



## **LOCAL CONDITIONAL RELEASE\***

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**\*For use in jurisdictions with a Local Conditional Release Commission.**

## **WHAT IS CONDITIONAL RELEASE?**

An eligible inmate serving a definite sentence in a local facility can be released before serving the full sentence. This is called a “conditional release.” A conditional releasee is under the legal custody of the Local Conditional Release Commission and is supervised in the community by the local Probation Department, or, if a county does not have a Local Conditional Release Commission, the release is under the legal custody of the Board of Parole and is supervised by the New York State Division of Parole. Where there is a Local Conditional Release Commission, this commission is responsible for determining who may be conditionally released, and when and under what conditions. Where there is no commission, the Board of Parole makes such determination and this form is not applicable.

## **WHO IS ELIGIBLE?**

You are eligible to apply to the Local Conditional Release Commission for a conditional release if you receive a definite sentence of more than 120 days to a local jail and have served a minimum period of 60 days and meet other eligibility criteria.

You must never have been convicted of any crime which is not eligible for merit time; and have never been convicted of any obscenity and/or related offense involving disseminating indecent material to minors; and never have been convicted of any crime of domestic violence.

You must have verifiable community ties in one of the following areas: employment, permanent residence and family.

Inmates committed to definite terms by the Family Court or those serving an intermittent sentence (for example, weekends in jail) are ineligible for consideration in the conditional release program.

You are eligible for release when you have served a minimum of 90 days including pre-sentence (jail) time and good time credit, and have agreed in writing to the conditions set by the Commission.

## **HOW TO APPLY**

You must fill-out a written application to the Local Conditional Release Commission in the County where your sentence was imposed. An application can be obtained from a designated official at your local correctional facility. Read the application very carefully to make sure you understand the conditions and obligations should you be granted the conditional release. If you have questions about the application, contact the designated official at your local correctional facility.

The Local Conditional Release Commission will review the application, and any pertinent reports and recommendations, and will make a determination within 30 days of its receipt of your application. If conditional release is not granted, the Local Conditional Release Commission must inform you in writing of the factors and reasons for denial of conditional release within 15 days of the denial. Inmates denied conditional release are eligible to reapply 60 days after the date of denial.

## **BENEFITS**

During the time you are on conditional release in the community, you will be under the immediate supervision of a probation or parole officer. You will report regularly to that officer. That officer may also visit you at home and at work. Your probation/parole officer is a trained, skilled professional who is experienced in helping you to obtain services that you may need in the community. For example, if you have a drug or alcohol problem, your probation/parole officer can help find treatment for you. Your probation/parole officer can assist you in developing job skills or obtaining a high school equivalency diploma. These are only a few of the many services probation/parole supervision provides.

## **PERIOD OF SUPERVISION**

Any individual who is conditionally released to the legal custody of the Local Conditional Release Commission shall be under supervision for a period of one year from the date of release. Should you be allowed by the Local Conditional Release Commission to reside in another county, you will be under the legal custody of either another Local Conditional Release Commission if established or the New York State Board of Parole where no commission exists upon the consent of such other commission or the Board. Where transfer occurs, you will be under the supervision of the local probation department if a commission exists or the Division of Parole in all other cases.

## **CONDITIONS OF SUPERVISION**

If your application is granted, you must adhere to the conditions of release specified by the Commission.

## **REVOCACTION OF CONDITIONAL RELEASE**

If you as a conditional releasee violate one or more conditions of the conditional release and are returned to a facility, you will not get credit for the time spent under local conditional release supervision. Therefore, if a revocation occurs you will be returned to the facility from which you were released to resume service of the remainder of your sentence of imprisonment.

## **ELIGIBILITY**

(excerpt from Section 273(1) of the Correction Law)

“Any inmate who is eligible for conditional release by a commission pursuant to subdivision two of section 70.40 of the penal law and who has served a minimum period of sixty days in a local correctional facility may apply for conditional release. “

For further details on Local Conditional Release, see Chapter 56, Part 55 of the Law of 2009, effective April 7, 2009 which amends relevant provisions of the Executive Law and Penal Law and adds a new Article 12 of the Correction Law. Additionally, see DPCA website at [www.dpca.state.ny.us](http://www.dpca.state.ny.us).