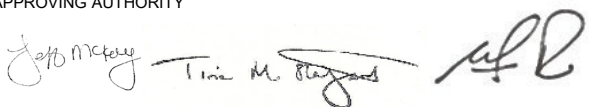
 <p><b>Department of Corrections and Community Supervision</b></p> <p><b>DIRECTIVE</b></p>	TITLE		NO. 9100
	<b>Special Conditions of Release</b>		DATE 06/10/2022
SUPERSEDES DIR# 9100 Dtd. 03/19/21	DISTRIBUTION A B	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) 9 NYCRR 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 area office staff regarding the imposition of conditions of release and special conditions (SC) of release to supervision. SCs can be utilized to set parameters around releasees' behavior, to address public safety concerns, and to assist releasees 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) and Board of Parole to impose case-specific SCs to enhance public safety and to assist releasees in their adjustment to the community. Additionally, the Board of Parole has identified and adopted general conditions of release which are applicable to all releasees. 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 SCs for which a violation of any SC 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 releasee 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
    1. Under the direction of the SORC, the ORC will recommend SCs 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).
    2. When considering recommendation of SCs, the ORC must review all case record information, including but not limited to, the Correctional Offender Management and Profiling for Alternate Sanctions (COMPAS) Reentry Assessment, COMPAS Case Plans/Custom Fields, Case Management System (CMS) records, and Area Office Alerts to ensure the recommended SCs 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. The Board has discretion on which, if any, of the ORC recommended conditions they choose to impose, with the exception of statutorily mandated special conditions. The Board will review the ORC recommended conditions and impose those which they deem appropriate.
4. Facility staff will list all imposed SCs on the release agreement in accordance with Directive #8710.
5. 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. SCs 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.
6. 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.
7. Where an incarcerated individual is a Parole Violator with an Assessed Expiration Date (PVAE), the ORC will recommend SCs by completing Form #CS9100, "Parole Violator Re-Release Worksheet." The SORC will review all previous Board and Area Office-imposed SCs 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 SCs will be recorded on the release agreement.
8. In the event that the PVAE incarcerated individual violates an institutional rule resulting in 60 days or greater Disciplinary Confinement, 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, and recommend SCs 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 SCs of release will then appear on the release agreement.
9. At the pre-release interview, in accordance with Directive #8710, the ORC will discuss each condition of release with the incarcerated individual.
10. Where an incarcerated individual is subject to the Sexual Assault Reform Act (SARA), the ORC will recommend on Form #9100RSC (English)/Form #9100RSC (Spanish), the imposition of SC 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.
11. 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 SCs 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 (PO) Responsibilities

1. SCs of release may be imposed, in addition to the standard conditions of release, in response to case-specific needs. The imposition of SCs should be based on public safety considerations, criminogenic and stabilization risks and needs, and as deemed necessary in support of the individualized supervision plan. POs shall use Form #CS3020A, “Special Conditions of Release to Community Supervision,” to document the imposition of the SCs of release.
2. When considering the imposition of SCs, POs should recommend and impose SCs 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. POs should consider a releasee’s Supervision Level (COMPAS Level) when recommending and imposing SCs. Generally, releasees with a lower Supervision Level (low risk/low need) should have less restrictions imposed on them than those releasees with a higher Supervision Level.
4. POs should also refrain from redundancy by not imposing SCs that have already been stipulated and imposed by the Board of Parole.
5. Prior to the imposition of SCs on a releasee, the PO will case conference the desired conditions in advance with the SPO. 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 SCs.
6. When SCs are approved by a supervisor to be imposed, the PO will discuss each condition with the releasee, have the releasee sign Form #CS3020A, and make an entry in CMS (Screen F9). Additionally, the PO will enter all imposed SCs on the Detail Screen/F6 in the “Special Conditions” section of CMS.
7. Area Office staff will enter a CMS contact when case reviewed for consideration of SC #29 and #30, pursuant to Directive #8306, “Parole Board Imposed Special Conditions of Release Regarding Residency.”

### B. Senior Parole Officer (SPO) Responsibilities

1. The SPO will case conference all SCs recommended by the PO 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 SCs are specific to the risk and needs of each individual releasee, and that they do not limit or restrict any prosocial behavior.
3. The SPO will also routinely review the imposed SCs with the PO during case conferences to determine if the conditions should be removed or modified.

### C. Bureau Chief (BC) Responsibilities: The BC will approve or deny the recommended SCs as part of their Community Prep approval process

### D. .Removal/Modification of Special Conditions (SC) of Release

1. Where the Board of Parole has imposed a SC(s), and where the specified service/treatment may not be available, and/or there has been a subsequent change in supervision needs, the PO, 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 SC(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 SC(s).
2. Where the Board of Parole has imposed a SC that is “as directed by the PO” or “without [written] permission of the PO” and where there has been a subsequent change to supervision needs, the PO has the discretion to remove the condition or grant permission, without request or approval of the Board of Parole.
  - a. Where the condition(s) will be removed, the Officer of record will case conference with the SPO to remove the SC(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 SC(s) and provide a copy to the releasee.
  - b. Where permission is granted, the Officer will complete a memorandum to the case folder/record granting permission and provide a copy to the releasee. Permission can be rescinded by the Officer at any time without request or approval of the Board of Parole when there has been a subsequent change in the supervision needs.
3. Where the SC(s) was imposed by a PO, the Officer of record will case conference with the SPO to remove or modify the SC(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 SCs and provide a copy to the releasee.
4. Only the BC has authority to remove domestic violence SCs involving contact and residence requirements that have been imposed by the PO and SPO; however, the BC 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.
5. The Regional Director and Assistant Regional Director have the authority to remove any imposed domestic violence SCs throughout the period of community supervision.
6. The reasons and rationales for the removal of domestic violence SCs shall be recorded in the CMS record of the releasee.