
 <p><b>Corrections and Community Supervision</b></p> <p><b>DIRECTIVE</b></p>	<p>TITLE</p> <p><b>Special Conditions – Parolee Driving Privileges</b></p>		<p>NO. 9102</p>
			<p>DATE 01/03/2020</p>
<p>SUPERSEDES</p>	<p>DISTRIBUTION A B</p>	<p>PAGES PAGE 1 OF 2</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p> <p>Leandra's Law; NYS Vehicle and Traffic Law §1193, §1198; NYS Executive Law §259-c(15-a); Correction Law; ACA Expected Practice 4-APPFS-2B-01; Directive #8710</p>		<p>APPROVING AUTHORITY</p> 	

- I. **PURPOSE:** To eliminate unnecessary barriers for parolees and to provide guidance to Department of Corrections and Community Supervision (DOCCS) field staff regarding the imposition of special conditions for driving privileges to include obtaining a learner permit, a driver's license, and operating a motor vehicle.
- II. **POLICY:** It is the policy of DOCCS to establish criteria for driving privileges for parolees under supervision. Parolees are not required to seek approval from a Parole Officer (PO) to obtain a learner permit or driver's license, or to operate a motor vehicle, except where Board of Parole imposed conditions exist prohibiting the operation of a motor vehicle; and/or where a special condition has been imposed by the PO based upon a reasonable and justifiable belief that a present threat to public safety would arise. In addition, DOCCS and the Board of Parole may not authorize the operation of a motor vehicle by any parolee whose license or privilege to operate a motor vehicle has been revoked pursuant to the applicable provisions of the NYS Vehicle and Traffic Law. Where applicable and in response to the statutory requirements of NYS Executive Law §259-c(15-a) and Vehicle Traffic Law §1193 and §1198, POs shall impose a special condition of release prohibiting the operation of any motor vehicles.
- III. **PROCEDURE**
  - A. Field Operations
    1. The PO will refrain from imposing special conditions that prohibit or restrict the driving privileges of parolees except in instances where there exists a reasonable and justifiable belief that a present threat to public safety would arise should the parolee be allowed to operate a motor vehicle.
    2. If the PO believes there exists a present threat to public safety necessitating the imposition of special conditions prohibiting or restricting a parolee's driving privileges, the PO must case conference with the Senior Parole Officer (SPO) for approval before imposing the special conditions.
    3. When a special condition has been imposed limiting or prohibiting a parolee's driving privileges, the PO and SPO must conduct a review of the continued applicability of the special condition a minimum of once every six months in order to ascertain whether the special condition should remain in effect or be removed.
    4. Additionally, once the PO has confirmed that a present threat resulting in the imposition of a special condition prohibiting or restricting driving privileges has ceased, the PO will case conference with the SPO and then remove the condition.

5. Individuals serving an offense for which registration under Correction Law Article 6-c, Sex Offender Registration Act, is required, must report the vehicle identification information to DCJS and have a continuing duty to notify the assigned PO and the Sex Offender Registry of any changes in the vehicle information (make, model, license plate number).
6. All case conferences and determinations are to be documented in CMS.
7. When imposing a special condition prohibiting or restricting the driving privileges of a parolee due to a present threat to public safety, assigned staff will impose one or more than one of the following special conditions as the condition or conditions directly relate to the case-specific circumstances:
  - a. I will not rent, own, or operate any motor vehicle.
  - b. I will not apply for, renew, or possess any learner permit or driver's license without the knowledge and permission of my PO.
  - c. I will only operate a motor vehicle to and from employment, mandated counseling, treatment programs, and reporting to my Parole Officer.

#### **IV. "LEANDRA'S LAW" (CHAPTER 496 OF THE LAWS OF 2009)**

- A. Parolees and releasees subject to the requirements of "Leandra's Law" shall not be permitted to operate or own any motor vehicles.
- B. In response to the requirements of "Leandra's Law," a special condition (Form CS3020I, to be ordered from the Elmira Print Shop) prohibiting the ownership and operation of motor vehicle(s) shall be imposed by the PO and SPO upon release to supervision.
- C. Parolees and releasees subject to the requirements of "Leandra's Law" shall be prohibited from driving throughout the period of parole or post-release supervision.

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

**SPECIAL CONDITIONS OF RELEASE TO PAROLE SUPERVISION**

Name: \_\_\_\_\_ NYSID: \_\_\_\_\_

Date of Release: \_\_\_\_\_ Supervision Maximum: \_\_\_\_\_

I, \_\_\_\_\_, acknowledge that under the provisions of my Conditions of Release that the following Special Conditions have been imposed upon me and that these Special Conditions will remain in effect until the termination of my legal period of supervision, \_\_\_\_\_, unless otherwise amended in writing by the Department of Corrections and Community Supervision.

You shall install and maintain, in accordance with the provisions A&B of section 1198 of the N.Y. Vehicle and Traffic Law, an ignition interlock device in any motor vehicle owned or operated by you during the period of your community supervision. This condition does not authorize you to operate a motor vehicle in the event your license or privilege to operate a motor vehicle has been revoked or suspended pursuant to the provisions of the vehicle and traffic law or the laws of any other state. You may obtain a license to operate a motor vehicle only with the prior written permission of your Parole Officer. If you possess a license to operate a motor vehicle, you may operate a motor vehicle only with the prior written permission of your Parole Officer and in accordance with this condition of release.

I hereby certify that I have read and understand the above Special Conditions of my release and that I have received a copy of these Special Conditions.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Parolee: \_\_\_\_\_ Witness: \_\_\_\_\_

☐ Copy to Parolee

☐ Copy to Area Office/Bureau

☐ Copy to CS Central Files