of probation, in accordance with Section 301.2.

(3) District probation supervisors shall:

(a) establish procedures for the direction and guidance of probation officers under their jurisdiction, and advise such officers in regard to the most effective performance of their duties;

(b) supervise probation officers under their jurisdiction and evaluate the effectiveness of their case work;

(c) make regular reports to the Probation Administrator concerning the activities of probation officers under their jurisdiction and concerning the adjustment of probationers under their supervision.