
	<b>Corrections and Community Supervision</b>	<b>TITLE</b>  <b>Parole Jail Time Certification - Operating Requirements for Community Supervision &amp; Program Services</b>		<b>NO.</b> 9423  <b>DATE</b> 05/08/2018
<b>DIRECTIVE</b>		<b>DISTRIBUTION</b> A B	<b>PAGES</b> PAGE 1 OF 19	<b>DATE LAST REVISED</b>
<b>SUPERSEDES</b> DIR# 9423 Dtd. 06/27/2017  <b>REFERENCES (Include but are not limited to)</b> Executive Law 9NYCRR 8010.3, Penal Law 70.25(1)(b), Penal Law 70.40(3)(c), 9NYCRR 8002.6; OMH Article 10		<b>APPROVING AUTHORITY</b> 		

- I. **PURPOSE:** To standardize procedures for Parole Jail Time (PJT) certification by authorized NYS Department of Corrections and Community Supervision (DOCCS) personnel.
- II. **POLICY:** It is the policy of DOCCS to establish uniform procedures and safeguards for the calculation of parole jail time (PJT). Under the direction of the Deputy Commissioner for Community Supervision and the Deputy Commissioner for Program Services, designated staff shall perform PJT time calculations, and certifications, in response to sustained revocations of release involving either a time assessment or revocation and restoration to community supervision. Staff shall ensure that the certification information is transmitted to the Inmate Records Coordinator (IRC), Community Supervision Quality Control (QC) Unit, and, where appropriate, the Office of Sentencing Review.
- III. **DEFINITIONS**
  - A. Parole Jail Time: Any time spent in custody from the date of delinquency to the time service of the sentence resumes [Penal Law §70.40(3)(c)]. PJT is credited when; the inmate is held on a DOCCS violation warrant only, or when the inmate is held both; on a DOCCS warrant, and is serving a new definite term running concurrently with the present offense.
  - B. Parole Violator (PV): For purposes of this directive, references to parole violator (PV) shall refer to individuals subject to a violation of the conditions of release, or a sustained revocation of release. References to PV shall also include any OMH Article 10 identified respondents who are presently under the jurisdiction of DOCCS, and who continue to serve either; a determinate sentence with post-release supervision, or an indeterminate sentence (i.e., SIST and Parole identified releasee).
- IV. **PROCEDURE FOR CERTIFICATION OF PAROLE JAIL TIME**
  - A. Verifying Credited Time
    1. Parole Violation Unit (PVU) and Program Services staff will credit PJT based on the following circumstances:
      - a. The PV was in custody exclusively on the DOCCS violation warrant due to an arrest or surrender based upon the delinquency;
      - b. The PV was in custody based on an arrest for another charge that resulted in a dismissal or acquittal (after an acquittal or dismissal, PJT should be credited from the date of arrest and/or date of delinquency);

- c. The PV received a new definite term running concurrently with a undischarged portion of the present State sentence, the PV shall receive PJT starting from the date of the arrest, or the date of lodging of the DOCCS violation warrant, whichever occurs first; or
- d. The PV was in custody based on an arrest for a new charge that resulted in a conviction for a definite consecutive sentence of imprisonment. In this case, the PJT is limited to the portion of time spent in custody that exceeds the term of imprisonment imposed for such definite sentence, and the PV is in custody exclusively on the DOCCS violation warrant.

**Note:** PJT cannot be credited for time prior to the sustained date of delinquency. If it becomes necessary to correct the start date in order to satisfy a rule, the correction will be made by the Community Supervision Quality and Control Unit in Central Office.

**Note:** PJT begins on the day the DOCCS warrant is lodged (with the exception of b and c above), or the PV becomes available to the DOCCS warrant and ends the day before the date of return to a State (DOCCS) Correctional Facility, or the day before the date of restoration to community supervision.

**Note:** The above listed circumstances also apply to PV's who are in Federal custody.

**B. Sentencing and Custody Situations which affect PJT**

- 1. Violators taken into custody out of state
  - a. Where the PV is taken into custody based on a DOCCS violation warrant, and absent any new criminal charges, the PV is credited with PJT commencing on the date the PV was taken into custody.
  - b. Where the PV is taken into custody based on an arrest for a new charge that resulted in a dismissal or acquittal, the PV is credited with PJT from the date of arrest for the dismissed charge.
  - c. Where the PV is taken into custody based on a new criminal arrest and results in a conviction, the PV is credited with PJT beginning with the date the PV reverts to being held exclusively on the DOCCS violation warrant.
- 2. Interstate - dual supervision cases
  - a. Where the PV is taken into custody based on a DOCCS violation warrant, and absent any new criminal charges, the PV is credited with PJT commencing on the date the PV was taken into custody.
  - b. Where the PV is taken into custody based on an arrest for another charge that resulted in a dismissal or acquittal, the PV is credited with PJT from the date of arrest.
- 3. Sentences of time served: Where the PV is sentenced to a term of time served, PJT commences on the day after the sentence is imposed, for a consecutive sentence. If time served is ordered to run concurrently, PJT starts at date of arrest, or date warrant is lodged, whichever occurs first.
- 4. A criminal arrest has occurred, and the DOCCS violation warrant is lodged after the PV has been released on bail, or released on own recognizance. PJT is credited as follows:

- a. If the criminal charge results in a dismissal or acquittal, PJT is credited for all time actually spent incarcerated from the date of the criminal arrest or the date of delinquency, whichever is later.
  - b. If the criminal charge results in a consecutive sentence, PJT is credited from the date that the sentence is completed, resulting in the subject reverting to the DOCCS violation warrant only.
  - c. Where the criminal charge resulted in a conviction for a concurrent definite sentence, the PV will receive PJT credit for all incarcerative time.
5. A criminal arrest has occurred after the PV is incarcerated on the DOCCS violation warrant. The PV is initially taken into custody on the DOCCS violation warrant and is subsequently charged with new criminality, PJT is credited as follows:
- a. Where the criminal charge results in a conviction, refer to and apply the rules specified in this directive, with regard to consecutive or concurrent definite sentences.
  - b. Where the criminal charge results in a dismissal or an acquittal, PJT is credited from the day the DOCCS violation warrant was lodged.
6. When a new sentence does not equal time spent incarcerated: If after an arrest, the PV is incarcerated, in lieu of bail, and subsequently receives a new definite consecutive sentence which is less time than the time spent awaiting sentence, the PV is credited with PJT for the amount of time spent in custody that exceeds the length of the new definite sentence.
7. Resumption of the NYS Sentence: Where a sentence is interrupted by a declaration of delinquency, the sentence resumes for the purpose of crediting PJT on the date that the PV is returned to a State (DOCCS) Correctional Facility, or restored to supervision from a local jail.

## **V. STAFF RESPONSIBILITY - PVU, PROGRAM SERVICES, AND QUALITY CONTROL**

### **A. Revoke and Restore from Local Custody and Revoke and Restore Time Served from Local Custody**

1. Central Office Community Supervision Quality Control (QC) staff is responsible for issuing a "PJT Certificate," Form #4017, (Attachment D) for all PVs who are revoked and restored from local custody, and who are revoked and restored with time served from local custody.
2. QC staff will monitor revoked cases in local custody and certify PJT in accordance with the procedures outlined in this directive.
3. A copy of the "PJT Certificate," Form #4017, (Attachment D) will be placed in the Community Supervision central file and a copy will be directed to the Office of Sentencing Review by QC staff.
4. Upon completion of the time computation by the Office of Sentencing Review, QC staff is responsible for updating the case-specific maximum expiration date and the post-release supervision maximum expiration date in the Case Management System (CMS) and PARMIS.

### **B. Revoke and Return on a Time Assessment to a NYS DOCCS Correctional Facility or Drug Treatment Program**

1. Preliminary PJT Certification and PJT Certificate Issuance

- a. The Parole Revocation Specialist (PRS) is responsible for issuing Preliminary PJT Certificates, [Form #4017P](#), (Attachment C) for individuals incarcerated at County Correctional Facilities other than the Rikers Island Correctional Facility, and the Declared Delinquent Other Institution (DDOI) Senior Parole Officer (SPO) is responsible for issuing "PJT Certificate," Form #4017, (Attachment D) for individuals incarcerated at the Rikers Island Correctional Facility. The PRS or SPO is responsible for completing the following:
  - (1) Verifying time served on DOCCS violation warrant;
  - (2) Examination of the "Parole Revocation Decision Notice," Form #3008-FC, violation of release reports, case file, and arrest and conviction documents;
  - (3) Verifying and obtaining any sentence and commitment orders or certificate of dispositions for any local definite sentence(s), where applicable; and
  - (4) Documenting any and all action taken in regards to PJT credit and certificate issuance in CMS using the appropriate PVU activity/codes applicable to the certification of PJT.
- b. In the event that a PV has been convicted of a new offense and a local definite sentence has been imposed, the PRS and DDOI staff must procure copies of the sentence and commitment order from either the Court or local (County) Correctional Facility and complete the following:
  - (1) Complete the Sentence and Commitment Order "Local Definite Sentence Memorandum," (Attachment A), and attach a copy of the sentence and commitment order(s);
  - (2) Contact the court responsible for imposing the local definite sentence in the event there is any ambiguity about whether the local sentence is to run concurrent, or consecutive to the State sentence (i.e., the commitment paper is illegible, has "cross-outs," "scratch-outs," or other confusing markings);
  - (3) Document in CMS and in the case folder any actions taken to resolve the ambiguity, including the name and title of the individual spoken to, date and time of conversation, substance of the conversation and basis for conclusions reached; and
  - (4) Submit the memorandum, (Attachment A), the sentence and commitment order, and any additional documentation related to the issuance of the "PJT Certificate," Form #4017, (Attachment D) to the Community Supervision Central File Unit and to the IRC at the current DOCCS facility (only if the individual has already been returned to State custody). A copy of the memorandum and the local definite sentence commitment order shall be placed in the case folder.

**Note:** The documents placed in the case folder are utilized by the receiving NYS DOCCS Correctional Facility in connection with the final PJT certification process. The Supervising Offender Rehabilitation Coordinator (SORC) is responsible for providing a copy of the memorandum and commitment order to the IRC.

- c. Assigned PVU staff and DDOJ staff are responsible for authenticating the correct amount of PJT in accordance with the guidelines outlined in Section IV of this directive. Staff shall proceed as follows:
  - (1) Utilizing the "Preliminary Parole Jail Time Certificate," [Form #4017P](#), (Attachment C), staff shall complete the fillable fields including a comment regarding the local sentence, if applicable.
  - (2) If the PV is incarcerated at a County Correctional Facility (other than Rikers Island Correctional Facility), the "PJT Certificate," Form #4017, (Attachment D) requires the authorization of the PRS, Deputy Chief of PVU, or Chief of PVU.
  - (3) If the PV is incarcerated at Rikers Island Correctional Facility, the "PJT Certificate," Form #4017, (Attachment D) requires the authorization of the PRS, DDOJ SPO, Deputy Chief of PVU, or Chief of PVU.
  - (4) Copies of the "Preliminary PJT Certificate," [Form #4017P](#), (Attachment C) shall be sent to the Community Supervision Central Files Unit and a copy is to be placed in the case folder.

**Note:** The PVU Chief and Deputy PVU Chiefs are responsible for overseeing the PJT certification process and supervision of staff performing these duties. The Chief and Deputy Chiefs are to provide support, guidance and assistance to staff.

2. Final PJT Certification and Certificate Issuance upon reception to a NYS DOCCS Correctional Facility
  - a. The SORC, under the direction and supervision of the Deputy Superintendent for Programs (DSP), is responsible for ensuring that the "PJT Certificate," Form #4017, (Attachment D) issued by Community Supervision remains accurate by completing the following:
    - (1) Verifying time served on DOCCS violation warrant;
    - (2) Examination of the "Parole Revocation Decision Notice," Form #3008-FC, violation of release reports, case file, and arrest and conviction documents;
    - (3) Verifying and obtaining any sentence and commitment orders, or certificate of dispositions for any local definite sentence(s), where applicable; and
    - (4) Documenting any and all action taken in regards to PJT credit and certificate issuance in CMS using the appropriate PVU activity/codes applicable to the certification of PJT.
  - b. The assigned SORC will be responsible for issuing the correct amount of PJT in accordance with the guidelines outlined in Section IV of this directive and issue the certificate based on the guidelines below:
    - (1) Modify the PJT start date in the VIOLATORS system, if applicable. Upon transmitting the information, a "PJT Certificate," Form #4017, (Attachment D) will print. Refer to Section VI of this directive for specific instructions on how to enter the case-specific information and generate a PJT Certificate.

- (2) The "PJT Certificate," Form #4017, (Attachment D) requires the authorization and signature of the SORC.
- (3) Upon completion of the "PJT Certificate," Form #4017, (Attachment D) , CMS will automatically generate a case entry with an activity code of "PVU-PJ."
- (4) Copies of the "PJT Certificate," Form #4017, (Attachment D) shall be distributed to the Inmate Records Coordinator (IRC), Community Supervision Central Files Unit, and also placed in the Community Supervision case folders.

**Note:** The final PJT certification procedure is to be completed in all parole violator return cases in order to ensure that the amount of parole jail time credited is accurate and has been authenticated in the record. In addition, the final parole jail time certification process is to be followed in response to any modifications or corrections to the parole revocation disposition, or the local sentence and commitment order.

**Note:** The Deputy Superintendents for Programs (DSP) and the Supervising Offender Rehabilitation Coordinators (SORC) are responsible for overseeing the PJT certification process and supervision of staff performing related duties. The DSP and SORC are to provide support, guidance and assistance to staff. The SORC is primarily responsible for authorizing and signing the certification form.

## VI. VIOLATORS PROGRAM – ENTERING PAROLE JAIL TIME CREDIT

### A. VIOLATORS Program – Via F11 Screen (Attachment B)

1. Enter the DOCCS violation warrant number.
2. Entry fields are displayed in red. The only fields that should be changed are as follows:
  - a. Date jail days start
  - b. Date jail days end
  - c. Jail days: This field should be completely deleted if the time to be calculated is between the start and end date to allow the calculation to be completed automatically.
3. If the jail time is split (for example from 1/1/16 - 2/1/16 and from 3/1/16-6/1/16), staff can use the earliest start date but must always use the return or restore date as the end date and then manually calculate the jail days and enter same.
4. The "Comments" field should specify what is being entered and why, especially if the PJT is being amended. It is important for staff to note the existence of a concurrent, or consecutive sentence, and the specifics in this field. For example, "amended PJT to reflect 90 day sentence under Indictment Number 16-053. The sentence is to run concurrent with the State sentence."
5. Verify all fields and comments and then press F1 to transmit. Once this is transmitted, a copy of the PJT will print and a chronological entry will automatically be recorded in CMS.

**Note:** Once the chronological entry is entered it cannot be deleted (except by QC staff), so it is important that staff verify the information before pressing F1.

6. The staff person producing the PJT/amended PJT, must sign the bottom and write their name on the top. If it is amended, the word "AMENDED" must be written across the top. Ideally, a line should be made across the old PJT that is being replaced and maintained in the case folder as a reference document.
7. Copies of the "PJT Certificate," Form #4017, (Attachment D) must be distributed as follows:
  - a. For an inmate in DOCCS custody;
    - (1) copy to IRC to update time comp;
    - (2) copy to Community Supervision Central Files; and
    - (3) copy remains in Community Supervision case folder.
  - b. For a parolee, not in DOCCS custody (other custody);
    - (1) Scan and email a copy of the certificate to the Office Sentencing Review, noting that the PJT was modified, and request an updated time computation;
    - (2) Copy to owning Bureau for placement in the Community Supervision case folder; and
    - (3) Copy to Community Supervision Central Files.

**Note:** Community Supervision staff and Program Services staff are NOT authorized to change a delinquency date in the VIOLATORS program. Only Community Supervision QC staff may change the delinquency date. If a delinquency date is changed, assigned Community Supervision or Program Services staff must re-print the "PJT Certificate," Form #4017, (Attachment D) and provide it to the IRC.

## VII. SUMMARY OF DUTIES AND RESPONSIBILITIES BY TITLE - PVU AND PROGRAM SERVICES

### A. Preliminary Parole Jail Time (PJT) Certification and PJT Certificate Issuance (In Local Custody - County Jails and Rikers Island Correctional Facility)

1. Parole Revocation Specialist (PRS) and DDOJ Senior Parole Officer (SPO)
  - a. Verification of time served on DOCCS violation warrant.
  - b. Examination of the "Parole Revocation Decision Notice," Form #3008-FC, violation of release reports, case file, and arrest/conviction documentation.
  - c. Verification of imposition of local definite sentence(s).
    - (1) Concurrent or consecutive application of local definite sentence(s) to State sentence(s).
    - (2) Examination of local definite sentence and commitment order(s).
  - d. Issuance of "Preliminary Parole Jail Time Certificate," [Form #4017P](#), (Attachment C)
    - (1) "Preliminary PJT Certificate," [Form #4017P](#), (Attachment C) requires the authorization and signature of the PRS, Deputy Chief or Chief of PVU if the violator is confined in a County Correctional Facility.
    - (2) "PJT Certificate," Form #4017, (Attachment D) requires the authorization and signature of the PRS, DDOJ SPO, Deputy Chief or Chief of PVU if the violator is confined at the Rikers Island Correctional Facility.



- (3) Distribution of the "Preliminary PJT Certificate," [Form #4017P](#), (Attachment C); refer to Section VI-A-7-b, of this directive.

B. Final Parole Jail Time (PJT) Certification and PJT Certificate Issuance (Returned Violator in DOCCS Custody)

1. Supervising Offender Rehabilitation Coordinator (SORC)
  - a. Completion of final and amended parole jail certification(s).
  - b. Verification of time served on DOCCS violation warrant.
  - c. Examination of the "Parole Revocation Decision Notice," Form #3008-FC, violation of release reports, case file, and arrest/conviction documentation.
  - d. Verification of imposition of local definite sentence(s).
    - (1) Concurrent or consecutive application of local definite sentence(s) to State sentence(s).
    - (2) Examination of local definite sentence and commitment order(s).
    - (3) CMS case entry – "PVU-LS" Local Sentence activity code (manual entry).
  - e. Parole Jail Time Credit (PJT) – number of days to be credited to current violation warrant.
  - f. Issuance of "Parole Jail Time Certificate," Form #4017, (Attachment D)
    - (1) "Certificate," Form #4017, requires the authorization and signature of the SORC or the Deputy Superintendent for Programs (DSP) if the violator is confined in a DOCCS reception facility or other DOCCS facility.
    - (2) CMS case entry – "PVU-PJ" Parole Jail Time activity code (auto generated entry).
    - (3) Distribution of the "PJT Certificate," Form #4017, (Attachment D); refer to Section VI-A-7-a and b of this directive.
    - (4) Inmate is to be provided with a copy of the "PJT Certificate," Form #4017, (Attachment D), and a CMS entry, is to be made in the parole violator's record.

C. Procurement of Local Definite Sentence Commitment Order(s) and Verification of Sentence Jail Time (In local custody, Rikers Island Correctional Facility, or DOCCS custody)

1. Local Custody (County Jail)
  - a. PRS
  - b. Parole Officer (PO), or
  - c. Agency Program Aide (APA)
2. Rikers Island Correctional Facility
  - a. PRS
  - b. DDOI SPO
  - c. DDOI PO, or
  - d. APA
3. DOCCS Custody



- a. SORC
  - b. Offender Rehabilitation Coordinator (ORC), or
  - c. APA
4. CMS case entry – “PVU-LS” Local Sentence activity code (manual entry) to include the following information:
  - a. Offense name
  - b. Conviction type (misdemeanor or felony with definite term)
  - c. Court that imposed sentence(s)
  - d. Sentence date
  - e. Length of sentence (months and days)
  - f. Docket number or court control number
  - g. Maximum expiration date of local definite sentence(s)
  - h. DOCCS warrant number
  - i. Date commitment order received and filed
  - j. Concurrent or consecutive application of definite sentence(s) to State sentence, and
  - k. Date the definite sentence commitment order was sent to Community Supervision Central Files Unit.
5. Distribution of the Local Sentence and Commitment Order and Memorandum (Attachment A) completed by the PRS, DDOI SPO, or SORC:
  - a. DOCCS custody – IRC, CS Central Files Unit, and case folder
  - b. Local custody – CS Central Files Unit and case folder

**VIII. PAROLE JAIL TIME CREDIT AND CERTIFICATION SCENARIOS:** Attachment E of this directive is intended to provide possible scenarios of applicable parole jail time credit and serve as a resource guide for staff.



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

### MEMORANDUM

TO: Community Supervision Central Files

FROM: Parole Revocation Specialist (*Identify PRS by Name and Area/Bureau*)

RE: Sentence and Commitment Order – Local Definite Sentence

DATE: *Month, Day, Year*

The below referenced individual was convicted of the following offense while under the Department's jurisdiction. Attached to this memorandum is a copy of the sentence and commitment order.

Name: DIN: NYSID:

Conviction: Conviction Type (Misdemeanor/Felony):

Court Case/Docket No.: Court:

Sentence Date: Sentence Imposed:

Max. Exp. Date of Definite Sentence: (mm/dd/yyyy) Date Sentence and Commitment Order Received: (mm/dd/yyyy)

Application of the definite sentence to New York State sentence (as ordered by the Court):

- \_\_\_\_\_ Local definite sentence to run **concurrent** with NYS sentence
- \_\_\_\_\_ Local definite sentence to run **consecutive** to NYS sentence
- \_\_\_\_\_ Local definite sentence and commitment order silent as to application to NYS sentence

This memorandum and the sentence and commitment order are to be placed in the individual's Community Supervision Central File. Thank you for your attention and cooperation.

Cc: Community Supervision (Parole) Case File  
\*Inmate Records Coordinator – DOCCS Return Facility

**\*Note:** The SORC at the return facility shall provide a copy of this memorandum and a copy of the sentence and commitment order to the Inmate Records Coordinator.

Attachment: Local Definite Sentence Commitment Order(s)

**F11 VIOLATORS SCREEN**

PRODUCTION HMM240 \*\*\* NYS PARTNER/VES \*\*\* DATE: 05-31-2016  
**RETURN WARRANT ISSUANCE AND JAIL TIME**

Name: SAMPLE, SAM  
NYSID: 00000000P

Warrant: 0000000  
Present Location: DOWNSTATE  
Official Delinquency: 01-01-2016

Date Return Warrant Sent 05 03 16

Day Jail Days Start: 02 09 16

Day Jail Days End: 05 02 16 (Only enter if different than Date Return Sent)

Location Return Warrant Sent To: 090

Jail Days: 00083 (Jail Days will not be recomputed unless this field blank)  
Branch to Inquiry when JTC Posted: N

Comments: 60 DAYS FOR FALSE PERSONATION  
ARRESTED 1/1/16 + 40 DAYS = 2/9/16 JDS

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PRESS <F1> TO TRANSMIT -OR- PRESS <ENTER> TO ABORT

Fields that can be modified

Form #4017P (11/17)

**NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION**  
**PRELIMINARY PAROLE JAIL TIME CERTIFICATE**

NAME: Click here to enter text.

WARRANT #: Click here to enter text.

NYSID: Click here to enter text.

PRESENT LOCATION: Click here to enter text.

DIN: Click here to enter text.

OFFICIAL DATE OF DELIQUENCY: M/D/YYYY

JAIL DAYS START: Click here to enter a date.

JAIL DAYS END: **Day before Return to NYS DOCCS Custody or Day Restored to Supervision**

Local Sentence: **Yes** ☐ **No** ☐

If Yes, is the case closed? **Yes** ☐ **No** ☐

**Comment:** Discuss Local Sentence, concurrent/consecutive, length, charge, etc.

**THIS CERTIFICATE IS TO BE CONSIDERED A PRELIMINARY CERTIFICATION OF PAROLE JAIL TIME CREDIT.  
THE APPLICABLE PAROLE JAIL TIME CREDIT IS SUBJECT TO FINAL REVIEW AND VERIFICATION UPON  
RETURN TO A NYS DOCCS FACILITY OR UPON RESTORATION TO THE COMMUNITY.**

Type Name

_____	_____	_____	_____
<b>Name</b>	<b>Title</b>	<b>Signature</b>	<b>Date</b>

Original to Case File ☐ Copy to Quality Control ☐

## NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

PAROLE JAIL TIME CERTIFICATE

DATE: 10-14-2016

I,

, OF THE DEPARTMENT

OF CORRECTIONS AND COMMUNITY SUPERVISION, HEREBY CERTIFY THAT

A COMMUNITY SUPERVISION VIOLATOR WAS DETAINED IN VARIOUS CORRECTIONAL INSTITUTIONS

06-21-2016 TO 10-11-2016 INCLUSIVE ON A WARRANT CHARGING VIOLATION OF PAROLE

PENDING HIS/HER RETURN TO DOWNSTATE , AS A COMMUNITY SUPERVISION VIOLATOR;

THAT AS A RESULT OF SUCH DETENTION , IS, THEREFORE,

ENTITLED TO BE CREDITED WITH 113 DAYS JAIL TIME, AND THE SAME SHOULD BE

CALCULATED AS A PART OF THE TERM OF HIS/HER ORIGINAL SENTENCE.

I CERTIFY, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS MADE

ABOVE HAVE BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF ARE

TRUE AND CORRECT.

DELINQUENCY DATE: 06-21-2016

FINAL: 07-11-2016

COPY DESTINATION

HOLD: 004 MONTHS

XXX INSTITUTION DOWNSTATE

ASSESSED

INSTITUTION DOWNSTATE

EXPIRATION: 10-11-2016

CENTRAL OFFICE

BOARD: 10-2016

FORM 4017 (5-11)

SIGNED \_\_\_\_\_

**Parole Jail Time (PJT) Credit Scenarios**

(PJT is calculated first in days, then computed into years, months, days format)

**1. A – Parole Violator (Indeterminate) – Revoke and Returned No New Term – No New Local Term**

- General Rules

PJT runs from date lodged until date returned

**PAROLE JAIL TIME**

Start: 12/04/2015 (lodge date)

End: 02/17/2016 (day before return)

Days: 00076 = 00 02 16

PRIOR MAXIMUM EXP DATE	2016 03 07
DELINQUENCY DATE	- 2015 11 25
TIME OWED MAX	= 0000 03 12
DATE RETURNED	+ 2016 02 18
PAROLE JAIL TIME	- 0000 02 16
MAXIMUM EXPIRATION DATE	= 2016 03 14

**1. B – Post Release Supervision Violator – Revoke and Returned No New Term – No New Local Term**

- General Rules

PJT runs from date lodged until day before return

- PJT must be credited toward sentence time owed for PRS cases. Once sentence time owed equals zero, PJT can be credited toward PRS time.

**PAROLE JAIL TIME**

Start: 04/03/2014

End: 05/18/2014

Days: 00046 = 00 01 16

PRIOR MAXIMUM EXP DATE	2013 11 04	PRIOR PRS MAXIMUM EXP DT	2014 06 24
DATE RELEASED	- 2013 06 24	DELINQUENCY DATE	- 2014 04 03
TIME OWED MAX	= 0000 04 10	PRS TIME OWED	= 0000 02 21
PAROLE JAIL TIME	- 0000 01 16	MAXIMUM EXPIRATION DATE	+ 2014 08 13
NET TIME OWED MAX	= 0000 02 24	PRS ME DT	= 2014 11 04
DATE RETURNED	+ 2014 05 19		
MAXIMUM EXPIRATION DATE	= 2014 08 13		

**1. C - Parole Violator (Mixed) – Revoke and Returned No New Term – No New Local Term**General Rules

- PJT runs from date lodged until day before return.
- PJT must be credited toward sentence time owed for PRS cases. Once sentence time owed equals zero, PJT can be credited toward PRS time.

- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

## **2. A - Parole Violator (Indeterminate) – Time Assessment Case Restored From Local Custody No New Local Term**

### General Rules

- PJT runs from lodge date, ends at case closure
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

## **2. B – Post Release Supervision Violator – Time Assessment Case Restored From Local Custody No New Local Term**

### General Rules

- PJT runs from lodge date, ends at case closure.
- PJT must be credited toward sentence time owed for PRS cases. Once sentence time owed equals zero, PJT can be credited toward PRS time.
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

## **2. C - Parole Violator (Mixed) – Time Assessment Case Restored From Local Custody No New Local Manual Time Comp –**

### General Rules

- PJT runs from date lodged until day before return.
- PJT must be credited toward sentence time owed for PRS cases. Once sentence time owed equals zero, PJT can be credited toward PRS time.
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

## **3. A – Parole Violator (Indeterminate) Revoked and Restored No New Local Term**

### General Rules

PJT runs from lodge date, ends at case closure

PAROLE JAIL TIME

Start: 02/26/2015

End: 04/29/2015

Days: 00063 = 00 02 03

PRIOR MAXIMUM EXP DT	2019 03 04
DELINQUENCY DATE	2015 02 19
TIME OWED MAX	= 0004 00 15
DATE RESTORED	+ 2015 04 30
PAROLE JAIL TIME	- 0000 02 03
ME DATE	= 2019 03 12



**3. B – Post Release Supervision Violator Revoke and Restored No New Local Term**General Rules

- PJT runs from date lodged until day before return.
- PJT must be credited toward sentence time owed for PRS cases. Once sentence time owed equals zero, PJT must be credited toward PRS time owed.
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

**PAROLE JAIL TIME**

Start: 11/18/2011

End: 01/05/2012

Days: 00013

PRIOR MAXIMUM EXP DATE	2012 11 13	PRIOR PRS MAXIMUM EXP DT	2014 07 25
DATE RELEASED	- 2011 07 25	DELINQUENCY DATE	- 2011 11 09
TIME OWED MAX	= 0001 03 18	PRS TIME OWED	= 0002 08 16
PAROLE JAIL TIME	- 0000 00 13	DATE RESTORED	+ 2012 01 06
NET TIME OWED MAX	= 0001 03 05	PRS ME DT	= 2014 09 22
MAXIMUM EXPIRATION DATE	= 2014 09 22		

**3. C - Parole Violator (Mixed) – Revoke and Restore from Local Custody No New Local Term**General Rules

- PJT runs from date lodged until day before return.
- PJT must be credited toward sentence time owed for PRS cases. Once sentence time owed equals zero, PJT can be credited toward PRS time.
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

**4. – Parole Violator/Post Release Supervision Violator – Time Assessment; new local definite sentence – Sentence and Commitment states CC to parole time/state term**General Rules

- All available PJT will be credited
- I.E.



- PJT runs from day of new arrest and ends on day before return (If continuous custody)
- Must verify document if received from outside source (parolee, attorney, family member).
- DOCCS should obtain own copy directly from court.
- Use comps F01 (indeterminate sentence); P02 (determinate sentence); Manual Comp – see IRC manual (mixed sentence)
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

#### 5. – Parole Violator/Post Release Supervision Violator – Time Assessment; new local definite sentence – Sentence and Commitment states CS to parole time/state term

##### General Rules

- PJT will be credited toward days spent incarcerated on parole warrant only.
- I.E.

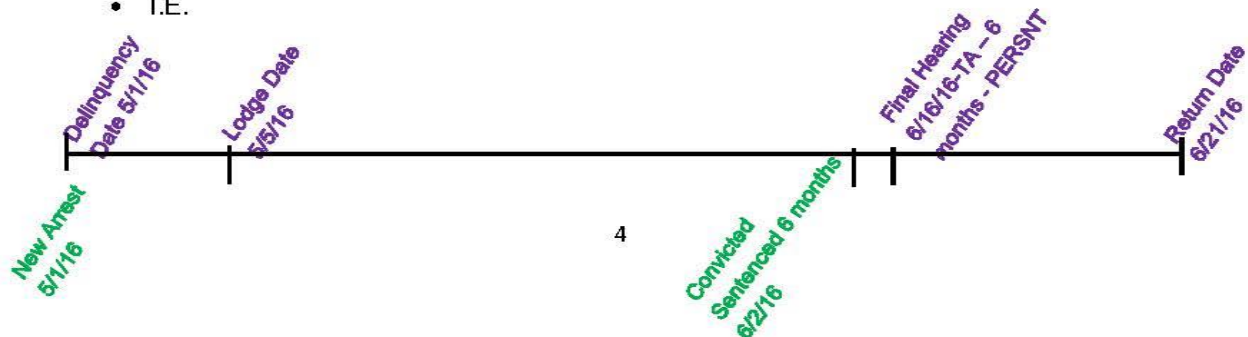


- PJT runs from date after the definite sentence reaches ME (if violator still confined in county CF), until day before return.
- If date of definite sentence ME exceeds return date no PJT will be credited.
- Must verify document if received from outside source (parolee, attorney, family member).
- DOCCS should obtain own copy directly from court.
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

#### 6. – Parole Violator/Post Release Supervision Violator – Time Assessment; new local definite sentence – Sentence and Commitment is silent

##### General Rules

- Silent Sentence and Commitments are treated as though the Judge ordered the sentence CONSECUTIVE to parole time owed.
- PJT will be credited toward days spent incarcerated on parole warrant only.
- I.E.



Received no PJT – commitment was silent; definite sentence expired after date returned

- PJT runs from date after the definite sentence reaches ME (if violator still confined in county CF), until day before return.
- If date of definite sentence ME exceeds return date no PJT will be credited.
- Must verify document if received from outside source (parolee, attorney, family member).
- DOCCS should obtain own copy directly from court.
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

### 7. 8. 9. Parole Violator / Post Release Supervision with local conviction from another state

#### General Rules

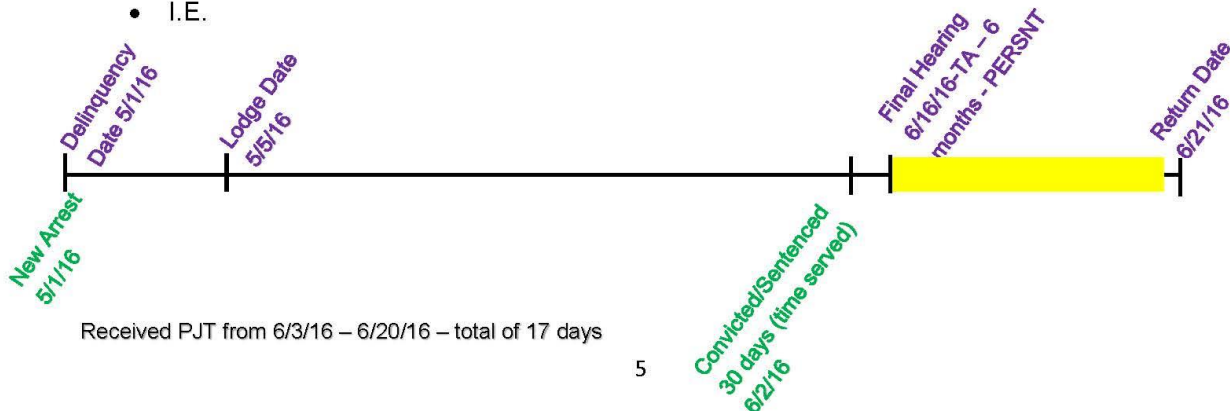
**No out of state conviction can be run concurrently to an undischarged NYS term. Therefore all new local convictions from another state are run consecutively to parole time owed.**

- PJT will be credited toward days spent incarcerated on parole warrant only
- PJT runs from date after the definite sentence reaches ME (if violator still confined in county CF), until day before return.
- If date of definite sentence ME exceeds return date no PJT will be credited.
- Must verify document if received from outside source (parolee, attorney, family member).
- DOCCS should obtain own copy directly from court.
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

### 10. 12. 14. 15. Parole Violator/Post Release Supervision Violator – Time Assessment; new local definite sentence – Sentence and Commitment is silent/consecutive; time assessment exceeds local sentence ME

#### General Rules

- PJT will be credited toward days spent incarcerated on parole warrant only.
- I.E.

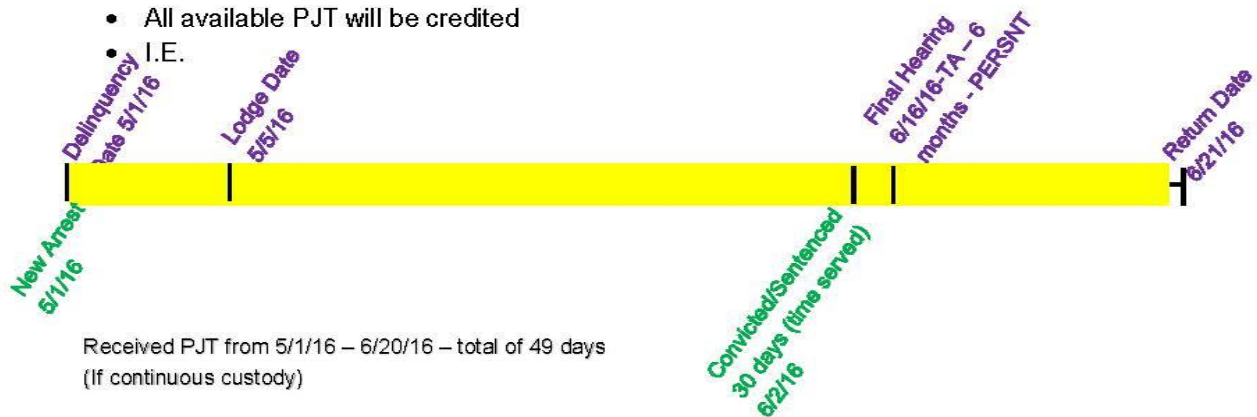


- PJT runs from date after the definite sentence reaches ME (if violator still confined in county CF), until day before return.
- If date of definite sentence ME exceeds return date no PJT will be credited.
- Must verify document if received from outside source (parolee, attorney, family member).
- DOCCS should obtain own copy directly from court.
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

**11. 13. Parole Violator/Post Release Supervision Violator – Time Assessment; new local definite sentence – Sentence and Commitment is concurrent; time assessment exceeds local sentence ME**

General Rules

- All available PJT will be credited
- I.E.



- PJT runs from date of new arrest and ends on day before return (If continuous custody).
- Must verify document if received from outside source (parolee, attorney, family member).
- DOCCS should obtain own copy directly from court.
- Time assessment (hold) runs from lodged date \*\*except category 3 violators, category 3 violators hold runs from final hearing date.

**16. Parole Violator/Post Release Supervision Violator – Time Assessment; new federal sentence**

General Rules

- If Federal Judge runs sentence concurrent-treat as such. Credit all available PJT