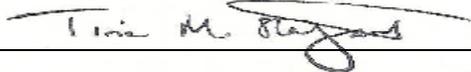


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|  <b>Corrections and<br/>Community Supervision</b><br><br><b>DIRECTIVE</b> | TITLE<br><b>Board of Parole</b>   |                      | NO.<br>8600        |
|  |   |                      | DATE<br>06/03/2015 |
| SUPERSEDES   | DISTRIBUTION<br>A B   | PAGES<br>PAGE 1 OF 3 | DATE LAST REVISED  |
| REFERENCES (Include but are not limited to)<br>Executive Law, §259, Penal Law, §70.40(2),<br>9 NYCRR (CC), Parts 8000-8011                                 | APPROVING AUTHORITY<br> |                      |                    |

- I. DESCRIPTION:** The Board of Parole (Board) consists of up to 19 Members. Each Member is appointed by the Governor and confirmed by the Senate for a six year term. One Member is designated by the Governor to serve as the Chairperson of the Board. The Executive Law §259-l(2)(a) requires the Board to personally interview inmates eligible for release. The Board has three primary responsibilities. The first is the meticulous case-by-case screening of inmates being considered for release. The second major responsibility of the Board is to establish the conditions of release for each inmate being released to community supervision regardless of the manner by which they were released to community supervision. The third major responsibility is the revocation of a releasee’s community supervision pursuant to Executive Law §259-i(3) when it has been determined that the releasee has violated one or more of the conditions governing their release in an important respect.
- II. MISSION:** The Board of Parole’s mission is to ensure public safety by granting parole when appropriate under the governing standards, revoking community supervision when necessary, and discharging inmates from their sentence when it is in the best interest of society.
- III. AUTHORITY:** The Board is an independent operating body within the Department of Corrections and Community Supervision (DOCCS) that functions under the supervision and guidance of the Chairperson of the Board. The duties and responsibilities of the Board are governed by Article 12-B of the Executive Law (Executive Law §259 et seq.) 9NYCRR, Parts 8000-8011.
- A. It is the responsibility of the Commissioner of DOCCS to ensure that all officers and employees of DOCCS shall at all times cooperate with the Board of Parole and shall furnish to such Members and employees assigned to the Board such information as may be appropriate to enable them to perform their independent decision making functions. It is also the Commissioner’s responsibility to ensure that the administrative functions of the Board are provided for through DOCCS Division of Budget and Finance, Division of Support Operations, Bureau of Personnel, Bureau of Labor Relations, Division of Program Planning, Research and Evaluation (PPR&E), and other offices as necessary.
- IV. DEFINITIONS**
- A. Board: The State Board of Parole within the Department.
- B. Board Member: A member of the Board of Parole. Board of Parole members are also referred to as Parole Board Commissioners.
- C. Chairperson: A member of the State Board of Parole who is designated by the Governor to serve as the Chairperson of the Board of Parole.

- D. Final Revocation Hearing: A hearing to determine whether a person who is on community supervision has violated one or more of the conditions governing their release in an important respect.
- E. Preliminary Hearing: A hearing to determine whether there is probable cause to believe that a person on community supervision has violated one or more of the conditions governing their release in an important respect.
- F. Hearing Officer: An employee of DOCCS who is under the direct supervision of the Board who is appointed by the Chairperson, pursuant to §259-d to conduct final revocation hearings; he or she may also be designated by the Board to conduct preliminary hearings.
- G. Presiding Officer: A Board Member or a Hearing Officer who conducts a final revocation hearing.
- H. Releasee: A person who is released to community supervision through presumptive release, parole, or conditional release, serving a period of post-release supervision, or a prisoner received in this State under the Interstate Compact for Adult Offender Supervision, Executive Law §259-mm.
- I. Final Declaration of Delinquency: A declaration of delinquency issued by the Board where a releasee has been convicted of a new felony that he or she committed while under his or her present term of community supervision and a new indeterminate or determinate sentence has been imposed. The issuance of a final declaration of delinquency eliminates the necessity and ability to conduct a final revocation hearing.

**V. ROLES AND RESPONSIBILITIES:** The Board of Parole is responsible for:

- A. Determining what inmates serving indeterminate or reformatory sentences of imprisonment may be released to parole, and when and under what conditions;
- B. Determining what inmates serving a definite sentence of imprisonment in county jails or correctional facilities may be conditionally released to community supervision pursuant to §70.40(2) of the Penal Law and under what conditions;
- C. Determining the conditions of release for a person who may be conditionally released under an indeterminate or determinate sentence of imprisonment, as well as those persons who are released to a period of post-release supervision following completion of their determinate sentence;
- D. Studying or causing to be studied the inmates confined in institutions, over which the Board has jurisdiction, so as to determine their ultimate fitness to be paroled;
- E. Revoking the community supervision status of any person under DOCCS jurisdiction and authorizing the issuance of a warrant for the retaking of such persons;
- F. Determining the need for further investigation of the background of each inmate as he or she is received by DOCCS, and causing such investigation to be made;
- G. Establishing and maintaining written procedures for use in making parole decisions as required by law;

- H. Reporting to the Governor, upon request, the information required by statute for the consideration of pardons and commutations, and applications for the restoration of rights of citizenship;
- I. Issuing subpoenas and subpoenas duces tecum in order to compel attendance of witnesses or the production of books, papers, and other documents pertinent to inquiries and investigations in the performance of its duties;
- J. Authorizing members and Hearing Officers to administer oaths and take the testimony of witnesses under oath, and to issue subpoenas and subpoenas duces tecum in order to compel attendance of witnesses or the production of books, papers, and other documents pertinent to inquiries and investigations in the performance of its duties;
- K. Transmitting annually a report of the work of the State Board of Parole for the preceding calendar year to the Governor and Legislature; and
- L. Providing for the confidentiality of information and records which are collected and maintained with regard to each inmate and each person released on parole or conditional release, and access thereto.

## VI. ORGANIZATION

- A. Bureau of Adjudication: The Board of Parole has the authority to revoke the community supervision of any person who is under DOCCS jurisdiction.  
The Administrative Law Judges (ALJ) preside over the final revocation hearings and the Preliminary Hearing Officers who conduct preliminary hearings are assigned to the Bureau of Adjudication.
- B. Office of Counsel to the Board: The Office of Counsel to the Board is responsible for the following program areas: litigation, administrative appeal from decisions of the Board denying parole, and revoking a person's community supervision status; legislation/regulations affecting the Board, and providing legal advice to other units.