

# RE-ENTRY ADVOCACY AND ASSISTANCE

For Clients with New York State Prison Sentences



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**RE-ENTRY ADVOCACY AND ASSISTANCE**  
**FOR CLIENTS WITH STATE PRISON SENTENCES**

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## I. TYPES OF RELEASE

1. Temporary/Work Release: technically not release. Allows for client to be transferred closer to home and obtain work in the community while returning to a minimum security facility at night. [Nonviolent convictions only]
2. Merit Release: early parole based on good behavior and completion of a program [Indeterminate and drug sentences only]
3. Presumptive Release: release granted by the Department of Corrections upon parole eligibility. [Indeterminate sentences only.]
1. Parole: release granted by the Board of Parole. [Indeterminate sentences only]
5. Conditional Release: “good time” release prior to maximum date.
6. Max Out: completion of term.

|                              | <b>Who is eligible</b>   | <b>When eligible</b>   | <b>How does it work</b>  | <b>What happens after</b>   | <b>Statutes/regs</b>                  |
|------------------------------|--|--|--|---|---------------------------------------|
| Temp. Release (work release) | <p>Must meet all of the following:</p> <ol style="list-style-type: none"> <li>1. Current conviction not for violent offense, homicide, sex offense.</li> <li>2. Never convicted of absconding or escaping.</li> <li>3. Did not refuse a shock program in which eligible to participate</li> <li>4. No outstanding warrants, detainers, commitment orders, open charges or immigration proceedings pending.</li> <li>5. No a serious disciplinary infractions in prior 8 weeks that resulted in SHU, keeplock of more than 30 days, or loss of good time.</li> <li>6. Never absconded from a temporary release program since 1977.</li> </ol> | <p>Within 24 months of first parole eligibility date</p> <p>For drug offenders, can be considered at 2 years and six months (so complete CASAT with 24 months left).</p> | <p>2-step process: (1) point system to determine objective eligibility; (2) subjective review by facility's temporary release committee. If facility approves of release, then it is also reviewed in Albany</p> | <p>If denied, will be given new date for consideration. An appeals process is available but losing on appeal can increase time before reconsideration for work release.</p> <p>If granted, client must complete six-month comprehensive alcohol and substance abuse treatment (CASAT) program. Upon completion of CASAT, client will be transferred to minimum security facility near place of arrest and/or residence. Client will have a few months to find a job to work in the community and return to the facility at night. If client does well on work release, over time client will get passes to go home on weekends.</p> | <p>Corr. Law 151<br/>7 NYCRR 1900</p> |

|                                       | <b>Who is eligible</b>  | <b>When eligible</b>  | <b>How does it work</b>  | <b>What happens after</b>   | <b>Statutes/regs</b>  |
|---------------------------------------|---|---|--|---|---|
| Merit Release (& supp. merit release) | <p>1. Conviction not for violent felony, homicide, incest, sex offense or use of child in sexual performance, attempt or conspiracy to commit any of the above</p> <p>2. No serious disciplinary infractions</p> <p>3. No frivolous lawsuits</p> <p>4. Obtained certificate of earned eligibility by getting GED, vocational certificate or substance abuse certificate or by performing over 400 hours of community service. (Supplemental release is available for indeterminate drug sentences if two programs are completed.)</p> | <p>Non-drug indeterminate sentences: after 5/6th of minimum term.</p> <p>All indeterminate drug sentences (committed before 1/13/05): after 2/3 of minimum if complete 2 programs; after 5/6 of minimum if complete 1 program.</p> <p>Determinate drug sentences: after 5/7th of sentence</p> | Works exactly like parole.   | Works like parole if granted.<br>If denied, will be considered by parole board at regular parole eligibility date | Corr. Law 803<br>7 NYCRR 820<br><br>Rockefeller Drug Law Reform Act |
| Presumptive Release                   | Anyone with an indeterminate sentence that meets the criteria for merit time EXCEPT do not need to have completed a program unless it was identified as a requirement for a certificate of earned eligibility.  | When 1st eligible for parole  | Regs require applying on forms furnished by Div. of Parole. Some clients have reported that counselors are determining who is eligible and completing forms automatically. |   |   |

|                     | <b>Who is eligible</b>  | <b>When eligible</b>  | <b>How does it work</b>  | <b>What happens after</b>   | <b>Statutes/regs</b>  |
|---------------------|---|---|--|---|---|
| Parole Release      | Anyone with an indeterminate sentence who has completed the minimum term. | once served minimum term of indeterminate sentence                          | Appear before parole board 1-3 months before eligible for parole release.<br>Sometime before parole hearing, counselor will interview client and prepare report for parole usually relying largely on information in the PSR.<br><br>Client will appear before Parole Commissioners.<br><br>Within 2 days from parole hearing, usually get result. | If granted, will be given an "open date" and released on or near that day if provide parole with approved address.<br><br>If denied, usually "hit" for two years (the maximum time) and then reconsidered for parole.<br><br>Appeals process available (but can take close to two years anyway) | Exec Law 259-I<br>9 NYCRR 8002                                |
| Conditional Release | Anyone who has not lost "good time"                                       | Indeterminate sentences: 2/3 of maximum<br><br>Determinate sentences: 6/7th | Will have review of good time a few months before CR date  | Released on CR date and on parole/supervised release until "max out" date or expiration of supervised release   | Corr Law 803<br>Penal Law 70.40<br><br>Rockefeller Amendments |
| "Max out"           | Everyone who didn't get out earlier                                       | End of maximum term of sentence   | If denied parole (or back in on parole violation) and/or lost good time.   | Released on maximum date of sentence.   |   |

## II. DISCRETIONARY RELEASE ADVOCACY<sup>1</sup>

Parole may be granted “if there is a reasonable probability that, if such inmate is released, he will live and remain at liberty without violating the law and that his release is not incompatible with the welfare of society and will not so deprecate the seriousness of his crime as to undermine respect for the law.” N.Y.C.R.R. § 8002.1. In making this determination, the Board is required to consider the inmate’s institutional record; performance, if any, in a temporary release program; and release plans, including community resources, employment, education and training and support services. N.Y.C.R.R. § 8002.3.

If the client is eligible for parole or merit release, these discretionary determinations will occur after a hearing that will take place at the prison. New York Codes, Rules and Regulations § 8002 mandates that the hearing occur at least one month prior to the release eligibility date, and that at least two members of the Board of Parole be present. You can find out when DOCS has computed a client’s earliest release eligibility, and when a hearing is scheduled to occur, by going on the New York State Department of Corrections Inmate Lookup webpage at <http://nysdocslookup.docs.state.ny.us/kinqw00>. The information of DOCS’s webpage will not include temporary (work) release eligibility. It also may include merit release eligibility, even for a client whose disciplinary record does not allow for merit release. However, it is a good starting point for information that you can confirm with your client and/or the client’s counselor at the facility.

Among the documents that will be reviewed by the Board are the sentencing minutes and a report prepared by a parole officer at the prison. The report prepared for parole generally relies heavily on the pre-sentence report prepared by the Department of Probation prior to sentencing. Sometimes, the parole officer prepares this report sufficiently in advance for the client to obtain a copy, although this is not guaranteed.

Parole hearings are administrative hearings at which clients have fewer legal rights than in judicial proceedings. A client being considered for discretionary release cannot have an attorney at the hearing, cannot call witnesses at the hearing (although, as discussed below, the client can obtain letters in support of release), and cannot obtain discovery of the information reviewed by the parole board. As a result, the client probably will not know whether the board is considering victim impact statements or letters from the judge and/or prosecutor.

Despite the client’s limited rights, release advocacy can still be done, primarily through letter writing. In addition, discussing the parole process with a client and advising the client about the parole hearing, might also improve the likelihood of release.

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<sup>1</sup>Merit release eligibility is identical to parole release eligibility, except that it occurs earlier. Unless otherwise noted, the discussion of parole advocacy applies equally to merit consideration.

## A. Release Advocacy Letters

A letter in support of release can be a very effective means of advocating for a client's release. Your letter may be the only document that humanizes your client, and provides the Board with information beyond the conviction. A letter also shows the Board that your client has support within the community. Finally, if your client is denied parole, and decides to appeal the determination, your client will have a better record for review if it includes documentation of support.

To the extent that the such information is known, a letter of support of release should include:

- Client's participation in programs. If your client has received certificates and/or positive evaluations, you may want to attach them.
- Positive aspects of your client's disciplinary record. Note if there are no tier three tickets (received for serious disciplinary infractions, often resulting in time in the segregated housing unit (SHU)). If your client is on an honor dorm, or has a job that provides outside clearance, remind the Board that your client earned these with his or her good behavior.
- Other family and/or community support. Let the Board know of the family members that are eager for your client's return home. If your client has other community connections, such as a former employer or a religious advisor, include information about them in your letter as well. If possible, encourage these individuals to provide letters in support as well.
- Plans for release. If your client has housing and/or employment lined up, include this in your letter and, if possible, obtain letters from the individuals who will be providing housing/employment. Likewise, if your client has other services that she or he has identified in the community and intends to receive, you can include this as well. Do not make promises that your client will participate in services that he or she is not interested in, but if you have a client who is very eager to participate in residential drug treatment, for example, letting the Board know that your client has thoughtfully responded to his addiction and has identified programs where she or he can receive treatment may reflect upon your client positively.
- If the sentencing transcript is misleading and/or there were significantly errors in the presentence report, you may want to clarify these mistakes for the Board. However, be careful about focusing on the criminal case too much. The Parole Board wants to see remorse and will not be receptive to challenges



to the conviction, regardless of how meritorious they may be.

- If your client has shown remorse, or there is other mitigation related to the conviction, you may want to mention it. For example, a guilty plea is indicative of accepting responsibility and showing remorse for the offense. It is particularly important to discuss this with your client, however, to ensure that the client's responses at the parole hearing are consistent with your advocacy. (For example, if the client insists upon his innocence, noting that he took responsibility for pleading guilty could backfire.) See the discussion on page 15 regarding parole hearings .
- If the appeal is still pending, and the client is asserting his innocence, then you may want to include in the letter that you have advised your client not to discuss the appeal.

Before writing a letter, you should speak with your client to obtain the relevant information. A checklist of the different areas you may want to discuss is provided on pages 9-10. After that are two sample letters.

If possible, you should send a draft of the letter to your client for review before mailing it to the parole board. You do not want your letter to be inconsistent with your client's responses at the parole hearing. Once the letter is complete, in addition to sending one to the Parole Board, you should also send two copies to your client, and advise the client to keep one copy for him or herself and bring the other copy to the parole hearing in case the original letter is not in the file.

Letters should be addressed to the Commissioners of the Board of Parole at the facility where your client is located. Ideally, your letter will be mailed at least two weeks before the hearing date, although it can be sent as late as two days before the hearing if it is sent through an overnight service or faxed to the parole unit at the facility. You can call the parole unit at the facility where your client is housed to learn the date of that month's hearings.

Family, community members and service providers can also send letters in support of release to this same location. Some service providers will provide letters of assurance, to document that they will provide services. Generally, this letter will be sent directly to the client. The client should give you a copy of the letter of assurance to include with your letters and/or provide a copy of the letter to the parole officer at the facility for inclusion in your client's file.

## PAROLE LETTER CHECKLIST

Client name:

Month/year of parole hearing:

Conviction

Institution:

Sentence

### I. Institutional History

- A. Drug treatment programs (ASAT, AA, NA, etc.) [get certificates, if any]
- B. Schooling (ABE, GED, ESL). [get certificates, if any]
- C. Vocational Training [get certificates, if any]
- D. Jobs in prison [any supervisor recommendations?]
- E. Medical or mental health issues
- F. Merit dorm or other acknowledgments of good behavior (including outside clearance)
- G. Any disciplinary infractions? If so, for what? What was the result (box time, dismissed, etc.) [Try to get paperwork from ticket and appeal, if any]
- H. Other:

### II. Pre-Incarceration History

- A. Family
- B. Education
- C. Work Experience
- D. Criminal history
  - 1. Anything notable/mitigating about this offense?
- E. Substance abuse
- F. Notable mental health or medical history
- G. Ties to community (church, civic group, etc.)

H. Other:

**III. Plans upon Release**

A. Housing

B. Employment/education

C. Family or other community support

D. Drug counseling/treatment

E. Mental health services

F. Other:

**IV. Additional Documentation**

A. Certificates, diplomas, etc.

B. Letters of commitment from social service agencies providing services

C. Letters from potential employers

D. Family support letters

E. Other

**V. Other People to Contact**

A. Counselor at prison

B. Family members

C. Community members

D. Service providers

E. Employers/teachers

## SAMPLE RELEASE ADVOCACY LETTER 1

Dear Commissioners:

I am writing to urge you to release Leroy M. on parole. Over the past two years, I have gotten to know Mr. M. quite well, and I have worked closely with him as his attorney. As his exemplary prison record suggests, Mr. M. is a non-violent, hard working man who has worked to ensure that, upon release, he will maintain a law-abiding life. The enclosed letters from his mother and brother also attest to the strong family support awaiting Mr. M. upon his release, see Exhibit A, and my office will provide further support services to help ease his transition back into the community.

Mr. M.'s eligibility for this merit board appearance is indicative of his exceptional behavior while incarcerated. Mr. M. has never received a disciplinary infraction during his incarceration, and has worked hard to better himself by taking advantage of the programs available to him at Midstate. For the past two years, Mr. M. has been housed in honor dorms: first in the "31-3 dorm," where he was housed for six months without any problems, and now in "9-3 dorm," the highest honor dorm, where he has remained for the past one and one-half years. His placement in the honor dorms, and his ability to remain in them for so long without any problems, is indicative of his ability to thrive when given additional privileges and illustrates his commitment to maintaining a law-abiding life when he is released.

Mr. M. has made good use of his time while incarcerated with vocational and educational training.<sup>2</sup> Mr. M. earned a certificate in building maintenance but has continued with the training program so that he can learn even more maintenance skills. He is also in the pre-GED class, at level five. Mr. M. has told me that he finds the pre-GED class to be a challenge, nearly passing the exam for that level, and is committed to continuing until he receives his GED.

In addition to his accomplishments while incarcerated, Mr. M. is well-prepared to be a law-abiding member of society. In addition to the building maintenance training Mr. M. has received at Midstate, he had previously worked as a mechanic and received certifications in various skills of that field, including extensive training in brakes, gasoline engine and auto motive service mechanics. Mr. M. previously worked at Bridgestone/Firestone at Boston Post Road in the Bronx and hopes to resume work there – or at a similar place – upon his release.

Mr. M.'s family is also a source of strength for him and his relatives are eager for his release. His mother, Thelma M., has maintained close contact with Mr. M. throughout his

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<sup>2</sup>He also sought to participate in the drug treatment program, but has remained on the wait-list for ASAT. Mr. M. remains committed to receiving drug treatment, however, and, as discussed below, my office will assist Mr. M. in securing placement in an appropriate treatment program.

incarceration, and has even communicated with me to further support Mr. M. by maintain abreast of his legal proceedings. See Exhibit A (Letter from Thelma M.). An elderly woman, Mrs. M. is eager to be reunited with her son and for him to return to his family. His brother, Overton, is equally supportive of Mr. M., and intends to assist him in locating employment and to provide spiritual guidance. See Exhibit A (Letter from Overton M.).

Because the appeal of his conviction is still pending, I have advised Mr. M to not discuss his criminal case. However, it is worth noting that his drug conviction involved no violent allegations and that Mr. M has never been accused of any violent behavior.

In sum, Mr. M. is an excellent candidate for parole release. He has an exemplary prison record, the support needed to succeed in society and the personal commitment to maintaining a law abiding life. If you have any questions, or require any additional information, please do not hesitate to contact me.

Thank you for your consideration.

## SAMPLE LETTER TWO

Dear Commissioners:

I am writing in support of Robert H., who is scheduled to appear before the Parole Board in September of 2005. I urge you to release Mr. H. and place him under parole supervision. I have represented Mr. H. since 2005 on the direct appeal of his conviction, through a guilty plea, for the grand larceny offense for which he is now incarcerated. Demonstrating that Mr. H. accepts responsibility for his crime, stealing a portable CD player, Mr. H. withdrew his appeal for that conviction. We are recommending Mr. H.'s release due to his solid employment history and educational background, his demonstrated desire to help others during his period of incarceration, and his clean institutional record. Mr. H. is also very ill – he suffers from Hepatitis C and diabetes – and his treatment needs would be better served on the outside.

Before his period of incarceration, Mr. H. enjoyed a solid work history. He worked as a counselor/job develop for the New York State Department of Labor from 1993-1995 and later as a manager at AT&T from 1996-98. In addition, Mr. H. held employment as an educational counselor, as a staffer in the radiology department at Bellevue Hospital and as an office worker for the American Red Cross. While incarcerated, Mr. H. has programmed as an industrial worker and he has gained experience in the metal shop.

Mr. H. has sought out learning opportunities and has a strong educational background. After earning his GED in 1978, Mr. H. graduated from Hauseman Computer Associates' Program. He has taken classes both at Hunter College, where he earned credits toward a sociology degree, and at Harlem College, where he earned 63 credits in business. In addition, while in prison, Mr. H. passed a rigorous course focusing on HIV transmission, risk reduction strategies, and related cultural issues, thereby becoming a certified HIV/AIDS counselor see Exhibit A. To pass that course, Mr. H. was required to pass a written midterm exam, and to present a portion of an AIDS 101 program as a final project.

While incarcerated, Mr. H. has frequently demonstrated a willingness to share his educational knowledge with others. Mr. H. has taught the General Equivalency Diploma (GED) lab at both Altona and Washington Correctional Facilities. Mr. H. currently serves as a teacher's aide in both the special education program and the Advanced Basic Education (ABE) II program. Additionally, Mr. H. uses his newly acquired HIV/AIDS knowledge to educate and to counsel others – he informally teaches HIV/AIDS information to other inmates and intends to continue to do so upon his release. Given his fine achievements in while incarcerated, it is not surprising that Mr. H. has an exemplary disciplinary record.

Because of his educational and vocational background, Mr. H. is more marketable than the majority of people seeking release from prison. It is highly likely, then, that Mr. H. will be able to use his educational and experiential assets to his advantage as he navigates the working world upon

his release. Despite his background, Mr. H. is, however, realistic about his limited employment options upon release and he has indicated that he is willing to work hard to secure employment. In furtherance of this goal, Mr. H. has developed a referral from the Fortune Society to receive emergency housing and vocational assistance from them. The Fortune Society, a New York City organization for ex-offenders that was founded in 1976, provides housing, educational, vocational, and substance abuse treatment for individuals reentering into the community. In our office's conversations with Fortune staff, they have indicated that they will screen Mr. H. upon his release for participation in their Fortune Academy Castle Program. The Castle Program is a housing program for homeless individuals who have criminal records. Upon admittance to the program, Mr. H. would stay in an "emergency unit" dorm with eight to 10 other individuals, generally up to 45 days in order to stabilize his situation. Mr. H. will be eligible for all of the Fortune Society's comprehensive services.

Mr. H. also has strong family support that will serve him well on parole. Mr. H. has maintained a close relationship with his sister, who is a housewife in Jersey City, NJ. Our office has spoken with Ms. H.-Bynum and she is deeply committed to helping Mr. H. in any way she can. In addition to his sister, Mr. H. has four other siblings who can further aid him with the transition to non-prison life. Mr. H.'s elderly father, who lives in a seniors' home in the Bronx, is anxious that Mr. H. be reunited with the family.

In sum, Mr. H. is an excellent candidate for release. He has an exemplary prison record, the support needed to succeed in society and the personal commitment required to maintaining a law-abiding life. If you have any questions, or require any additional information, please do not hesitate to contact me at xxx-xxx-xxxx. Thank you for your time and consideration.

## **B. The Parole/Merit Hearing**

Beyond writing a letter for your client, you may want to help prepare him or her for the parole hearing. Your client will likely be asked about the conviction, criminal history (if any), institutional record, and plans for release. The more prepared your client is to discuss these issues, the better impression the client will provide at the hearing. This may also encourage your client to think about release plans with more detail than he or she has otherwise considered, which may be helpful once release is granted.

One of the most important areas of advice that you can discuss with your client is the extent to which he or she wants to admit guilt. If the appeal is still pending, and there is a possibility of reversal, this may be a difficult decision. Anything said in a parole hearing can be considered an admission later. However, for most clients, release on parole is far more likely than a reversal of the conviction – and admitting guilt is likely needed for parole to be granted. Ultimately, it is the client’s decision to decide what to say in the hearing. However, you can provide the client with your expert opinion and give a fuller understanding of the likely result of each option. If the direct appeal or a post-conviction challenge is pending, you can inform the parole board (in a letter) that you have advised your client not to discuss the criminal case. This may help your client limit discussing the case without seeming uncooperative.

## **C. After the Hearing**

The client should hear a decision in 1-2 days after the parole hearing.

If parole is granted, the client will be given an “open date” and released on or near that day after parole has approved an address.

If parole is denied, the client can be “hit” for up to two years, and then reconsidered again by the parole board. If merit release is denied, the client will be reconsidered by the Board shortly before his/her first parole eligibility date.

## **D. Appealing the Denial of Parole**

The denial of parole may be challenged, first through an administrative appeal with the Division of Parole, and then through an Article 78 proceeding in the county of incarceration or conviction. Because the process of exhausting administrative remedies is time-consuming, it often may be fruitless to appeal; the client will be reconsidered by the Board before a court could render a decision on the Article 78 proceeding.



Where a client has been repeatedly denied parole, however, an appeal may be the only recourse. In recent years, a number of courts have held that the repeated denial of parole based on the seriousness of the offense was improper. See Matter of Wallman v. Travis, 18 A.D.3d 304, \_\_\_, 794 N.Y.S.2d 381, 386 (1st Dep't 2005) ("A Parole Board's exclusive reliance on the severity of the offense to deny parole not only contravenes the discretionary scheme mandated by statute, but also effectively constitutes an unauthorized resentencing of the defendant."); Matter of King v. N.Y.S. Div. of Parole, 190 A.D.2d 423, 432 (1st Dep't), aff'd, 83 N.Y.2d 788 (1994) ("The role of the Parole Board is not to resentence petitioner according to the personal opinions of its members as to the appropriate penalty for murder, but to determine whether, as of this moment, given all the relevant statutory factors, he should be released"); Matter of Weinstein v. Dennison, 7 Misc.3d 1009(A), 2005 WL 856006 at 7 (Sup. Ct. N.Y. Cty. 2005) (not "appropriate for the Board to focus solely on the 14 year old crime"); Matter of Ek v. Travis, 2005 WL 1334908 at 3 (Sup. Ct. Albany Cty. 2005) (reliance solely on seriousness of offense impermissible and "more reasoned and detailed elaboration by the Board" necessary to satisfy statutory requirements); Matter of Cappiello v. N.Y.S. Bd. of Parole, 6 Misc.3d 1010(A), 2004 WL 3112629 at 5 (Sup. Ct. N.Y. Cty. 2004) ("Although the Parole Board is to consider the severity of the crime . . . its role is to evaluate the likelihood that the inmate presents a current danger to society based on his overall comportment during the period of incarceration, not to resentence the inmate by substituting its own opinion of the severity of the crime for that of the sentencing court."); Matter of Flynn, Ind. No. 19168/98 (Sup. Ct. Westchester Cty. Nov. 17, 1999) (Board's decision irrational where Board considered only the underlying offense); Matter of Chan v. Travis, Index No. 3045-02, published in N.Y.L.J., Feb. 27, 2003 (Sup. Ct. Albany Cty. 2003) ("The Board's exclusive reliance on the seriousness of the petitioner's crimes is not supported by this record, and the Board's failure to adequately explain its denial of parole, particularly in light of petitioner's most remarkable institutional and rehabilitative record, is improper."), app. dismissed as moot, 3 A.D.3d 820 (3d Dep't 2004).

### III. CONDITIONAL RELEASE

Conditional release is not discretionary, however it does require institutional review of the client's institutional record to determine how much "good time" the client will receive. This review will happen a few months before the conditional release date.

A client can lose good time for receiving a disciplinary infraction (ticket) or for refusing an assigned program.

- Encourage clients to participate in programs assigned by guidance to avoid losing good time. If a program is filled up, and the client is placed on the wait list, this will count as participation in the program for good time purposes.
- Clients may want to challenge improper disciplinary tickets. At the time of the disciplinary hearing, the penalty may or may not include loss of good time. This is not decisive. When good time is reviewed by the conditional release committee, DOCS may take off more or less good time than was recommended.

#### **IV. PLANNING FOR RELEASE**

Release from prison is understandably an exciting time that clients generally look forward to. It is also a very stressful time, as the client who has learned to survive in an institution for a number of years will have to find a way to support him or herself, confront the temptations of the street, and possibly accept a different role within one's family than the client had prior to incarceration.

For all type of release, except for maxing out, the client must provide parole with an address, and have that address approved, before the client will actually be released. Although not required for release, clients will need identification as soon as they are out in order to obtain employment, public assistance and social services. The more that a client does while incarcerated to plan for release, the better able she or he will be to reintegrate into the community and not get rearrested.

##### **A. Discussing Parole/Supervised Release with Clients**

Parolees sometimes expect employment assistance and other guidance from parole upon release, and are disappointed when it is not received. You may want to advise your client that PO's generally provide more supervision and monitoring than counseling and referrals.

In addition, clients should be made aware that parole violations can be substantive (such as a new conviction or failed drug test) or technical (such as failure to report). Parole violations often include: not notifying the P.O. about a move, and/or an arrest, and/or positive drug use.

Encourage your client to maintain regular contact with her or his parole officer. By informing the P.O. when he or she has been rearrested or otherwise cannot make an appointment, the client may avoid getting violated (as long as the client doesn't get a new conviction). If the client does not let the P.O. know about these changes, generally, he or she is guaranteed to be violated.

If a client relapses, encourage the client to enter a detox and/or residential program and, once in the program, to contact parole. A parole officer is unlikely to take someone out of a treatment program for revocation proceedings. However, if the client fails a drug test, or does not report because of a relapse, and is not in a program, revocation proceedings are bound to occur.

##### **B. Housing**

The most pressing issue, once release is granted, is for the client to arrange housing. Parole requires an approved address before it will actually release the person. If the client is planning to live with someone else, that person must agree and will be contacted by parole to arrange for a home visit prior to approving the address. In general, a client cannot give as an address: the

location of the offense, the residence of someone who has had an order of protection against the client, or (for many offenses) NYCHA housing. A shelter can be an approved address (although some prisons have tried to avoid this).

If a client hopes to enter a residential program, it may be difficult, if not impossible, for the client to enter the program on the day of release, especially if the client is incarcerated in a facility far away. Unless the program is willing to promise having an empty bed weeks in advance, it will not be able to guarantee residence until after the client is released. The program will also need proof of a negative PPD (TB test), which the client should get from the nurse administrator at the prison before release in order to facilitate care.

If the client cannot enter the program on the day of release, she or he can provide parole with a shelter address and enter the program the following morning. The client should plan to first see her or his assigned parole officer before entering the program, and to inform the PO about the change of residence. Often, a new PO will then be assigned who deals with the program.

### **C. Identification/Documentation**

Some identification can be obtained while the client is still incarcerated. In particular, if a client does not have a social security card or birth certificate, replacements can be obtained while the person is incarcerated.

In addition, a client can clean up his or her rap sheet while incarcerated and check his or her credit history. Clients are entitled to a free copy of the rap sheet while in prison and everyone is entitled to one free credit report per year.

**D. Release Checklist**

Does client have approved residence? YES / NO

If yes, where and with whom? \_\_\_\_\_

If no, is there anyone whom client can stay with?

If yes, who? \_\_\_\_\_

Does the client have his/her birth certificate? YES / NO

Social security card? YES / NO

Other form of identification? \_\_\_\_\_

Does the client have family or friends to go to if he or she is in trouble?  
(Include names, relation, contact information:)

Does client need mental health services? YES / NO

If yes, circle number that best applies

- A. Client wants residential program
- B. Client wants outpatient program but will accept residential program
- C. Client only interested in outpatient

What is client's diagnosis? \_\_\_\_\_

Does client need drug or alcohol treatment program? YES / NO

If yes, circle number that best applies

- A. Client wants residential program
- B. Client wants outpatient program but will accept residential program
- C. Client only interested in outpatient

What are client's drugs (including alcohol) of choice? (List all)

Does client have special medical needs? YES / NO

If yes, what are they?

Is client HIV+? YES / DON'T KNOW OR NO

Does client have children? YES / NO

If so, what are their ages?

Does client need job assistance? YES / NO

If yes, circle any that are applicable:

- A. Client wants vocational program
- B. Client will take a vocational program but wants employment
- C. Client has job-related skills and is not interested in training.

If you know what the client's job interests are, please write them here:

Does client need public assistance? YES / NO

Does client need case management or structure of regular appointments? YES / NO

Does client have other issues that need to be addressed? (Explain below or on back)

## V. POST-RELEASE ASSISTANCE

Once the client is released, he or she will likely encounter the same difficulties she or he had prior to conviction as well as the stigma and discrimination that often comes from having a criminal record. The Civil Action Project of the Bronx Defenders has a manual entitled The Consequences of Criminal Convictions in New York State which details the civil consequences to criminal convictions and how to minimize the applicability of these barriers. The manual can be found on-line in the library section of [www.reentry.net/ny](http://www.reentry.net/ny).

An effective way to minimize some of the barriers that come from having a criminal conviction, particularly in the employment realm, is for the client to obtain a certificate of relief from disabilities or a certificate of good conduct. A Certificate of Relief from Disabilities is available for a client with one felony conviction or no felony conviction, and any number of misdemeanor convictions. A Certificate of Good Conduct is available for clients with two or more felony convictions and any number of misdemeanor convictions. For more information about these certificates, including how to obtain one, the Legal Action has prepared a very useful manual, that can be obtained on-line at [www.lac.org/pubs/gratis/certificates\\_of\\_rehabilitation.pdf](http://www.lac.org/pubs/gratis/certificates_of_rehabilitation.pdf). The Legal Action Center's webpage ([www.lac.org](http://www.lac.org)) provides further information regarding discrimination based on a criminal conviction, particularly in the employment context.

