
 Department of Corrections and Community Supervision DIRECTIVE	TITLE Shock Incarceration		NO. 4953
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SUPERSEDES	DISTRIBUTION A B	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) Correction Law §80; Penal Law Articles 70, 125, 130, 140.25(2), 160.10(1), 205; 7 NYCRR Chapter XI, Part 1800, 7 NYCRR, Chapter III, Part 100.89; Directive #0086	APPROVING AUTHORITY 		

I. DESCRIPTION: The New York State Department of Corrections and Community Supervision (DOCCS) administers the Shock Incarceration Program, a six-month highly structured and treatment-oriented program. Eligible incarcerated individuals are provided the opportunity to develop life skills important for success in society through regimentation and discipline, including instruction in physical exercise, military bearing, and drill and ceremony; a structured work program; development of self-discipline and time management learned through the Network program of community living skills and socialization; substance use treatment; structured educational programming to the high school equivalency level; and vocational programming. Statutorily eligible incarcerated individuals may apply for participation and, if approved, will be reviewed for placement at Lakeview Shock Incarceration Correctional Facility (SICF). Individuals who successfully complete the Shock Incarceration Program will be eligible for parole release consideration and awarded a certificate of earned eligibility pursuant to Correction Law, Section 805.

II. DEFINITIONS

- A. Shock Incarceration Program: A program pursuant to which eligible incarcerated individuals are selected to serve a period of six months in a shock incarceration facility, which shall provide rigorous physical activity, intensive regimentation and discipline, and rehabilitation therapy and programming. Incarcerated individuals may be selected either at a reception center or at a general confinement facility when the otherwise eligible incarcerated individual then becomes eligible for release on parole within three years in the case of an indeterminate term of imprisonment or then becomes eligible for conditional release within three years in the case of a determinate term of imprisonment.
- B. Alternative Shock Program: A six-month program for eligible incarcerated individuals who require a degree of medical or mental health care, including those with disabilities, that cannot be provided at Lakeview SICF. Individuals who complete the Alternative Shock Program become eligible for release consideration to the community in the same manner as if they had completed the Shock Incarceration Program. Participants will engage in a Department-approved substance use treatment program (CASAT, ASAT, IDDT, etc.) or other designated program at an alternate facility, and will be held to the program standards of their agreed-upon treatment under the guiding authority of Central Office Substance Abuse Treatment Services or the corresponding Central Office Unit for any other Department-approved Alternative Shock Program.

- C. Shock Incarceration Selection Committee: A committee appointed by the Commissioner at one or more designated correctional facilities, which meets on a regularly scheduled basis to review all eligible incarcerated individuals volunteering for the Shock Incarceration Program. The facility's Shock Incarceration Selection Committee will be comprised of the following: Offender Rehabilitation Coordinator (ORC), Supervising Offender Rehabilitation Coordinator (SORC), and Deputy Superintendent for Programs (DSP).
- D. Shock Incarceration Screening Committee: A committee that reviews applications from eligible incarcerated individuals who volunteer to participate in the Shock Incarceration Program. If the Selection Committee determines that an incarcerated individual's participation is consistent with the safety of the community, the welfare of the applicant, and the rules and regulations of the Department, the committee shall forward the application to the Shock Incarceration Screening Committee for final approval or disapproval. The Shock Incarceration Screening Committee will consist of designated staff from Lakeview SICF, Central Office Health Services, Bureau of Mental Health, and the Office of Classification and Movement. The Superintendent at Lakeview SICF will act as the Commissioner's designee for approval or disapproval of the application.

III. ELIGIBILITY

- A. An incarcerated individual is statutorily eligible for participation in the Shock Incarceration Program if they:
 - 1. Are at least 18 but less than 50 years of age at the time they are eligible and suitable to be screened for the Shock Incarceration Program.
 - 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 16-50 years of age at the time of the commission of the crime upon which their sentence is based.
 - 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, except those that are currently serving a sentence for Robbery 2, subdivision 1 as defined in Penal Law 160.10(1) or Burglary 2, subdivision 2 as defined in Penal Law section 140.25(2) or attempt thereof.
 - 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.

IV. SUITABILITY

- A. Eligible incarcerated individuals who volunteer for the Shock Incarceration Program will be considered for participation by the Shock Incarceration Selection Committee.
- B. If the Shock Incarceration 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 Selection Committee shall forward the application to the Shock Incarceration Screening Committee for final approval or disapproval.
- C. Individuals who are ordered by a Court to participate in the Shock Incarceration Program are not subjected to discretionary review for suitability.
- D. An otherwise eligible incarcerated individual shall be deemed unsuitable for the Shock Incarceration Program if they agreed not to apply for, or waived participation in the 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, 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 the program as a condition of the plea bargain, they will be immediately removed from the 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.

- E. Upon approval by the Shock Incarceration Screening Committee, individuals will be transferred to Lakeview SICF, unless one of the following conditions exists:
 - 1. The incarcerated individual's mental health level is 1.
 - 2. The incarcerated individual is found to have a serious medical or mental health condition that cannot be accommodated at Lakeview SICF. Any individual deemed unsuitable for medical or mental health reasons will be referred to Central Office Health Services or the Bureau of Mental Health, respectively, and offered placement in an Alternative Shock Program.

V. INCARCERATED INDIVIDUALS WITH DISABILITIES: Any individual with a disability who is otherwise eligible for the Shock Incarceration Program will be given equal access to the program and its benefits. Shock program participants with disabilities will be offered reasonable accommodations in order to participate in the program at Lakeview SICF, including, but not limited to, physical activity limitations. If an individual is found unsuitable due to disability after beginning the program at Lakeview SICF, the individual will be offered the opportunity to complete the program via an Alternative Shock Placement at an alternative site.

VI. VOLUNTARY SIGN OUT: In the event that a participant in the Shock Incarceration Program decides to sign out of the program voluntarily, [Form #4953A](#), "Lakeview Shock Incarceration Voluntary Sign Out," will be completed by the individual.

If the participant checks the “yes” box in Section A of the form indicating that they are signing out due to a medical and/or mental health reason, then the participant will be reviewed by the facility medical and/or mental health providers. The participant will remain at Lakeview SICF until a medical/mental health determination is made and a final decision from the incarcerated individual is recorded. This time will not be credited toward program completion.

The requested reviews will occur as soon as possible, and the reviewing health care provider will complete the appropriate section and return it to the Guidance Unit to obtain the participant’s final decision.

- VII. 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.