

## Minimum Supervision for Probation, Pretrial and Pre-Sentence

In this time of concern over the spread of COVID-19, we offer the following guidance and recommendations to (1) utilize social distancing to reduce the unnecessary and inadvertent spread of the coronavirus through community supervision, while (2) continuing to support persons under supervision and assure public safety. The thousands of people visiting probation offices can be medically vulnerable and at-risk as our probation populations are due to substance use affecting physical health and vulnerability, social determinants of health that lead to further barriers to social distancing or access to care, housing issues, employment, isolation leading to depression or PTSS. etc. putting our staff and one another at heightened risk of becoming infected.

1. **Minimum Standards** Probation should continue to operate under those policies that comport with best practices and will help reduce the impact of community supervision on the spread of the coronavirus. Supervision standards and officer responsibilities for public safety and personal safety are of the highest priority during this time. Officers should use good judgement when making office and field contacts. Their focus should continue to be on those probationers to assist and supervise those most in need. Supervision staff should inform their clients of proper precautions, recommended by public health officials, against virus spread such as staying home when sick, covering coughs and sneezes, frequently washing hands with soap and water and cleaning frequently touched surfaces.
2. **Court Ordered Requirements** We recommend the probation departments be allowed to notify probationers of concerns during the time of this virus situation. Officers should discuss any issues that are going on with the probationer and their concerns during this time. Officers will not tell the probationer that reporting has been suspended or reduced but tell them to make weekly or more frequent contacts with the officer as needed. Officers requirements that do not affect public safety, like drug testing, community services, treatment sessions (due to therapists being out), specialty court dates, pre-trial reporting and weekly obligations should be discontinued for the period necessary for the virus situation. Keeping in mind if other organizations, government and state agencies are down, then probationers are probably struggling to comply with terms. Also, community restitution hours would need to be suspended if creative ways of doing hours cannot be achieved. These hours can be reinstated or waived by the court prior to case closing. Please see attached lists for other options of treatment and community restitution requirements. The federal government has made more money available to telehealth services through Medicare and loosened HIPAA restrictions. Many of the courts experiencing shut downs or restrictions (such as NY, NOLA, Maine, MA, NH, etc.) are working on protocols to allow for video court hearings, staggering hearings and avoiding (or deferring jail sanctions).
3. **Contacts** We recommend if contacts are required the officers should do so by using all other means of communication such as skype, facetime, texting, cell phones and email. Office visits should be limited to higher risk probationers and only when necessary. Temporary modifications to office and field contacts may be limited but practice safe distance without entering homes and offices.

These recommendations would focus probation resources on those who most require community supervision, while limiting the travel, office visits and incarceration that increase COVID-19 exposure of persons under supervision.

The ACJA effected are: 6-201.01, 6-202.01, 6-204.01, 6-211, 5-201, 6-102, 6-105.01, 6-107, 6-110.