
 <p>Corrections and Community Supervision</p> <p>DIRECTIVE</p>	<p>TITLE</p> <p>Certificate of Release to Community Supervision</p>		<p>NO. 8710</p>
			<p>DATE 07/22/2019</p>
<p>SUPERSEDES</p> <p>DOP P&P Manual Item 8405.00</p>	<p>DISTRIBUTION</p> <p>A B</p>	<p>PAGES</p> <p>PAGE 1 OF 8</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p> <p>Correction Law Article 4 §74; Executive Law 259; ACA Expected Practices 4-APPFS-2B-01, 2-APA-1001, 2-APA- 1003, 2-APA-1004, 2-APA-1102; Directives #2612, #2614, #4490, #8600, #8700, #9601; ECPDO/CPDO</p>	<p>APPROVING AUTHORITY</p> 		

- I. **PURPOSE:** Department of Corrections and Community Supervision (DOCCS) staff will follow established release procedures and utilize the Certificate of Release to Community Supervision document to ensure that individuals are advised of the requirements of discretionary and statutory release, the conditions of Community Supervision, and their responsibilities while on parole or post-release supervision. The conditions of release shall be established in consideration of public safety, the individual's criminogenic risks and needs, and in support of the supervision plan. This directive provides instructions for staff on how to prepare, certify, and distribute Certificates of Release to Community Supervision for any individual released to Community Supervision or released under the authority of the Interstate Commission for Adult Offender Supervision (ICAOS).
- II. **POLICY:** Appropriate authority exists to release an incarcerated individual to the community, and it is the policy of DOCCS to maintain a standard and uniform process to ensure accurate documentation of release or restoration to a period of Community Supervision.
- III. **CERTIFICATE OF RELEASE FORMS & REFERENCE CHART**
 - A. "Certificate of Release to Community Supervision," Form #CS3010 (electronic version) & Form #CS3010.P (paper version)
 - B. "Application for Conditional Release to Community Supervision," Form #CS3041
 - C. "Conditional Parole for Deportation Only," Form #CS3010A
 1. Early Conditional Parole for Deportation Only Cases
 2. Conditional Parole for Deportation Only Cases
 - D. "Executive Clemency Certificate of Release to Community Supervision," Form #CS3010EC
 1. Commutation of Sentence
 - E. "Cooperative Supervision Certificate of Release to Community Supervision," Form #CS3010INT
 1. Interstate Transfers to New York.
 - F. Certificate of Release Reference Chart
- IV. **PAROLE BOARD RELEASE AUTHORIZATION:** For discretionary release cases only, Form #CS3010BOP, "Parole Board Release Authorization," shall be utilized as part of the Parole Board interview process. Upon the receipt of an open date, said form shall be signed by the Parole Board Members granting release.

NOTE: In the event facility staff members cannot access the electronic version of the Parole Board Release Authorization, staff shall utilize the paper version, Form #CS3010BOP.P, "Parole Board Release Authorization," and process as indicated in this directive. A supply of blank paper copies of the form shall be kept in a secure location and are to be used in emergency situations.

V. PRE-RELEASE PROCEDURE

A. Supervising Offender Rehabilitation Coordinator (SORC) or Designee

1. Staff will prepare Form #CS3010BOP for any eligible incarcerated individual scheduled to be interviewed by the Board of Parole for discretionary release by pre-recording the incarcerated individual's identifying information.
2. Only upon a decision of an open date by the Board of Parole, participating Board members will sign Form #CS3010BOP. If a release is denied, the partially completed copy of Form #CS3010BOP shall be shredded to avoid any copies being distributed to or obtained by the incarcerated individual population.
3. Upon completion of the Board, the original completed Form #CS3010BOP, with the Board signatures, will be sent to the Community Supervision Central Files Unit. Designated staff will enter a Case Management System (CMS) entry utilizing Contact Code "LTO" – Letter to Other, with a corresponding contact confirming the original Form #CS3010BOP was mailed to Central Files.
4. A copy of the completed Form #CS3010BOP, with Board signatures, will be filed in Section III-A of the Community Supervision case folder. Copies of the completed Form #CS3010BOP, designated for the Inmate Records Coordinator (IRC) and the incarcerated individual, shall remain in the case file until distributed with the copies of the completed Certificate of Release.
5. Within three business days of an incarcerated individual's tentative release date, Guidance staff shall confirm with the IRC the release date, maximum expiration (ME) date, post-release supervision maximum expiration (PRSME) date (if applicable), and the Community Supervision end date; and then complete the applicable Certificate of Release that matches the sentence and release type, utilizing the Certificate of Release Chart as a reference. If the release type is by action of the Board of Parole, the Board members' names listed on Form #CS3010BOP must be typed on the applicable Certificate of Release.

NOTE: In the event facility staff members cannot access the electronic version of the Certificate of Release, staff shall utilize the paper version, Form #CS3010.P, "Certificate of Release," and process as indicated in this directive. A supply of blank paper copies of the form shall be kept in a secure location and are to be used in emergency situations.

6. Staff will ensure that the balance of restitution owed and the amount owed on any applicable mandatory surcharge or fee (as of the day the Certificate of Release is being signed) is noted on the original Certificate of Release and distributed copies.
7. The release interview may occur more than three days prior to an incarcerated individual's actual release date with respect to releases involving special needs incarcerated individuals, releases that require heightened security or specialized release planning, or where there exist significant public safety considerations.

8. The Offender Rehabilitation Coordinator (ORC) shall review and verify the accuracy of the Certificate of Release, Board of Parole and Parole Officer (PO) imposed special conditions of release, the approved address and reporting instructions that are provided in the CMS Community Preparation Investigation Report, travel plans, maximum expiration ME and post-release supervision maximum expiration PRSME dates, and the Community Supervision end date. The aforementioned information will be reviewed with the incarcerated individual within three business days of the incarcerated individual's scheduled release from a DOCCS or a local correctional facility. The ORC will emphasize the importance of complying with the conditions of release and reporting instructions.

NOTE: The Community Supervision end date is the controlling date that identifies the end of a parolee's term of supervision and is the later of a ME or PRSME date.
9. In addition to having the incarcerated individual sign the completed Certificate of Release, the ORC shall instruct the incarcerated individual to sign other case-specific documents, including but not limited to, Form #CS6001, "Supervision Fee Acknowledgement Form."
10. Language assistance services will be obtained for incarcerated individual s with limited English proficiency in accordance with Directive #4490, "Cultural and Language Access Services."
11. Reasonable accommodations will be provided in accordance with Directive #2612, "Incarcerated Individual s with Sensorial Disabilities," and Directive #2614, "Reasonable Accommodations for Incarcerated Individual s with Disabilities."
12. The ORC will document in CMS utilizing the Release Interview (RI) contact code and the Parental Notice Pre-Release (PN1) contact code, outlining that the ORC has met with the incarcerated individual and reviewed his or her maximum expiration ME and post-release supervision maximum expiration PRSME dates, the Community Supervision end date, special conditions, reporting instructions, Parental Notice Form provided to and signed by incarcerated individual, total amount of release funds the incarcerated individual will be provided, and release plans.

NOTE: The Community Supervision end date is the controlling date that identifies the end of a parolee's term of supervision and is the later of a ME or PRSME date.

NOTE: A Maximum Expiration for Parole Supervision (MEPS) case occurs when an incarcerated individual is previously released to parole/post-release supervision and is returned with a new commitment still owing time on the first sentence without having had the first sentence interrupted by a parole revocation. In instances involving a MEPS release, both the MEPS end date and PRSME date (if applicable) shall be recorded on the Certificate of Release. In addition, sentencing information from both commitment orders should be noted on the Certificate of Release.

13. In the event a tentative release date falls on a Friday, Saturday, Sunday, or a legal holiday, the SORC shall ensure that the actual day the incarcerated individual will be released from the facility is recorded on the Certificate of Release. For incarcerated individual s being admitted to a DOCCS Residential Treatment Facility (RTF), and for those who are judicially sanctioned to Willard, staff shall refer to Section VII of this directive for proper release date selection. Staff shall comply with Department policy as it applies to Correction Law Article 4 §74.

14. The original Certificate of Release, signed by the incarcerated individual, with their release photo and fingerprints, shall be sent to Community Supervision Central Files immediately following the release or discharge from a DOCCS facility. In addition, Guidance staff shall copy and distribute as indicated on the Certificate of Release form.

NOTE: Certificates of Release for incarcerated individual s who are judicially sanctioned to Willard should be sent to Community Supervision Central Files upon admission to the Willard facility. Refer to Section VII for further processing instructions related to Willard cases.

NOTE: Certificates of Release shall be maintained electronically for six months from the date of release within a folder in the facility Guidance shared drive and saved as "Last Name_First Name_DIN_Facility." After six months, the electronic copies may be deleted.

VI. REVIEW AND AMENDMENT PROCEDURE

A. Central Office Quality Control (QC) Unit Responsibility

1. QC staff shall retrieve completed Certificates of Release received by the Community Supervision Central Files Unit on a daily basis.
2. QC staff shall review each Certificate of Release for accuracy and ensure that all release documents have been signed and are complete.
3. For every approved Certificate of Release, QC will initial the document confirming that it has been reviewed and then send the Certificate of Release to Community Supervision Central Files for placement in the central file.
4. For every erroneous Certificate of Release, QC will provide the assigned bureau and the releasing facility with a Certificate of Release Error Memo that outlines the error, and will also provide a copy of the corrected Certificate of Release.
5. Upon receipt of the returned Certificate of Release Error Memo from assigned field personnel, QC staff will initial the Certificate of Release Error Memo indicating that it has been received, update the control log, and send the memorandum to Community Supervision Central Files.

B. Bureau Staff Responsibility

1. Upon receipt of the Certificate of Release Error Memo from QC, the assigned PO shall meet with the parolee, review the changes, and have the parolee sign the form. In addition, the PO shall modify the bureau copy of the Certificate of Release based on the changes provided by QC.
2. The signed copy of the Certificate of Release Error Memo shall be returned to Quality Control via interagency mail and a copy shall be placed in the case folder.

NOTE: In the event the parolee has a change in supervision status to delinquent, non-reporting, incarcerated, hospitalized, or discharged from Community Supervision, email notification shall be directed to the QC shared mailbox noting the reason(s) why field personnel were unable to obtain the parolee's signature. Staff shall also document the occurrence in CMS. In addition, a copy of the email to QC and the form shall be placed in the bureau folder until the parolee is available to sign the amended Certificate of Release.

- C. Releasing Facility Staff Responsibility (excludes RTF facilities): The releasing facility Deputy Superintendent of Programs (DSP) will receive a monthly report detailing the number and types of errors. The DSP will ensure the SORC(s) are provided a copy of the monthly report and take corrective action.

VII. SPECIAL RELEASE SCENARIOS

A. Residential Treatment Facility

1. The sending facility shall complete the Certificate of Release upon approval for an incarcerated individual's admission into a DOCCS RTF. The release date will be the DOCCS RTF admission date. The approved residence address is "DOCCS RTF" only. The City/State/Zip field will be blank.
2. The sending facility shall send the original Certificate of Release, signed by the incarcerated individual, to Community Supervision Central Files. In addition, Guidance staff shall copy and distribute as indicated on the Certificate of Release form with the exception of the incarcerated individual copy.
3. The RTF participant shall receive their copy of the Certificate of Release when they are released to a community residence or program. Upon release from the DOCCS RTF to a community residence or program, Guidance staff shall complete Form #CS3010RTF, "RTF Release Form." In the event facility staff members cannot access the electronic version of the RTF Release Form, staff shall utilize the paper version, Form #CS3010RTF.P, "RTF Release Form."
4. Guidance staff shall utilize Form #CS3020A, "Special Conditions of Release to Community Supervision," to include any reporting instructions and/or special conditions imposed by the field bureau.
5. A new Certificate of Release shall not be completed upon an incarcerated individual's release to the community unless there is a change in special conditions imposed by the Board of Parole.

B. Merit Time Allowance Subsequent to Initial Open Date: For an incarcerated individual who is issued a Merit Time Certificate after granted an open date at the Initial Interview:

1. Guidance staff, under the direction of the SORC, shall notify the Board of Parole for purposes of initiating review, consideration, and determination regarding release on the merit eligibility date.
2. Guidance staff, under the direction of the SORC, shall send to the Board of Parole: a copy of the Merit Time Certificate, the most recent Parole Board Report packet, the signed Form #CS3010BOP, the Parole Board Commissioner's Worksheet, and the Pre-Sentence Investigation Report(s).
3. Upon review of the Merit Time Certificate and the documents referenced in subsection VII-B-2, the Board of Parole shall render a decision to either grant release on the merit eligibility date or defer the matter for an interview before a panel of the Board of Parole.
4. If the decision is to defer, the incarcerated individual shall be scheduled for a merit time interview at the next available Parole Board at the current facility.
5. If the decision is to grant merit time release, Parole Board Operations shall document the decision on the designated section of Form #CS3010BOP. Parole Board Operations will send a copy of the amended Form #CS3010BOP to the facility and send the original amended copy to Central Files.

An amended copy shall be filed in the Community Supervision folder upon receipt with a corresponding CMS entry. Only an amended copy of Form #CS3010BOP will be provided to the IRC and the incarcerated individual with the Certificate of Release.

6. Upon receipt of the decision to grant merit time, Guidance staff, under the direction of the SORC, shall amend the Initial Parole Board open date decision in the Guidelines Entry System (GES), record the determination in the narrative section of the Parole Board Decision Notice (Form #9026), and distribute in accordance with policy and procedure.
7. Guidance staff will update CMS in accordance with Directive #8700, "Community Preparation – Case Assignment and Release Investigation Process," and email the assigned Community Supervision Bureau Chief, Senior Parole Officer, and Parole Officer. Assigned field staff shall act accordingly in response to the authorization to release the incarcerated individual on the merit time date.

C. Willard Judicially Sanctioned Cases

1. Certificates of Release shall be drafted and completed upon arrival to the Willard Drug Treatment Campus.
2. The release date shall be the sentencing date by the sentencing court.

D. Alternative Drug Treatment (Alt 90): Upon completion of the alternative program, a new Form #CS3010 with SORC/SPO imposed special conditions shall be completed upon his or her release to the community.

E. Interstate CO-OP Cases

1. Prior to an arrival report from a sending state, the assigned bureau shall complete Form #CS3010INT, "Cooperative Supervision Certificate of Release to Community Supervision." At the parolee's arrival report, the Certificate of Release shall be signed and then distributed as indicated on the bottom of the Certificate of Release.
2. For approved transfers to another state from a DOCCS correctional facility, Guidance staff shall utilize Form #CS3010.

F. Local Conditional Release (LCR)

1. During the preparation of an LCR case for the Board of Parole's review, Internal Operations staff shall ensure Form #CS3010BOP is included in the blue folder.
2. Upon an approval decision by the Board of Parole, Form #CS3010 will be completed by Internal Operations staff and distributed to the field for further processing.

G. Parole Diversion Programs (PDP): If a parolee has entered a PDP and the violation warrant is being held in abeyance, a new Certificate of Release is not needed upon release from the PDP. The parolee shall be provided with a copy of the original Certificate of Release, updated reporting instructions, and special conditions if applicable (Form #CS3020A).

H. Revoke/Return Cases: When a parole or PRS violator has returned to a State correctional facility and is within three days of the assessed expiration date of the time assessment, a new Certificate of Release must be completed by the ORC. All accompanying steps are outlined in the procedure section of this directive.

I. Revoke/Restore

1. Parole and PRS violators who are being restored back to supervision locally from a county or city correctional facility shall be provided with a copy of the original Certificate of Release, updated reporting instructions, and special conditions, if applicable (Form #CS4160, "Supplement to Certificate of Release").
2. In the event that a parole violator has received an amended revocation decision to Revoke and Restore, and the parole violator is assigned to a NYS DOCCS correctional facility, Guidance staff shall complete Form #CS4160, which shall include the reporting instructions and any additional special conditions imposed.

VIII. SUMMARY OF DUTIES AND RESPONSIBILITIES BY TITLE**A. Completion of Certificates of Release Pre-Release**

1. Deputy Superintendent of Programs (DSP)
 - a. Oversight of the Certificate of Release pre-release process.
 - b. Ensuring all staff are trained and equipped with appropriate resources to complete Certificates of Release.
 - c. Ensure staff are made aware of any specific errors and corrective actions.
2. Supervising Offender Rehabilitation Coordinator (SORC)
 - a. Ensure Certificates of Release are completed accurately and timely, as detailed in this directive.
 - b. Provide instructions to staff on how to complete the Certificates of Release and supplemental steps to the pre-release process, such as, but not limited to, the CMS entry and notification to the assigned bureau.
 - c. Establish duties and responsibilities for staff responsible for preparing and distributing Certificates of Release.
3. Offender Rehabilitation Coordinator (ORC)
 - a. Review completed Certificates of Release accurately and timely, as instructed within this directive.
 - b. Review release date, ME date, PRSME date, and Community Supervision end dates to ensure accuracy.
 - c. Meet with the incarcerated individual to review and explain all conditions of release and reporting instructions, and ensure that the incarcerated individual signs the Certificate of Release.
 - d. Document the release interview and the completed release agreement, with supplemental documents, in the CMS record of the incarcerated individual.

B. Review and Amendment Procedure

1. Quality Control (QC)
 - a. QC staff shall review each Certificate of Release for accuracy.
 - b. For every approved Certificate of Release, QC will initial in the corner that it has been reviewed, and will send the Certificate of Release to Community Supervision Central Files.
 - c. For every erroneous Certificate of Release, QC staff will provide the assigned bureau with a Certificate of Release Error Memo.

- d. Receive signed copies of the Certificate of Release Error Memo from the field and distribute to the assigned facility.
- e. Update control log and tracking sheets.
- 2. Parole Officer
 - a. Receive Certificate of Release Error Memo and schedule time to meet with the parolee to review changes.
 - b. Instruct the parolee to sign the Certificate of Release Error Memo.
 - c. Return signed Certificate of Release Error Memo to QC via interagency mail within 30 days of receipt of the request from QC.

IX. ASSOCIATED DOCUMENTS

- A. Certificate of Release to Community Supervision (Form #CS3010)
- B. Application for Conditional Release to Community Supervision (Form #CS3041)
- C. Conditional Parole for Deportation Only (Form #CS3010A)
- D. Executive Clemency Certificate of Release to Community Supervision (Form #CS3010EC)
- E. Cooperative Supervision Certificate of Release to Community Supervision (Form #CS3010INT)
- F. Parole Board Release Authorization (Form #CS3010BOP)
- G. Certificate of Release Reference Chart
- H. Supervision Fee Form (Form #CS6001)
- I. Paper Version of Certificate of Release (Form #CS3010.P)
- J. Paper Version of Parole Board Release Authorization (Form #CS3010BOP.P)
- K. RTF Release Form (Form #CS3010RTF)
- L. RTF Release Form (Form #CS3010RTF.P)
- M. Supplement to Certificate of Release – PDF (Form #CS4160)
- N. Supplement to Certificate of Release – Carbon Copy (Form #CS4160.P)
- O. Special Conditions of Release to Community Supervision (Form #CS3020A)