

 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE		NO. 0086
	Shock Incarceration Facilities		DATE 07/29/2021
SUPERSEDES DIR# 0086 Dtd. 03/18/19	DISTRIBUTION A B	PAGES PAGE 1 OF 3	DATE LAST REVISED
REFERENCES (Include but are not limited to) 7 NYCRR Chapter XI, Part 1800; Correction Law 2(20); Penal Law Articles 70, 125, 130, 205	APPROVING AUTHORITY 		

I. DESCRIPTION: The New York State Department of Corrections and Community Supervision (DOCCS) administers a Shock Incarceration Program. This program provides selected incarcerated individuals a special six-month program of shock incarceration, stressing a highly structured routine of discipline, intensive regimentation, exercise, and work therapy, together with substance abuse treatment, education, pre-release counseling, and life skills counseling.

II. FACILITIES

- A. This program is to be conducted at the following Shock Incarceration Correctional Facilities:
 - 1. Lakeview - located near Brocton in Chautauqua County.
 - 2. Moriah - located near Mineville in Essex County.
- B. Moriah Shock Incarceration Correctional Facility shall be used for males 18 years of age or older and classified as minimum security for purposes of shock incarceration.
- C. Lakeview Shock Incarceration Correctional Facility shall be used for both males and females 18 years of age or older and shall encompass two separate security components:
 - 1. Medium security for purposes of shock incarceration.
 - 2. Maximum security to serve as a special housing unit alternative Program (SHU-Alt), Intensive Alcohol and Substance Abuse Training (I-ASAT). The SHU-Alt I-ASAT Program is a single-cell program for incarcerated individuals who are serving disciplinary sanctions for substance abuse related offenses and are at high risk for continued drug and alcohol abuse.

III. SELECTION

- A. All incarcerated individuals whose time, crime(s) of conviction, and age meet the minimum eligibility requirements for consideration for participation in shock incarceration and are deemed suitable shall be sent to Lakeview Shock Incarceration Correctional Facility, unless one of the following conditions exist:
 - 1. The incarcerated individual is classified as maximum security.
 - 2. The incarcerated individual's mental health level is 1 or 2.

3. The incarcerated individual is found to have a serious medical problem which automatically precludes their participation in the program. Any incarcerated individual deemed not appropriate due to a serious medical condition will be referred to Central Office Health Services for review.
 4. Incarcerated individuals who are Court-Ordered Shock with above conditions 2 or 3 will be afforded an alternative placement so they may complete the Shock Incarceration Program.
- B. Eligible incarcerated individuals may make application to the Shock Incarceration Selection Committee for permission to participate in the program.
- C. If the Selection Committee determines that an incarcerated individual's participation in the program is consistent with the safety of the community, the welfare of the applicant, and the selection criteria for the program, the Committee shall forward the application to the Commissioner, or designee, for approval or disapproval.

IV. ELIGIBILITY

- A. An incarcerated individual may apply for participation in the Shock Incarceration Program if they:
1. Are at least 18 but less than 50 years of age.
 2. Are sentenced to an indeterminate term of imprisonment and will become eligible for release on parole within three years or are sentenced to a determinate term of imprisonment and will become eligible for conditional release within three years.
 3. Were between 18-49 years of age at the time of the commission of the crime.
 4. Have not previously been convicted of a violent felony in New York as defined in Article 70 of the Penal Law or a felony in any other jurisdiction which includes all of the essential elements of any such violent felony, upon which an indeterminate or determinate term of imprisonment was imposed.
- B. Notwithstanding the foregoing, no person who is convicted of any of the following crimes shall be deemed eligible to participate in this program:
1. A violent felony offense.
 2. An A-1 felony offense.
 3. Any homicide offense as defined in Article 125 of the Penal Law.
 4. Any felony sex offense as defined in Article 130 of the Penal Law.
 5. Any escape or absconding offense as defined in Article 205 of the Penal Law.
- C. Outstanding Warrants, Commitments, Open Charges, or Immigration Status: The Shock Incarceration Selection Committee shall examine each incarcerated individual's record to determine whether the incarcerated individual has any of the following detainers, warrants, or commitments outstanding, which, in the discretion of the Committee, may bar the incarcerated individual from participation in the Shock Incarceration Program:
1. Criminal related detainer or warrant.
 2. Bail warrant.
 3. Immigration warrant.

4. Probation warrant or out-of-state parole warrant.
 5. Concurrent or consecutive out-of-state or federal commitments.
- D. The incarcerated individual must be medically and psychologically fit to participate in the Shock Incarceration Program. The fitness of the incarcerated individual shall be assessed by DOCCS and/or the Office of Mental Health professionals. The Committee shall consider the health professional's assessment in recommending whether the incarcerated individual be approved for program participation. Subsequent medical or psychological unfitness may result in temporary or permanent removal from the program.

NOTE: An otherwise eligible incarcerated individual shall be deemed ineligible for the Shock Incarceration Program if they agreed not to apply for, or waived participation in, this program as a condition of pleading guilty to the instant offense. The incarcerated individual's agreement to such condition may be established by the court commitment, the sentencing minutes, the pre-sentence report, or a separate written communication from the office of the district attorney or the sentencing court that is sent to the Department. If an incarcerated individual is allowed to enter the Shock Incarceration Program, but thereafter it is learned that they previously agreed not to apply for, or waived participation in, this program as a condition of the plea bargain, they will be immediately removed from this program. The Office of Sentencing Review should be consulted in any situation where it is unclear as to whether such a condition was a part of the negotiated plea.

- V. **PHYSICAL ENVIRONMENT:** General population housing consists of dormitories. Special housing consists of single cells.
- VI. **REMOVAL FROM PROGRAM:** Participation in the Shock Incarceration Program is a privilege, not a right. No incarcerated individual has the right to participate, or to continue to participate, in the program.