

PROPOSED AMENDMENTS/PART 348 CASE RECORD MANAGEMENT RULE

Subdivision (c) of Section 348.1 of 9 NYCRR is amended to read as follows:(c) Probation services include intake, investigation, supervision, voluntary assessment and case planning services, and any other special services.

Subdivisions (b) and (e) of Section 348.4 of 9 NYCRR are amended to read as follows:

(b) The contents of the case record shall include information and/or documents of:

(1) Intake services, where applicable.

(2) Pretrial services, where applicable.

(3) Pre-dispositional services, where applicable.

(4) Voluntary assessment and case planning services, where applicable.

~~(5)~~ [(4)] Arrest, complaint, appearance ticket, and any other legal information and/or documents obtained or generated.

~~(6)~~ [(5)] Any probation investigation and report and related information and/or documents.

~~(7)~~ [(6)] All probation supervision-related information and/or documents, including order and conditions, risk and needs assessment(s), applicable interstate/intrastate transfer records, case plan.

~~(8)~~ [(7)] Any victim impact statement and information, where available.

~~(9)~~ [(8)] All correspondence received relating to or associated with the case.

(e) Each probation department shall establish an index filing system for all cases which may be established and maintained in an automated system. The minimum data in any file shall include:

(1) Individual's name and date of birth.

(2) Identifying case information:

- (i) Probation, pre-dispositional supervision, or interim probation supervision period.
- (ii) Court Control/Criminal Justice Tracking Number.
- (iii) New York State Identification (NYSID), where applicable.
- (iv) Social Security number, where available.
- (3) Type of complaint or conviction/adjudication.
- (4) Court's disposition and date.
- (5) [Probation discharge] Discharge date and type of discharge.

Sections 348.5- 348.6 of 9 NYCRR are renumbered Sections 348.6 -348.7 respectively.

New Section 348.5 to 9 NYCRR is added to read as follows:

§348.5 Investigation Record Keeping Requirements

Investigation records shall include the following:

- (a) Court order for the Investigation.
- (b) Supportive documentation in the preparation of the investigation including but not limited to;
 - (i) Accusatory instruments, indictment, and/or petition
 - (ii) Defendant/respondent statements
 - (iii) Victim statements
 - (iv) Arrest report(s)
 - (v) Related correspondence
 - (vi) Release of information requests and responses
 - (vii) Related records
 - (viii) Criminal history record information
 - (ix) Certificate of Conviction
 - (x) any investigation worksheet and/or notes
- (c) Completed Investigation report.

Subparagraphs (vi) and (vii) of paragraph 1 of subdivision (a) of Section 348.6 of 9 NYCRR are amended to read as follows:

(vi) any modification of case plan, conditions of probation, pre-dispositional supervision, or interim probation supervision and reclassification of the supervision level; and

(vii) summary of the use of graduated [sanctions] responses, any violation of probation, pre-dispositional supervision, or interim probation supervision, re-arrest/reconviction information, and any other probation and/or court action(s) and outcome(s).

Paragraphs 4-10 of subdivision (c) of Section 348.7 of NYCRR are renumbered paragraphs 5-11 respectively.

New paragraph 4 of subdivision (c) of Section 348.7 of 9 NYCRR is added to read as follows:

(4) Voluntary assessment and case planning services. When preparing a pre-sentence investigation report of any adolescent offender or juvenile offender, the probation department shall incorporate a summary of any assessment findings, referrals and progress with respect to mitigating risk and addressing any identified needs. The department may make a recommendation regarding completion of the case plan to the Youth Part and provide such information as it shall deem relevant.