April 24, 2020

TO: Correctional Hearing Officers
    Community Corrections Staff

FROM: Jeannie Miller, Assistant Secretary
      Administrative Operations Division

Mac Pevey, Assistant Secretary
      Community Corrections Division

SUBJECT: Telephonic Hearings Policy Change and Exception in Response to COVID-19

Due to the impacts of COVID-19, the Department continues to identify processes and policy changes that will allow for effectiveness and efficiencies in assisting with providing opportunities to keep staff and those under our supervision safe and healthy. Process changes have been identified that impact DOC 460.140 Hearings and Appeals.

Effective immediately, the Department is granting a policy exception to DOC 460.140 Hearings and Appeals, allowing Negotiated Sanction (NS) reviews and hearings to be conducted telephonically or via video conferencing technology (e.g. Skype) rather than in-person. Either option may be used if the individual refuses to waive their rights to be present at the hearing. If an in-person NS review or a full hearing is conducted, the hearings process and procedures at the time of the actual proceeding will continue to follow DOC 460.140 Hearings and Appeals.

- The Hearing Supervisor will contact the Correctional Records Technician (CRT) to notify them that the hearing is to be scheduled as telephonic or video.
- The CRT will specify in the hearing notice to the CCO if the hearing will be telephonic or video.
- Hearings will follow all elements and will be recorded in accordance with the current practice.
- The CHO, CCO, and supervised individual will participate in the telephonic or video hearing.
- At the completion of the hearing, in accordance with local practice, the CHO or CCO will deliver the DOC 09-238 Confinement Order to the holding facility and distribute hearing-related document copies to the supervised individual.

"Working Together for SAFER Communities"
Should there be a need for clarification, please contact Regional Administrator Donta Harper or Hearings Administrator Thomas Layne.

JM:MP:tl.dh
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