§ 243. Supervision of administration of local probation and correctional alternatives. 1. The office shall exercise general supervision over the administration of probation services throughout the state, including probation in family courts and shall collect statistical and other information and make recommendations regarding the administration of probation services in the courts. The office shall endeavor to secure the effective application of the probation system and the enforcement of the probation laws and the laws relating to family courts throughout the state. After consultation with the state probation commission, the office shall recommend to the commissioner general rules which shall regulate methods and procedure in the administration of probation services, including investigation of defendants prior to sentence, and children prior to adjudication, supervision, case work, record keeping, and accounting, program planning and research so as to secure the most effective application of the probation system and the most efficient enforcement of the probation laws throughout the state. Such rules shall provide that the probation investigations ordered by the court in designated felony act cases under subdivision one of section 351.1 of the family court act shall have priority over other cases arising under articles three and seven of such act. When duly adopted by the commissioner, such rules shall be binding upon all probation officers and when duly adopted shall have the force and effect of law, but shall not supersede rules that may be adopted pursuant to the family court act. The office shall keep informed as to the work of all probation officers and shall from time to time inquire into and report upon their conduct and efficiency. The office may investigate the work of any probation bureau or probation officer and shall have access to all records and probation offices. The office may issue subpoenas to compel the attendance of witnesses or the production of books and papers. The office may administer oaths and examine persons under oath. The office may recommend to the appropriate authorities the removal of any probation officer. The office may from time to time publish reports regarding probation including probation in family courts, and the operation of the probation system including probation in family courts and any other information regarding probation as the office may determine provided expenditures for such purpose are within amounts appropriated therefor.

2. The office shall exercise general supervision over the utilization of correctional alternative programs throughout the state. The office shall collect statistical and other information and make recommendations regarding the availability, identification, coordination and utilization of such programs. The office shall endeavor to facilitate communication and coordination among and between correctional alternative programs and probation services in order to assist in making effective use of such programs. A correctional alternative program shall be deemed to refer to those programs, including eligible programs as defined in paragraph b of subdivision one of section two hundred sixty-one of this chapter, which by themselves, or when used in conjunction with one or more programs or with probation services, may serve as an alternative to a sentence or disposition of incarceration or a portion thereof, and which shall serve the interests of justice. The office shall further exercise general supervision over the administration and implementation of alternatives to incarceration service plans under the provisions of article thirteen-A of this chapter. The office shall recommend to the commissioner general rules and regulations which shall regulate methods and procedures in the administration and funding of alternative to incarceration service plans, and any other correctional alternative program funded by the state through the division, including but not limited to issuance of quarterly reports as specified by section two hundred sixty-three of this chapter. When duly adopted by the commissioner, such rules and regulations shall be binding upon all counties and eligible programs that may be funded in such plans and when duly adopted shall have the force and effect of law. The office shall keep informed as to the development, implementation and utilization of plans and funded eligible programs therein and shall from time to time inquire into and report upon their work and efficiency. The office shall investigate the work of any funded plan or eligible program and shall have access to their records and offices for such purpose.

3. (a) The office shall have the authority to certify to the commissioner those correctional alternative programs subject to supervision of the office and determined to perform a criminal justice function, as defined in subdivision ten of section eight hundred

thirty-five of this chapter, for the purpose of permitting access to criminal history records for criminal justice purposes, subject to the approval of the commissioner. Any such correctional alternative program may apply for certification to the office in writing, on forms prescribed by the office. Such application shall specify, at a minimum, the following: the nature and scope of the program; the necessity for access to such records related to their criminal justice function; the names of employees, and their job titles or positions, for whom access is being sought; and any other information the office deems necessary. Certification shall include the designation of those employees of such programs for whom access to such records is authorized. No designated employee shall have access to such records until such person has satisfactorily completed appropriate training, required by the division.

(b) Notwithstanding any other provision of law, probation departments conducting investigations ordered by a court, for purposes of determining custody, adoption, visitation, or guardianship shall have access to criminal history records maintained by state law enforcement agencies for criminal justice purposes.

4. The office shall recommend to the commissioner rules and regulations which shall include guidelines and procedures on the placement of sex offenders designated as level two or level three offenders pursuant to article six-C of the correction law. Such regulations shall instruct local probation departments to consider certain factors when investigating and approving the residence of level two or level three sex offenders sentenced to a period of probation. Such factors shall include the following:

(a) the location of other sex offenders required to register under the sex offender registration act, specifically whether there is a concentration of registered sex offenders in a certain residential area or municipality;

(b) the number of registered sex offenders residing at a particular property;

(c) the proximity of entities with vulnerable populations;

(d) accessibility to family members, friends or other supportive services, including but not limited to locally available sex offender treatment programs with preference for placement of such individuals

into programs that have demonstrated effectiveness in reducing sex offender recidivism and increasing public safety; and

(e) the availability of permanent, stable housing in order to reduce the likelihood that such offenders will be transient.