

TERMS AND CONDITIONS INTERIM PROBATION – DWI/DWAI OFFENSES

Schuyler County Probation Department – Christopher T. Rosno, Director of Probation

Name: _____ Date of Birth: _____
Address: _____
Mailing Address: _____

Having been charged with: _____
Is ordered to _____-Year(s) of interim Probation Supervision to include the following terms and conditions:

GENERAL CONDITIONS

1. Report to a Probation Officer as directed by the Court or the Probation Officer and permit the Probation Officer to visit you at your place of abode or elsewhere.
2. Remain within the jurisdiction of the Court unless granted permission to leave by the Court or Probation.
3. Honestly answer all reasonable inquiries by the Probation Officer and notify the Probation Officer prior to any change in address or employment.
4. Work faithfully at suitable employment or pursue a course of study that will equip you for employment.
5. Observe and obey all Court Orders, the laws of the State of New York, the laws of the United States of America, and the laws and ordinances of any municipal division thereof.
6. You must report **ANY INVOLVEMENT** with **ANY LAW ENFORCEMENT AGENCY or OFFICER** to your Supervising Probation Officer within 24 hours.
7. Submit to searches of your person, vehicle, and/or property, at any time, with or without notice, by any authorized Probation Officer and his or her agent(s) for the purpose of monitoring Probation Conditions.
8. Satisfy any other conditions reasonably related to your Probation Supervision or rehabilitation.

SPECIAL CONDITIONS

- 9. Support your dependents and meet other family responsibilities.
- 10. Cannot possess, purchase, or consume any liquid or substance which contains Ethyl Alcohol.
- 11. Cannot enter establishments that sell alcohol over a bar, except for restaurants and bowling alleys for the purpose of dining and bowling.
- 12. Cannot possess, purchase, or consume illicit drugs or mind altering substances without a valid prescription. Prescriptions must be followed as written.
- 13. Submit to periodic tests to determine the use of alcohol, drugs, or mind altering substances upon the request of the Court or Probation Officer; and pay for any tests which demonstrate a positive result.
- 14. Participate in and cooperate with an evaluation, counseling, and/or treatment program including:
 - A. Inpatient and/or Outpatient Medical, Psychological, and Mental Health as recommended.
 - B. Inpatient and/or Outpatient Alcohol and or Substance Abuse as recommended.
 - C. Inpatient and/or Outpatient Anger Management and/or Domestic Violence as recommended.
 - D. Aftercare programs including Halfway or Supportive Housing as recommended.
- 15. Sign any requested release(s) for information for the Probation Department.
- 16. Cannot record any audio, video, or photographic media of any conversation(s) or interaction(s) with Probation Officers or Probation Department Staff.
- 17. Provide the Probation Department with your user ID and password information for all social media, computer logins, and remote storage accounts.
- 18. Cannot purchase, use, sell, possess, or manufacture any of the following items/weapons, without the prior written permission of your Supervising Probation Officer and the Director of Probation:
 - A. Deadly weapon(s) and/or dangerous instrument(s) as defined by NYS PL §10.00(12) and §10.00(13)
 - B. Any items/weapons as identified or specified in NYS PL §265 or the parts thereof.
 - C. Bow(s), crossbow(s), arrow(s) and/or the parts thereof.
 - D. Noxious substances, as defined by NYS PL §270.05, including Oleoresin Capsicum (Pepper Spray).
 - E. Any other items determined to be a weapon or a dangerous instrument by the Probation Department.

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19. Submit to Electronic Monitoring if directed by court order or as a graduated sanction by your Probation Officer in lieu of a violation. Pay associated fees of said device unless granted a waiver.
20. Cannot associate with persons as specified by the Court or the Probation Department, to include the below named individuals, and any other individuals as named by Probation:
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21. Cannot enter residences, establishments, or be at locations as specified by the Court or the Probation Department, to include the below listed locations, and any other locations as named by Probation:
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22. RESTITUTION: See attached Court Order for restitution with appropriate surcharge.
23. Perform _____ hours of community service under the direction of the Community Service Coordinator to be completed within 12 months.
24. Provide a DNA sample for testing as mandated by Executive Law 995-C for designated offenders.
25. Provide a DNA sample for testing for the Subject Index as authorized by Executive Law 49-B.
26. If I leave New York State without permission, I freely and voluntarily agree to waive any right to extradition. I will not resist extradition for my return to NY and I agree to pay any associated costs.
27. Attend an Impaired Driving Program, provide proof of attendance/completion to your Probation Officer.
28. Driver's License to be applied for and used only after approval from the Court and Supervising Probation Officer; cannot operate any motorized vehicle on a public highway without a valid license.
29. Attend one session of a victim impact panel and provide proof of attendance/completion to Probation.
30. If deemed eligible for participation in a Drug Treatment Court Program, and if directed to attend by your Supervising Probation Officer, you must participate in and successfully complete said program.
31. You **MUST** Install and maintain an approved Ignition Interlock Device in any vehicle that you own or operate for a minimum period of 12 months and for any additional period thereafter, as determined by the Court and/or the Probation Department.
- A. Upon being sentenced **YOU CANNOT OPERATE ANY MOTOR VEHICLE** on a public highway that does not have an approved Ignition Interlock Device installed.
 - B. You have 10 days from your date of sentence, release from incarceration, or acquisition of a vehicle, to install an approved Ignition Interlock Device in any vehicle that you own or operate.
 - C. You have 3 days from the date your Ignition Interlock Device is installed to notify the Probation Department, and you must notify the Department within 3 days of any changes with your vehicle.
 - D. You shall not cause or allow the Ignition Interlock Device to be circumvented or tampered with.
 - E. The operator of the vehicle shall provide the required breath samples for Start-Up and all Re-Tests.
 - F. You shall not allow anyone who is not operating the vehicle to blow into the Ignition Interlock Device.
 - G. You shall ensure that the camera is directed at the vehicle operator at all times.
 - H. Ensure the Ignition Interlock Device receives required maintenance, inspections, and calibrations.
 - I. You shall obtain prior written permission from the Probation Department to operate an Employer's vehicle without an ignition interlock; only operate said vehicle within the scope of your employment.
 - a. You shall provide written permission to the Probation Department from your Employer acknowledging that your Employer is aware of your driving restrictions and requirements.
 - b. If you own your own business, or a portion of a business, you must install an Ignition Interlock Device on every vehicle that you, or said business own(s), or for which you plan to operate.
32. The defendant has stated on the court record that he/she does not own and will not operate any motor vehicles as of the date of sentence.
33. The defendant does own or will be operating a motor vehicle and it is identified on the vehicle acknowledgement form.

OTHER CONDITIONS

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DOB: _____

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Pursuant to NYS VTL §1198 – Violating Special Condition 31 is a Class A Misdemeanor

Name: _____ Date of Birth: _____

The period of interim probation shall begin on the date of the order and expire on _____ unless terminated by the Court prior to the aforementioned date or extended due to the filing of a Declaration of Delinquency.

Dated this _____ day of _____
_____, _____

(Judge)

(Court)

If the herein identified defendant is Adjudicated as a Youthful Offender, the Court authorizes the Probation Department to release and/or receive information regarding the Youthful Offender as allowed by statute, including Title 9 NYCRR Part 348; this authorization shall apply to applicable Law Enforcement Agencies, Treatment and/or Counseling Providers, Education Facilities, Employers and Community Service Programs.

I have read, received, and understand the above Interim conditions; and I agree to abide by them.

Dated this _____ day of _____
_____, _____

(Defendant's Signature)

Witnessed By: _____
(Print Name) _____ (Signature) _____

YOU HAVE BEEN ORDERED TO INTERIM PROBATION YOU MUST CONTACT THE SCHUYLER COUNTY PROBATION DEPARTMENT AT (607) 535-8165 WITHIN THREE BUSINESS DAYS.