
 Corrections and Community Supervision DIRECTIVE	TITLE Re-Release of Community Supervision Violators in Local Custody (County Correctional Facilities)		NO. 9213
			DATE 01/05/2021
SUPERSEDES DIR # 9213 Dtd. 09/17/19	DISTRIBUTION A	PAGES PAGE 1 OF 3	DATE LAST REVISED
REFERENCES (Include but are not limited to) 9 NYCRR §8002.6(a); Executive Law §259-i (3) (f) (x); Mental Hygiene Law Article 10	APPROVING AUTHORITY 		

- I. **PURPOSE:** To provide guidance and instructions to Community Supervision field staff, the Parole Violation Unit, and facility staff concerning the re-release of community supervision violators upon completion of the delinquent time assessment while in local custody (county correctional facilities).
- II. **AUTHORITY:** Rules and Regulations - 9NYCRR §8002.6(a) - Parole Violator Re-release
 - A. A violator identified as eligible for re-release, as defined by 9NYCRR §8002.6(a), shall be released (re-released) to community supervision (e.g., parole supervision or the period of post-release supervision) as soon as practicable after completion of the delinquent time assessment, unless the violator has been found to have committed a serious disciplinary infraction while re-incarcerated.
 - B. A serious disciplinary infraction shall be defined as receipt of a sanction or penalty imposed for a single infraction which includes 60 or more days of disciplinary confinement, keeplock, or confinement in a special housing unit at the local (county) correctional facility.
- III. **DELINQUENT TIME ASSESSMENT SERVED PROCEDURE**
 - A. Duties and Responsibilities
 1. Bureau Chief and the Revocation Specialist: The Revocation Specialist and the Bureau Chief, or, where applicable, Rikers Island staff, shall monitor the time assessment expiration date and ensure that [Form #CS9021](#), "Delinquent Time Assessment Served Worksheet," is completed at least 30 days prior to the expiration of the delinquent time assessment. The Revocation Specialist and the Bureau Chief share the responsibility for completing [Form #CS9021](#) and are responsible for the accuracy of the information contained within the document. The Revocation Specialist assigned to the case is primarily responsible for monitoring the post disposition status of the violator until such time as the violator is either re-released locally or returned to State custody. The Bureau Chief will either authorize the re-release of the violator from local custody (county correctional facility) or refer the case to the Board of Parole in accord with Executive Law §259-i (3) (f) (x).
 2. Re-Release of Community Supervision Violators in Local Custody: Where it is determined that the case shall not be referred to the Board of Parole, the Revocation Specialist will submit the worksheet and case file to the Bureau Chief for appropriate action. The Bureau Chief must authorize re-release effective on the date the delinquent time assessment is satisfied.

If there are no local commitment orders (i.e., local definite sentence), detainers, or securing orders on file from a Court of competent jurisdiction pursuant to Mental Hygiene Law Article 10 (Sex Offender Management and Treatment Act), and the releasee is to be returned to community supervision directly from the county correctional facility, staff will proceed as follows:

- a. The Revocation Specialist will submit [Form #CS9021](#) and the case file to the Bureau Chief for appropriate action.
- b. The Quality Control (QC) copy of [Form #CS9021](#) is to be submitted to QC within the 30-day time period that precedes the delinquent time assessment expiration date. The QC identified copy of the worksheet must be received in QC at least 14 days prior to the delinquent time assessment expiration date.
- c. The Parole Revocation Specialist (or Rikers Island staff) will transfer the case to the appropriate Area Office and Parole Officer of record immediately after [Form #CS9021](#) is completed and authorized by the Bureau Chief. The case must be assigned to the Field Parole Officer prior to the conversion of the record to revoke and restore time served and creation of the supervision status record.
- d. The Bureau Chief will verify and record the delinquent time assessment expiration date on [Form #CS9021](#). The Bureau Chief will also record the warrant lift date on the form and take appropriate action to ensure that the violator is restored to community supervision after completion of the delinquent time assessment.
- e. Staff responsible for interviewing the violator and lifting the warrant will record the reporting instructions and release address on [Form #CS4160](#), "Supplement to Certificate of Release." The original release conditions will apply and any additional conditions imposed by the Board of Parole are to be recorded on [Form #CS4160](#). Staff will enter the appropriate Case Management System (CMS) contact in the case record and reference service and receipt of [Form #CS4160](#), the release address, and the reporting instructions provided at the time of the re-release interview.

NOTE: If a violator is serving only a determinate sentence(s), the Bureau Chief shall **not** refer the case to the Board of Parole for purposes of a possible return to State custody for re-release consideration. If the violator is serving a determinate sentence, the Bureau Chief responsible for submitting [Form #CS9021](#) need only note the date that the delinquent time assessment will be satisfied.

- B. Referral to the Board of Parole: Where Parole Board action is authorized under Executive Law §259-i (3) (f) (x) and the violator has been found to have committed a serious disciplinary infraction while re-incarcerated, the Revocation Specialist and the Bureau Chief will complete the delinquent time assessment review and submit [Form #CS9021](#) to the Board of Parole at least 30 days prior to the expiration of the delinquent time assessment. The Board of Parole shall authorize one of the following case actions:
 1. Delinquent time assessment satisfied, revoke and restore to supervision;

2. Return the report to assigned staff with instructions to provide additional case information; or
3. Defer and schedule for interview upon return to State custody.

Pursuant to this Executive Law, only the Board of Parole may authorize return to State custody beyond the expiration of the time assessment.

NOTE: If the Board orders revoke and restore time served upon the expiration of the delinquent time assessment, assigned staff will follow the above described procedural steps (Re-release of Community Supervision Violators in Local Custody).

NOTE: If the violator is serving only a determinate sentence(s), the Board of Parole may **not** authorize a deferral of the violator's re-release and return to State custody for purposes of a re-release interview. Such action is not authorized under Executive Law §259-i (3) (f) (x). Re-release must occur after completion of the delinquent time assessment.

**New York State Department of Corrections and Community
Supervision Delinquent Time Assessment Served Worksheet**

(Note: Not to be used for PVNT cases)

Name: _____ NYSID: _____ DIN: _____

Offense: _____ Sentence: _____

Type of Release: _____ Rel. Date: _____ M.E. Date: _____

Sentence Type: Indeterminate Only Determinate Only Indeterminate/Determinate

Warrant Number: _____

Delinquency Date: _____

Present Facility: _____ Est. ME: _____ Est. CR: _____

Time Assessment Imposed: _____ Months

Time Assessment
Expiration Date:
mm/dd/yyyy

REVIEW OF DISCIPLINARY INFORMATION

The violator has committed a serious infraction while re-incarcerated:
YES: _____ NO: _____
(A serious disciplinary infraction shall be defined as receipt of a sanction or penalty imposed for a single infraction which includes sixty (60) or more days of disciplinary confinement, keeplock, or confinement in a special housing unit at the local correctional facility.)

Submitted By: _____ Date: _____

Delinquent Time Assessment Satisfied on: ____ / ____ / ____ Lift Warrant On: ____ / ____ / ____

Refer to Board of Parole

Approved By: _____ Date: _____
Area Supervisor/Bureau Chief

BOARD ACTION WHEN NECESSARY

Delinquent Time Assessment Satisfied on _____, Revoke and Restore, Time Served, Original Special Conditions in Effect.

Additional Special Conditions: _____

Report Returned for Additional Information

Specify: _____

Deferred. Schedule for Interview upon Return to a DOCCS facility.

If violator is serving only a determinate sentence(s), the Board of Parole may **NOT** authorize a deferral and return to state custody for purposes of a re-release interview. Re-release must occur after completion of the delinquent time assessment.

Reasons: _____

Board Member: _____ Date: _____

Board Member: _____ Date: _____

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS)

TO: NYSID #:
DIN#:
FROM: FACILITY:

SUPPLEMENT TO CERTIFICATE OF RELEASE (FORM CS3010)

Pursuant to the Administrative Law Judge's decision to restore you to supervision on your recent violation of the Conditions of Release.

Your violation has caused an interruption of your sentence based upon a delinquency date of _____ .

As of today's date, your estimated Maximum Expiration Date or Post Release Supervision Maximum Expiration date is _____ .

You are being restored to community supervision under the same Conditions of Release as existed at the time of your violation.

The following additional conditions of release are imposed at this time.

- 1.
- 2.
- 3.
- 4.
- 5.

Copy Received:

Signature

Date:

Witnessed

DISTRIBUTION: WHITE/RELEASEE, GREEN/IRC – FACILITY, YELLOW/CS QUALITY CONTROL, PINK/AREA OFFICE FOLDER,

FORM CS4160 (Rev. 6/2018)