
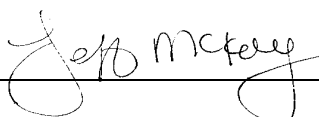
 Corrections and Community Supervision DIRECTIVE	TITLE Special Conditions of Release		NO. 9100
			DATE 03/19/2021
SUPERSEDES DIR# 9100 Dtd. 01/15/21	DISTRIBUTION A B	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) 9 NYCRR 8003.2, 8003.3 & 8003.4; ACA Expected Practices 4-APPFS-2B-01, 4-APPFS-2A-05, 4-APPFS-2A-12; Directives #4932, #8302, #8305, #8306, #8710, #9025, #9201, #9202, #9206, #9305	APPROVING AUTHORITY  		

- I. **PURPOSE:** This directive provides instruction to facility and field staff regarding the imposition of conditions of release and special conditions of release to supervision. Special conditions can be utilized to set parameters around parolees' behavior, to address public safety concerns, and to assist parolees with the successful completion of their sentence.
- II. **POLICY:** It is the policy of the New York State Department of Corrections and Community Supervision (DOCCS) to impose case-specific special conditions to enhance public safety and to assist parolees in their adjustment to the community. Additionally, the Board of Parole has identified and adopted general conditions of release which are applicable to all parolees. In an effort to ensure control, direction, guidance, and community protection in individual cases based upon specific case risks and needs, the Board of Parole, or their designee, may impose special conditions for which a violation of any special condition may be considered a violation of the conditions of release in an important respect.
- III. **DEFINITIONS**
- A. Release Agreement: Any of the forms used by DOCCS to release incarcerated individuals including, but not limited to, Form #CS3010, "Certificate of Release to Parole Supervision." Please refer to Directive #8710, "Certificates of Release to Community Supervision," for protocols related to release forms.
- B. Prosocial Behavior: Any activities or actions of a parolee conducive to their progress and success in society which do not negatively impact the community.
- C. Employable: A person who is mentally and physically capable of working and/or participating in an academic/vocational program.
- IV. **PRE-RELEASE PROCEDURE**
- A. Supervising Offender Rehabilitation Coordinator (SORC), Offender Rehabilitation Coordinator (ORC), and Facility Staff Responsibilities
- Under the direction of the SORC, the ORC will recommend special conditions for consideration by the Board of Parole utilizing Form #9100RSC (English)/Form #9100RSC (Spanish), "ORC Recommended Special Conditions," and attach the recommendation to the Parole Board Report (PBR).
 - When considering recommendation of special conditions, the ORC must review all case record information, including but not limited to, the COMPAS Reentry Assessment, COMPAS Case Plans/Custom Fields, Case Management System (CMS) records, and Field Alerts to ensure the recommended special conditions are case-specific to the incarcerated individual and address all special needs/circumstances. The ORC should refrain from recommending conditions which would limit the prosocial behavior of the incarcerated individual upon release.

3. Facility staff will list all imposed special conditions on the release agreement in accordance with Directive #8710, "Certificates of Release to Community Supervision."
4. When the incarcerated individual is being processed for conditional release, facility staff will complete Form #CS3041, "Application for Conditional Release to Parole Supervision" and obtain the incarcerated individual's signature on the application. Special conditions of release imposed by the Board will appear on the Release Agreement whether the incarcerated individual is released by Board decision, by conditional release, or by any other release mechanism.
5. Where an incarcerated individual who originally received an "Open Date" decision has not been paroled and is instead being conditionally released, facility staff will ensure that the release agreement accurately reflects the Conditional Release type and is completed accordingly, i.e. the Board of Parole section will not be applicable. Facility staff will also prepare Form #CS3041.
6. Where an incarcerated individual is a Parole Violator with an Assessed Expiration Date (PVAE), the ORC will recommend special conditions by completing Form #CS9100, "Parole Violator Re-Release Worksheet." The SORC will review all previous Board and Field-imposed Special Conditions to determine which are still applicable and should be re-imposed. For any additional conditions not previously imposed by the Board of Parole on the same term and imposed by the SORC, the SORC will provide corresponding rationales recorded on [Form #CS9100](#). The SORC-imposed special conditions will be recorded on the release agreement.
7. In the event that the PVAE incarcerated individual violates an institutional rule resulting in 60 days or greater Keeplock/SHU, the incarcerated individual will be referred to the Parole Board as a Parole Violator Re-Release (PVRE) for release consideration. The ORC will complete Form #CS9100, "Parole Violator Re-Release Worksheet," and recommend special conditions for imposition by the Parole Board. The SORC will refer the case to the Board of Parole. The Board will review the case and either affirm release, restoring the PVAE status, or require a Board interview. Board imposed special conditions of release will then appear on the release agreement.
8. At the pre-release interview, in accordance with Directive #8710, the ORC will discuss each condition of release with the incarcerated individual.
9. Where an incarcerated individual is subject to the Sexual Assault Reform Act (SARA), the ORC will recommend on Form #9100RSC, the imposition of Special Condition 28, "Mandatory Condition of Release to Parole Supervision," in accordance with Directive #8305, "Sexual Assault Reform Act (Mandatory Condition)." Where there is no opportunity for Parole Board action prior to release, facility staff must impose the condition after submitting a request to the Board and receiving approval.
10. The SORC will ensure that all Board and/or SORC imposed conditions are entered in the Guidelines Entry System (GES), displayed in CMS, and recorded on the release documents.

NOTE: As needed, the ORC will case conference the imposition of special conditions with the SORC and make a chronological entry in CMS utilizing "FCC – FACILITY ORC/SORC CASE CON" and contact type code, noting the outcome of the case

conference.

V. COMMUNITY SUPERVISION

A. Parole Officer Responsibilities

1. Special conditions of release may be imposed, in addition to the standard conditions of release, in response to case-specific needs. The imposition of special conditions should be based on public safety considerations, criminogenic and stabilization risks and needs, and as deemed necessary in support of the individualized supervision plan. Parole Officers shall use Form #CS3020A, "Special Conditions of Release to Community Supervision," to document the imposition of the special conditions of release.
2. When considering the imposition of special conditions, Parole Officers should recommend and impose special conditions that reinforce prosocial behavior, encourage compliance with all conditions of release, and the successful completion of parole, or the period of post-release supervision.
3. Parole Officers should consider a parolee's Supervision Level (COMPAS Level) when recommending and imposing special conditions. Generally, parolees with a lower Supervision Level (low risk/low need) should have less restrictions imposed on them than those parolees with a higher Supervision Level.
4. Parole Officers should also refrain from redundancy by not imposing special conditions that have already been stipulated and imposed by the Board of Parole.
5. Prior to the imposition of special conditions on a parolee, the Parole Officer will case conference the desired conditions in advance with the Senior Parole Officer. A case conference will then be entered into CMS in accordance with Directive #9025, "Case Management System (CMS) Operational Guidelines." The case conference shall include the details related to the approval or denial of the special conditions.
6. When special conditions are approved by a supervisor to be imposed, the Parole Officer will discuss each condition with the parolee, have the parolee sign Form #CS3020A, "Special Conditions of Release to Community Supervision," and make an entry in CMS (Screen F9). Additionally, the Parole Officer will enter all imposed special conditions on the Detail Screen/F6 in the "Special Conditions" section of CMS.
7. Field staff will enter a CMS contact when case reviewed for consideration of SC29 and SC30, pursuant to Directive #8306.

B. Senior Parole Officer (SPO) Responsibilities

1. The SPO will case conference all special conditions recommended by the Parole Officer prior to imposition and ensure that the approval and/or denial of any conditions are entered into CMS.
2. The SPO will assist in ensuring that the special conditions are specific to the risk and needs of each individual parolee, and that they do not limit or restrict any prosocial behavior.
3. The SPO will also routinely review the imposed special conditions with the Parole Officer during case conferences to determine if the conditions should be removed or modified.

- C. Bureau Chief Responsibilities: The Bureau Chief will approve or deny the recommended special conditions as part of their Community Prep approval process.
- D. Removal/Modification of Special Conditions of Release
1. Where the Board of Parole has imposed a special condition(s), and where the specified service/treatment may not be available, and/or there has been a subsequent change in supervision needs, the Parole Officer, with the approval of the SPO, may request that the Board remove/modify the condition(s) by sending a memorandum to the Board. When the special condition(s) modification relates to any registered victim(s), the victim(s) input must be obtained.
NOTE: The signature of one Board Member is sufficient to remove/modify a Board imposed special condition(s).
 2. Where the special condition(s) was imposed by a Parole Officer, the Officer of record will case conference with the SPO to remove or modify the special condition(s), and will make a chronological entry in the case folder/record identifying the change in supervision needs and noting the outcome of the case conference. The Officer will complete a memorandum to the case folder/record rescinding or modifying the special conditions and provide a copy to the parolee.
 3. Only the Bureau Chief has authority to remove domestic violence special conditions involving contact and residence requirements that have been imposed by the Parole Officer and SPO; however, the Bureau Chief shall not remove these contact and residence conditions until such time as a period of at least six months has elapsed since the date of imposition.
 4. The Regional Director and Assistant Regional Director have the authority to remove any imposed domestic violence special conditions throughout the period of community supervision.
 5. The reasons and rationales for the removal of domestic violence special conditions shall be recorded in the CMS record of the parolee.