

 <p style="text-align: center;">STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p> <p style="text-align: center;">DIRECTIVE</p>	<p>TITLE</p> <p style="text-align: center;">Shock Incarceration Facilities</p>		<p>NO. 0086</p>
			<p>DATE 12/20/2013</p>
<p>SUPERSEDES</p> <p style="text-align: center;">DIR #0086 Dtd. 09/06/2013</p>	<p>DISTRIBUTION</p> <p style="text-align: center;">A B</p>	<p>PAGES</p> <p style="text-align: center;">PAGE 1 OF 2</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p> <p>7 NYCRR Chapter XI, Part 1800; Correction Law 2(20); Penal Law Articles 70, 125, 130, & 205</p>		<p>APPROVING AUTHORITY</p> 	

- I. DESCRIPTION:** The New York State Department of Corrections and Community Supervision (DOCCS) administers a Shock Incarceration Program. This program provides selected inmates 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. Monterey, located near Beaver Dams in Schuylar County; and
 3. Moriah, located near Mineville in Essex County.
- B. Monterey and Moriah Shock Incarceration Correctional Facilities shall be used for males 16 years of age or older and classified as minimum security for purposes of shock incarceration and general confinement. In addition, a separate housing unit at Monterey may be used periodically for certain individuals who are otherwise required to be placed in a 90-day treatment program at a drug treatment campus, as defined in Correction Law Section 2(20), when capacity at the Willard Drug Treatment Campus is insufficient to meet total demand. Individuals so placed shall undergo a 90-day drug treatment program at Monterey comparable to the Willard program.
- C. Lakeview Shock Incarceration Correctional Facility shall be used for both males and females 16 years of age or older and shall encompass two separate security components:
- Medium security for purposes of shock incarceration; and
 - Maximum security to serve as a special housing unit.
- III. SELECTION**
- A. All inmates 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 inmate is classified as maximum security; or
 2. The inmate's mental hygiene level is 1, 2, or 3; or
 3. The inmate is found to have a serious medical problem which automatically precludes his or her participation in the program; or
 4. Inmates 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 inmates may make application to the Shock Incarceration Selection Committee for permission to participate in the program.
- C. If the screening committee determines that an inmate'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 his or her designee, for approval or disapproval.

IV. ELIGIBILITY

- A. An inmate may apply for participation in the Shock Incarceration Program if he or she:
1. Is at least 16 but less than 50 years of age;
 2. Is sentenced to an indeterminate term of imprisonment and will become eligible for release on parole within three years, or is sentenced to a determinate term of imprisonment and will become eligible for conditional release within three years;
 3. Was between 16-49 years of age at the time of the commission of the crime; and
 4. Has 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; or
 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 inmate's record to determine whether the inmate has any of the following detainers, warrants, or commitments outstanding, which, in the discretion of the committee, may bar the inmate 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; or
 5. Concurrent or consecutive out of State or Federal commitments.
- D. The inmate must be medically and psychologically fit to participate in the Shock Incarceration Program. The fitness of the inmate shall be assessed by DOCCS and/or Office of Mental Health professionals. The committee shall consider the health professional's assessment in recommending whether the inmate be approved for program participation. Subsequent medical or psychological unfitness may result in temporary or permanent removal from the program.

NOTE: An otherwise eligible inmate shall be deemed ineligible for the Shock Incarceration Program if he or she agreed not to apply for, or waived participation in, this program as a condition of pleading guilty to the instant offense. The inmate'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 inmate is allowed to enter the Shock Incarceration Program, but thereafter it is learned that he or she previously agreed not to apply for, or waived participation in, this program as a condition of the plea bargain, he or she 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 and double cells.
- VI. **REMOVAL FROM PROGRAM:** Participation in the Shock Incarceration Program is a privilege, not a right. No inmate has the right to participate or to continue to participate in the program.