

PAROLE HANDBOOK

ALASKA BOARD OF PAROLE



July 2001

This booklet was designed to provide general explanations of complicated laws and regulations that govern eligibility for parole release and parole revocation procedures. The information in this booklet does not supersede current Alaska Administrative Code regulations and current Alaska Statute. Comments or corrections to this booklet should be sent to:

Alaska Board of Parole
P.O. Box 112000
Juneau, Alaska 99811-2000
(907) 465-3384
Fax: (907) 465-3110

ALASKA BOARD OF PAROLE
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Table of Contents

1. The Alaska Board of Parole
2. Discretionary Parole
3. Mandatory Parole
4. Who Should Apply for Discretionary Parole
5. How to Apply for Discretionary Parole
6. The Parole Hearing
7. Release Procedures
8. Conditions of Supervision
9. Rescinding Parole
10. Supervision Expiration Dates
11. Parole Revocation
12. Final Hearing
13. Revocation Terms
14. Revoke and Re-parole
15. Interstate Parolees
16. Waivers
17. Appeals
18. Early Termination of Supervision
19. **Appendix I**, Definitions
20. **Appendix II**, Standard Conditions of Parole
21. **Appendix III**, Supplemental Conditions (Examples)

THE ALASKA BOARD OF PAROLE

The Alaska Board of Parole is comprised of five members appointed by the Governor. The Governor designates one member as the Chair. The members are appointed to serve five-year terms. Each year one of the five-year terms expires. Members are not state employees. Members are appointed based on their representation of Judicial Districts as well as considerations of ethnic, racial, sexual, and cultural populations of the state. The Board members hold regular meetings to consider parole release and parole revocation. The Board meets periodically to consider special requests and appeals.

The Board hires the Executive Director. The Executive Director supervises the staff and assists the Board administratively. The administrative office of the Board is located Juneau, Alaska. The mailing address is:

Alaska Board of Parole
P.O. Box 112000, Juneau, Alaska 99811-2000
Phone: (907) 465-3384 Fax: (907) 465-3110

DISCRETIONARY PAROLE

The parole eligibility laws have become extremely complicated over the years. Please refer to the Alaska Administrative Code Title 22, Chapter 20, Article 1 for a complete explanation of parole eligibility. A quick overview follows:

In order for a prisoner to be eligible for discretionary parole, the prisoner must be sentenced to a term of 181 days (6 months) or more. In addition, prisoners are not eligible for discretionary parole until they have completed one-quarter of the sentence for a misdemeanor or Class B or Class C felony, and one-third of the sentence for any other classified or unclassified felony. Prisoners are not eligible for discretionary parole during a presumptive sentence or during the mandatory minimum portion of an unclassified sentence. However, a prisoner is eligible for parole during the second of two consecutive presumptive sentences and during the enhanced portion of a presumptive sentence.

If you have a question concerning parole eligibility, each institution has a record's officer with training in that area of the law, or you can discuss eligibility with your assigned parole officer.

MANDATORY PAROLE

A prisoner who is not eligible for discretionary parole or has not been granted discretionary parole will be supervised on mandatory parole if the composite term of imprisonment the prisoner is serving is two (2) years or more.

Anticipatory Revocation: Mandatory parole can be revoked by the Board prior to a prisoner's release to supervision if the prisoner does not comply with court ordered treatment while incarcerated. An institutional parole officer will file the violation report. This is known as anticipatory mandatory parole revocation.

Once released from the institution, mandatory parole can be revoked by the Board if the prisoner violates the law or a condition of parole. A community corrections parole officer will file the violation report. A prisoner cannot refuse to be released to mandatory supervision.

WHO SHOULD APPLY FOR DISCRETIONARY PAROLE

A good candidate for parole will have reached the minimum guidelines range (see 22 AAC 20.142). The applicant will have participated in treatment recommended by the court or the Department of Corrections. The applicant will not have had any recent disciplinary problems and will not have had prior community supervision violations. A release plan which includes a proposed residence and a job is important but secondary if the applicant plans to enter a Community Release Center (CRC) or a residential treatment program.

If an applicant has not completed the guidelines minimum range, the applicant should be prepared to show the Board some good cause for making a decision below the guidelines. For a list of suggested mitigating factors see the Parole Guidelines Handbook for Applicants.

If an applicant has not participated in treatment as recommended or has had disciplinary problems, the applicant may be better off to wait until a later date to apply for parole. The Board is much more likely to judge an applicant based on past or current behavior rather than on what the applicant may promise to do in the future.

HOW TO APPLY FOR DISCRETIONARY PAROLE

Prisoners will be notified of parole eligibility dates within 30 days following the date the institution receives a final Judgment and Commitment. Prisoners eligible to apply for parole may first appear before the Parole Board at the regularly scheduled meeting prior to their eligibility date (at the institution where they are incarcerated), or any date thereafter.

Eight weeks prior to the hearing date, institutional parole officers will contact potential applicants and give them an application for parole, a waiver form, this Parole Handbook and a Guidelines Handbook.

Seven weeks prior to the hearing, all applicants and waivers should be collected and waivers should be placed in the file. In order to be considered for parole, an application must be signed. If, after a week's notice the prisoner has not submitted an application, it can be assumed the prisoner has waived the hearing. The parole officer should note this on a waiver form and place it in the prisoner's file. Waivers cannot be withdrawn until the next quarterly hearing of the Board.

Six weeks prior to the hearing the parole officer will send a calendar of applicants to the Board. The parole officer should send a letter to the Judge, any victims, the Prosecuting Attorney and the Defense Attorney so they will have an opportunity to comment prior to the hearing.

Three weeks prior to the hearing, Parole Progress Reports should be completed by the parole officer. Six copies of the parole packet (report, application, presentence report, judgment and any other attachments) should be mailed in time to arrive at the designated Parole Board's administrative office two weeks prior to the week of the hearing. One copy of this parole packet is also given to the applicant.

THE PAROLE HEARING

Parole hearings will be held in-person or by teleconference. Persons attending the hearing will be the Parole Board members and Board staff, the applicant, and the institutional parole officer. If the conviction was for a crime against a person, the victim may attend the hearing and/or may comment in writing. The applicant may also have an attorney present, at the applicant's expense. Any other persons wishing to attend the hearing may do so only with the advance permission of the Board.

The Board members may question the applicant or anyone else present in the hearing. The applicant will have an opportunity to make a statement. The hearing is the applicant's opportunity to explain or refute anything contained in the parole packet. The Board has several decision options available:

1. **Grant parole.** Oftentimes the Board will grant parole effective in at least 3-5 weeks. This will allow the parole officer time to verify and approve the parole plan. Parole may also be granted to a treatment program or a community residential center.

If parole to another state is being requested, the Board will usually set a parole date at least 90 days in the future unless interstate supervision has been approved in advance.

2. **Continue to a future date.** The Board may decide to continue the case until a future date to enable the applicant time to complete a program. The case could also be continued because the applicant is below the guidelines or because the Board feels that the circumstances of the offense or prior record require more time to serve or the Board feels the applicant needs more time to develop a suitable release plan.

3. **Deny parole.** If parole is denied, the applicant will be required to serve the remainder of the prison term. There are varying reasons for this decision, such as the seriousness of the offense, history of supervision, failure to participate in a program while in the institution, or the institutional disciplinary record of the applicant.

After the parole hearing, the institutional parole officer will notify the applicant of the decision, usually the next day. The applicant will receive a form from the Board denoting the general reasoning for the decision to continue the hearing or to deny parole. The applicant may request reconsideration after receiving this form. The institutional parole officer can provide the appropriate form to use for a reconsideration request. If a request for reconsideration is submitted, the reason for the request and documentation supporting the request should be included.

If the applicant is granted parole by the Board at the hearing, informational copies of the parole conditions will be sent to the institution and the applicant for review within approximately two weeks.

RELEASE PROCEDURES

Once a parole date had been established, the institutional parole officer will send a copy of the parole packet to the community corrections office closest to the proposed place of residence. The field parole officer will investigate the parole plan by verifying the proposed residence and/or employment. Once the plan has been verified, the Parole Board office will be notified and the original Order of Parole will be sent to the institution for parolee signature prior to release.

If the applicant applied for and is granted interstate parole supervision, the same process is followed. The parole packet is sent to the Alaska Interstate office and then is forwarded to the proposed state. The receiving state will investigate the plan and either accept or reject the applicant for supervision. If the applicant is not accepted by that state, the applicant will most likely have to appear before the Board again at the next meeting at that institution.

CONDITIONS OF SUPERVISION

If an applicant appears before the Board at the parole hearing, conditions of parole will frequently be discussed during the hearing. The applicant will be given the opportunity to comment and the Board will determine what conditions to set.

If a prisoner is not eligible for discretionary parole or does not apply for parole, the parole officer will send a packet to the Parole Board office 120 days prior to the prisoner's projected release date. To be included in this packet is a form called Request for Supplemental Mandatory Parole Conditions. The prisoner will be given a copy of this form, and the prisoner should review the recommended conditions. If the prisoner disagrees with the recommended conditions of the parole officer, the prisoner should respond in writing to the Parole Board office through the institutional parole officer. The prisoner should explain why certain conditions should not be imposed. A Parole Board member will review the file, the completed form, the prisoner's comments and will set the supplemental conditions appropriate for the case.

Regardless of status as a mandatory or discretionary parolee, the first 15 standard conditions will be imposed of all parolees. Supplemental conditions are set based upon an inmate's full criminal history (not just the current offense for which the inmate is incarcerated), institutional record and the circumstances of the inmate's offenses. For instance, if a parolee has a history of alcohol or drug use, it can be expected that conditions will be imposed prohibiting the use of these substances and requiring monitoring and/or treatment.

Prior to release on either mandatory or discretionary parole, the parolee will be required to review and sign the conditions of parole. A prisoner who refuses to sign the conditions of discretionary parole will not be released. A prisoner who refuses to sign the conditions of mandatory parole will be released and will have to abide by the conditions even though they have not been signed.

After receiving a copy of the conditions, the prisoner/parolee may appeal by writing to the Board. The appeal statement will be presented to the Board for review and a final decision. The parolee/prisoner will be notified of the final Board decision on the appeal.

After a period of time on supervision, a parolee may petition the Board to remove or change some of the conditions. For instance, if the parolee had completed sex offender treatment, the parolee may petition the Board for permission to live in a community where treatment is not available. If the parolee would like to have a condition changed, the parolee should submit a request through their parole officer with all the documentation supporting the request. The Board will want to know the parole officer's recommendation.

If a parolee is releasing to the Anchorage area, the Board may consider placing the parolee on the Intensive Supervision Surveillance Program (ISSP). This program requires much more parole officer contact. The contact will occur at the place of employment and the parolee's residence. It also requires a curfew. The ISSP is a phased system of supervision and the amount of freedom a parolee has will increase as the parolee moves through the phases. The ISSP is designed to be a year in length. After successful completion, the parolee can be moved to regular parole supervision.

If granted discretionary parole, the Board may require the parolee to participate in a residential substance abuse treatment program. If the prisoner has a history of alcohol or drug use, the prisoner should consider participating in the substance abuse program at the institution and receiving an evaluation prior to the parole hearing. If the Board does not require residential treatment, the parolee may be required to participate in substance abuse treatment on an outpatient basis or to attend AA or NA meetings as directed by the parole officer. Generally, a parolee can expect to have a condition set that requires the parolee to submit a urine sample, breath test or blood test when requested to do so by the parole officer.

The Parole Board will give the parole officer the authority to search the parolee's residence, vehicle or person if the parolee has a history or current charge involving stolen property, alcohol, drugs or weapons.

Travel in Alaska is not usually addressed by the Parole Board. The parole officer will inform the parolee of the area in which travel is permitted without permission. A parolee cannot travel outside of the state without permission of the parole officer and without an approved travel permit. Generally, permission is not granted to leave the country while still on parole supervision.

RESCINDING PAROLE

After the prisoner is given a parole release date, but prior to release to parole supervision, the Board may rescind or suspend discretionary parole for any of the following reasons:

1. Being found guilty of an infraction of the rules of the institution.
2. Being found guilty of new criminal charges.
3. Being found guilty of violating the rules of a community program.
4. Failing to comply with a precondition of parole.
5. Information was concealed or withheld from the Board.
6. There has been a significant change to the parole plan.
7. Inability to develop a viable parole plan.
8. Refusing to sign the order of parole.

If any of these instances has occurred, the Department of Corrections must report the information to the Parole Board. The prisoner will not be released, but will be given a preliminary rescission hearing before a hearing officer (usually a single Board member). The hearing will be held within 15 working days after the prisoner would have been released to parole supervision. However, if the Board will hold a final rescission hearing within 20 working days, a preliminary hearing is not required.

If the offense occurred after December 31, 1985, supervision expires on the maximum release date for both discretionary and mandatory parole.

If the offense occurred prior to January 1, 1986, discretionary parole will expire on the adjusted (projected) release date. Mandatory parole for non-presumptives will expire on the maximum release date less 180 days. Mandatory parole for presumptive sentences will expire on the maximum release date.

PAROLE REVOCATION

VIOLATIONS

An alleged violation of parole which could constitute felony behavior must be reported by the parole officer to the Parole Board within 5 working days.

An alleged violation which could constitute serious misdemeanor behavior must be reported by the parole officer to the Parole Board within 10 working days.

A parolee who fails to report to the parole officer upon release from incarceration or fails to report for two consecutive reporting periods will be reported to the Parole Board as an absconder.

The parole officer may use some discretion in regard to reporting other types of violations to the Parole Board. A parole officer may issue a verbal warning, a written warning or hold a violation in abeyance for a period of time to give the parolee time to correct his/her behavior.

REQUESTING A WARRANT

The parole officer may submit a Parole Violation Report and request that an arrest warrant be issued. A Board member will review the report and must make a determination based on the information provided by the parole officer that probable cause exists that a violation occurred and that arrest is necessary. The Board member may decide that the circumstances do not require an immediate arrest and may issue a subpoena for the next scheduled hearing.

ARREST WITHOUT A WARRANT

A parole officer may arrest a parolee without a warrant if the parolee presents an immediate danger to the public, if there is a likelihood that the parolee will flee, or if the parolee committed a crime in the presence of the parole officer. The parole officer must report the arrest to the Board no later than the working day immediately following the arrest and must provide the Board with a written report within five working days after the arrest, setting out the alleged violations and exigent circumstances that required immediate arrest of the parolee without a warrant.

SUBPOENA OF WITNESS / RECORDS

The parole officer or the parolee may apply to the Board for a subpoena for witnesses or for documents at a preliminary or final revocation hearing. Responsibility for the service of a subpoena, costs of transportation for a witness or for obtaining records, and any other expenses associated with the issuance or service of a subpoena rests with the requesting party and not with the Board.

DISMISSING CHARGES / RESCINDING WARRANTS

The parole officer may dismiss or amend allegations, without the Board's permission, up until the final hearing, providing the parolee has not been arrested. If the parolee has been arrested the parole officer needs permission from the Board to dismiss the allegations. A Board member can withdraw a warrant for good cause shown.

THE PRELIMINARY HEARING

Please refer to the form "Summary of Parolee Rights at Preliminary and Final Revocation Hearings" and the Alaska Administrative Code (22 AAC.20., Article 12) for a more comprehensive look at preliminary hearings. An overview follows:

A parolee has a right to a preliminary hearing within 15 working days after the date of arrest for a violation of parole (unless a final revocation hearing is held within 20 working days after the date of arrest).

The preliminary hearing will be held by a hearing officer designated by the Board (usually a single member of the Board). The hearing will be as informal as possible. However, the hearing officer may terminate testimony or questioning of a witness if it becomes irrelevant, repetitious, or argumentative. The hearing officer will rule on matters considered at the hearing or may take the matter under advisement and rule at a later time. The hearing will be split into two phases. In the first phase, testimony will be taken relating only to the alleged violations. If the hearing officer finds probable cause that the parolee has violated a condition of parole, the hearing will continue to the second phase.

In the second phase, the hearing officer may consider any other testimony or evidence relevant to the decision to release or incarcerate the parolee pending the final hearing. The parolee should be prepared to present a suitable release plan. The hearing officer may incarcerate the parolee pending the final hearing or may release the parolee and impose additional conditions necessary to ensure the parolee's appearance at the final revocation hearing, or to prevent further violations of conditions of parole. There are certain circumstances when domestic violence is involved where the hearing officer does not have the authority to release the parolee from incarceration prior to the final hearing.

The parolee has a right to an attorney at a preliminary or final parole revocation hearing. However, the burden is on the parolee to obtain an attorney. If a parolee is not eligible for the services of the Public Defender Agency or alternate public counsel, the parolee has the sole responsibility for obtaining and paying a private attorney.

THE FINAL HEARING

Unless the basis for the revocation hearing is a criminal charge, the parolee has a right to a final parole revocation hearing within 120 days after the date of arrest. If a criminal charge is pending, the parolee will be given a final revocation hearing at the quarterly meeting following final disposition of the criminal charge. If the parolee is on discretionary parole and the original conviction was for a crime against a person or Arson in the First Degree, or a crime involving domestic violence, the parole officer must notify any victims who have requested notification of release hearings.

The final hearing will be conducted by a quorum of the Board. Like the preliminary hearing, the final hearing will be separated into two phases. During the first phase, the Board will consider the alleged violations and during the second phase, the Board will consider final disposition. The Board can vote to issue a reprimand and warning, to revoke parole and Re-parole at a later date or to deny parole. The Board can also continue their consideration for re-parole to a later date.

REVOCATION TERMS

If mandatory parole is revoked, the prisoner is subject to serve a sentence equal to the number of days the prisoner's sentence was reduced for good behavior (good time). The revocation sentence will also be reduced by good time. The time the prisoner was on parole supervision does not reduce the revocation sentence.

If discretionary parole is revoked, the prisoner is subject to serve the number of days from the date the prisoner was granted parole until the prisoner's adjusted (projected) release date, had parole not been granted.

A parolee is not given credit toward service of the sentence for any time the parolee was on parole supervision. However, a parolee will receive credit for time spent in a community release center or in a residential substance abuse treatment program.

REVOKE AND RE-PAROLE

At a parole revocation hearing (mandatory or discretionary) the Board may decide to revoke parole but also decide to release the individual to continue supervision at a future date. This is termed "re-parole." If the new release date is within 120 days of the revocation hearing, the files should remain with the field parole officer. The field parole officer must notify the Board when the release plan has been approved so the new orders of parole can be sent to the institution. If the parolee is released immediately following the final revocation hearing, the parolee is subject to the parole conditions already set as well as any conditions noted on the

Notice of Board Action. A new Order of Parole will be prepared by the Board and sent to the field parole officer as soon as possible.

If the new release date is more than 120 days in the future, the files should be given to the institution. The institutional parole officer will then be responsible to notify the field parole officer 30 days prior to release and the field parole officer must notify the Board when the release plan has been verified.

INTERSTATE PAROLEES

A parolee accepted by the State of Alaska for supervision from another state must sign and agree to the standard conditions of Alaska parole. The field parole officer should also refer the case to the Alaska Board for consideration of supplemental conditions. This can be done by sending a copy of the parolee's file to the Board for review.

If an interstate parolee violates a condition of parole (the sending state's conditions or Alaska conditions) the parolee is subject to Alaska rules regarding arrest, warrants and preliminary hearing. The Alaska Board can issue a warrant and can hold a preliminary hearing. The parolee may be returned to the sending state for a final hearing or the parolee may be permitted by the sending state to remain on supervision in Alaska. The parole officer will communicate with the sending state to determine the final disposition.

WAIVERS

A prisoner or a parolee may waive the right to appear at any hearing before the Board. If a prisoner waives the right to apply for discretionary parole during a current quarter, the waiver can be withdrawn by the prisoner in order to apply for parole during any future meeting of the Board at his/her institution. If a parolee waives the right to a preliminary revocation hearing, one will not be held. If a parolee waives the right to appear at a final revocation hearing, the Board will hold a final hearing without the parolee being present, and a decision will be made regarding the parolee's revocation. Refusal to attend a hearing is considered to be a waiver of the right to an in-person hearing. In this case the Board will make a decision without the prisoner/parolee being present.

APPEALS

A prisoner or a parolee can appeal any decision of the Board by writing to the Board and setting forth the basis for the appeal. The Board will rule on appeals as soon after receiving them as possible and within 45 days after receipt. The Board will not interview the prisoner/parolee.

1. **Parole Hearings.** A prisoner can request reconsideration of a parole hearing decision by completing the form, "Request for Reconsideration of Parole Board Hearing Decision." (See 22 AAC 20.175 & 180.) The form must be submitted to the Board within 30 days after the date of the form denoting general reasoning for parole denial.

A prisoner can request a special hearing in accordance with 22 AAC 20.185 & .190. The request must be received in the Board office no later than eight weeks before the week of the next regularly scheduled Board hearing.

2. **Revocation Hearings.** A parolee can appeal the Board's decision in a final revocation hearing by submitting a letter to the Board and setting forth the basis for the appeal.
3. **Conditions.** To appeal a condition of parole prior to release on parole, the prisoner must submit a written request to the institutional parole officer with an explanation of why the prisoner believes the condition is not appropriate. The institutional parole officer will then forward the request to the Board office with a recommendation.

To appeal a condition of parole after release and while on supervision, a parolee must submit a written request to the field parole officer with an explanation of why the parolee believes the conditions are not appropriate. The field parole officer will then forward the request to the Board office with a recommendation.

All conditions imposed by the Board remain in effect unless and until they are changed by the Board. An emergency condition of parole imposed by the parole officer is subject to the hearing procedures as set out in AS 33.16.160 (c) & (d).

EARLY TERMINATION OF SUPERVISION

A parolee, supervising parole officer, or the Board may request that a parolee be discharged from parole. A request from a parolee or a parole officer must be submitted in writing by or to the parole officer and then to the Board, and must contain a recommendation from the parole officer.

The Board may unconditionally discharge a parolee after the parolee has successfully completed two years of parole. If the parolee is on mandatory parole and concurrent probation and if the suspended sentence is equal to or greater than the period of mandatory parole, the Board may discharge the parolee at any time.

APPENDIX I --	DEFINITIONS
APPENDIX II --	STANDARD CONDITIONS
APPENDIX III --	SUPPLEMENTAL CONDITIONS

APPENDIX I

DEFINITIONS

ADJUSTED (PROJECTED) RELEASE DATE the maximum release date minus the good time awarded to the prisoner.

BOARD the Alaska Board of Parole.

COMMISSIONER the Commissioner of the Department of Corrections.

CONDITION VIOLATION a violation of one of the conditions set by the Board other than a violation involving a criminal act.

CRIME AGAINST A PERSON a crime as set out in AS 11.41, except custodial interference under AS 11.413.320 and 11.413.330; or a crime against a person in this or another jurisdiction having elements substantially identical to those of a crime as set out in AS 11.41, except custodial interference under AS 11.41.320 and 11.41.330.

DISCRETIONARY PAROLE the release of a prisoner by the Board before the expiration of the term, subject to conditions imposed by the Board and subject to its custody and jurisdiction.

FIELD PAROLE OFFICER a probation officer assigned to the Division of Community Corrections to supervise parolees.

FINAL HEARING a hearing before the Board to determine whether a parolee has violated the conditions of parole and whether parole should be revoked.

INSTITUTIONAL PAROLE OFFICER a probation officer assigned to the Division of Institutions to assist prisoners in parole related matters.

ISSP the Intensive Supervision/Surveillance Program

MANDATORY PAROLE the release of a prisoner who was sentenced to one or more terms of imprisonment of two years or more, for the period of good time credited under AS 33.20, subject to conditions imposed by the Board and subject to its custody and jurisdiction.

MAXIMUM RELEASE DATE the date the term of incarceration will end with credit for prior service but without credit for good time.

ORDER OF PAROLE an order of the Board authorizing the release of a prisoner from state custody to the supervision of a field parole officer. It also sets forth the conditions the prisoner must comply with to remain in the community on parole supervision.

PAROLE GUIDELINES a process used by the Board to determine a range of months a prisoner should serve. The guidelines are based on the prisoners' risk to the community and the seriousness of the current offense.

PAROLE PLAN the prospective residence and job submitted by the prisoner for verification by the field parole officer prior to final Board approval for release to parole.

PAROLE VIOLATION a failure by the parolee to abide by one or more of the conditions of parole.

PAROLEE a prisoner, sentenced to one or more terms of imprisonment exceeding 180 days in the case of discretionary parole and of two years or more in the case of mandatory parole, released by the Board or by operation of law before the expiration of the term subject to the custody and jurisdiction of the Board.

PRELIMINARY HEARING a hearing before a hearing officer, usually a Board member, held to determine if there is probable cause to believe that a parolee had violated a condition of parole and whether he or she should remain in custody pending a final hearing.

PRISONER an offender confined for a violation of state law, but does not include a person confined under AS 47.

PROBATION a court-imposed sentence suspending incarceration and imposing a term of supervision in the community instead, under the direction of a probation officer.

REPAROLE returning a parolee to parole supervision following the revocation of parole. The parolee may be required to serve some additional time prior to being reparaoled.

RESTITUTION a court ordered reimbursement to crime victims by the offender.

STANDARD CONDITION one of the first 15 conditions as set forth on the Order of Parole. These are standard conditions required of all parolees.

SUPPLEMENTAL CONDITION a condition of parole that addresses a specific aspect of an individual's behavior.

UNCONDITIONAL DISCHARGE that a defendant is released from all disability arising under a sentence, which can include probation and parole.

VICTIM

- A. A person against whom an offense has been perpetrated;
- B. One of the following, not the perpetrator if the person specified in (A) of this paragraph is a minor, incompetent or incapacitated:
 - 1. an individual living in a spousal relationship with the person specified in (A) of this paragraph; or
 - 2. a parent, adult child, guardian, or custodian of the person
- C. One of the following, not the perpetrator, if the person specified in (A) of this paragraph is dead:
 - 1. A person living in a spousal relationship with the deceased before the deceased died;
 - 2. An adult child, parent, sister, brother, grandparent or grandchild of the deceased;
 - 3. Any other interested person, as may be designated by a person having authority in law to do so.

WAIVER OF FINAL HEARING a form signed by the parolee admitting the violation of a specific condition of parole. It subjects the parolee to a revocation of parole without an in-person hearing before the Board.

WAIVER OF PAROLE HEARING a form signed by the prisoner when the prisoner does not want to apply for discretionary parole.

WARRANT an order issued by the Board authorizing the arrest of a parolee.

APPENDIX II

STANDARD CONDITIONS OF DISCRETIONARY PAROLE

The following standard conditions of parole apply to all prisoners released on mandatory or discretionary parole.

1. **REPORT UPON RELEASE:** I will report in person no later than the next working day after my release to the Parole Officer (P.O.) located at _____, and receive further reporting instructions. I will reside at: _____.
2. **MAINTAIN EMPLOYMENT/TRAINING/TREATMENT:** I will make a diligent effort to maintain steady employment and support my legal dependents. I will not voluntarily change or terminate employment without receiving permission from my P.O. to do so. If discharged or if employment is terminated (temporarily or permanently) for any reason, I will notify my P.O. the next working day. If I am involved in an education, training or treatment program, I will continue active participation in the program unless I receive permission from my P.O. to quit. If I am released, removed or terminated from the program for any reason, I will notify my P.O. the next working day.
3. **REPORT MONTHLY:** I will report to my P.O. at least monthly in the manner prescribed by my P.O. I will follow any other reporting instructions established by my P.O.
4. **OBEY LAWS/ORDERS:** I will obey all state, federal and local laws, ordinances, orders, and court orders.
5. **PERMISSION BEFORE CHANGING RESIDENCE:** I will obtain permission from my P.O. before changing my residence. Remaining away from my approved residence for 24 hours or more constitutes a change in residence for the purpose of this condition.
6. **TRAVEL PERMIT BEFORE TRAVEL OUTSIDE ALASKA:** I will obtain the prior written permission of my P.O. in the form of an interstate travel agreement before leaving the State of Alaska. Failure to abide by the conditions of the travel agreement is a violation of my order of parole.
7. **NO FIREARMS/WEAPONS:** I will not own, possess, have in my custody, handle, purchase or transport any firearm, ammunition or explosives. I may not carry any deadly weapon on my person except a pocket knife with a 3" or shorter blade. Carrying any other weapon on my person such as a hunting knife, axe, club, etc. is a violation of my order of parole. I will contact the Alaska Board of Parole if I have any questions about the use of firearms, ammunition or weapons.
8. **NO DRUGS:** I will not use, possess, handle, purchase, give or administer any narcotic, hallucinogenic (including marijuana/THC), stimulant, depressant, amphetamine, barbiturate or prescription drug not specifically prescribed by a licensed medical professional.
9. **REPORT POLICE CONTACT:** I will report to my P.O., not later than the next working day, any contact with a law enforcement officer.
10. **DO NOT WORK AS AN INFORMANT:** I will not enter into any agreement or other arrangement with any law enforcement agency which will place me in the position of violating any law or any condition of my parole. I understand the Department of Corrections' and Parole Board's policy prohibit me from working as an informant.
11. **NO CONTACT WITH PRISONERS OR FELONS:** I may not telephone, correspond with or visit any person confined in a prison, penitentiary, correctional institution or camp, jail, halfway house, work release center, community residential center, juvenile correctional center, etc. Contact with a felon during the course of employment or during Corrections-related treatment is not prohibited if approved by my P.O. Any other knowing contact with a felon is prohibited unless approved by my P.O. I will notify my P.O. the next working day if I have contact with a prisoner or felon.
12. **CANNOT LEAVE AREA:** I will receive permission from my P.O. before leaving the area of the state to which my case is assigned. My P.O. will advise me in writing of limits to the area to which I have been assigned.
13. **OBEY ALL ORDERS / SPECIAL CONDITIONS:** I will obey any special instructions, rules or orders given to me by the Board of Parole or by my P.O. and I will follow any special conditions imposed by the Board of Parole or my P.O.
14. **WAIVE EXTRADITION:** I will waive extradition to the State of Alaska from any state or territory of the United States, and I will not contest efforts to return me to Alaska by the Board of Parole or my P.O.
15. **PROVIDE DNA SAMPLE:** I will provide a blood and/or oral sample when requested by a health care professional acting on behalf of the State, If I am being released after a conviction of an offense requiring the State to collect the sample(s) for the DNA identification system under AS 44.41.035.

APPENDIX III

SUPPLEMENTAL CONDITIONS OF DISCRETIONARY PAROLE

NOTE: The Board may also impose supplemental conditions other than the examples presented here, or may make some changes to the examples presented here.

DETAINER

- B1. DETAINER ONLY:** Parole is conditioned upon out-of-state or out-of-country acceptance and placement of the parolee under a detainer to another jurisdiction. This Order of Parole is automatically void if change of jurisdiction does not take place. Detainer to (JURISDICTION) only.

INTERSTATE

- B2. REPORT UPON ARRIVAL:** I will report to the supervising parole officer the next working day after arrival in the state in which I will be supervised.
- B3. FOLLOW INTERSTATE CONDITIONS:** I understand I am obligated to abide by the conditions of parole established by the Alaska Board of Parole, as well as the conditions of the state where I will be supervised. I understand the receiving state parole officer may set up any additional conditions that the parole officer finds necessary. Only the Alaska Board of Parole has the authority to change a condition of the Order of Parole from the Alaska Board of Parole.
- B4. TRAVEL PERMIT REQUIRED BEFORE LEAVING RECEIVING STATE:** I will not leave the state where I am being supervised without the prior permission of my receiving state's parole officer, including an Interstate Travel Permit.
- B5. CANNOT RETURN TO ALASKA WITHOUT PRIOR WRITTEN PERMISSION:** I will not return to Alaska without the prior written permission of the Alaska Board of Parole.
- B6. ALASKA RESIDENCY UNTIL INTERSTATE TRANSFER APPROVED:** Until such time as my interstate parole transfer occurs I must reside either in: (a) a community where a Parole Officer is assigned or (b) in a community where a Parole Officer is not assigned but where I have obtained a community contact person who is approved by my Parole Officer. I understand that my Parole Officer will provide appropriate notification to the community where I will reside. If my interstate transfer is not approved, I understand that I may appeal to the Board of Parole for modification to my residency conditions.

TRAVEL

- B7. RESIDENCE:** I will reside either in: (a) a community where a Parole Officer is assigned or (b) in a community where a Parole Officer is not assigned but where I have obtained a community contact person who is approved by my Parole Officer. I understand that my Parole Officer will provide appropriate notification to the community where I will reside.
- B8. RESIDENCE:** I will reside in a community where I am able to obtain recommended (SUBSTANCE ABUSE / MENTAL HEALTH / SEX OFFENDER / OTHER) treatment or programs which are imposed as a condition of my parole. If I am unable to obtain such treatment or programs but I am on a waiting list for treatment, my Parole Officer may authorize me to reside temporarily in a different location, but only until my treatment or programs become available to me. If I reside in a community where a Parole Officer is not assigned, I will obtain a community contact person approved by my Parole Officer. After I am treatment complete or program complete, I may reside in a community where a Parole Officer is not assigned but where I have obtained a community contact person who is approved by my Parole Officer. I understand that my Parole Officer will provide appropriate notification to the community where I will reside.
- B9. RESIDE IN A COMMUNITY WHERE A PAROLE OFFICER IS ASSIGNED:** I must reside in a community where a Parole Officer is assigned, for the following reasons: _____

NO CONTACT

- B10. NO VICTIM OR VICTIM'S FAMILY CONTACT:** I will not have any communication or contact with the victims or victims' family of the present offense without written permission of my parole officer, the victims, or in the case of a minor the victim's parent or guardian, **and** my therapist. This means no in-person contact, no written correspondence, no taped conversation, no electronic contact (internet or EMail), no telephonic contact, no stalking, no harassment, and no communication of any nature through a third party.
- B11. NO CONTACT WITH:** I will not have any contact or communication with **(NO CONTACT WITH...)**. This means no in-person contact, no written correspondence, no taped conversation, no electronic contact (internet or EMail), no telephonic contact, no stalking, no harassment, and no communication of any nature through a third party.

SEX OFFENDER

- B12. NO CONTACT WITH PERSONS UNDER 18 YEARS OLD:** I will not knowingly have any in-person contact with a person under 18 years old unless I am in the immediate presence of another adult who knows the circumstances of my crime (including the assault cycle of my crime, if appropriate) and this adult has been approved by my parole officer. My parole officer must provide prior written permission in order for contact to occur. This restriction does not prohibit incidental contact in public locations. The restriction does not prohibit conversations in public with a minor employee of a business. Contact includes but is not limited to no in-person contact, no written correspondence, no taped conversations, no electronic contact (internet or EMail), no telephonic contact, no stalking, no harassment and no communication of any nature through a third party, without the prior written permission of my parole officer.
- B13. MAY NOT RESIDE IN HOUSEHOLD WITH PERSON UNDER 18 YEARS OLD:** I will not reside in a dwelling in which a minor under the age of 18 years is residing or staying without the permission of my parole officer and my therapist (and parent/guardian of a minor).
- B14. INFORM HOUSEHOLD MEMBERS OF CRIMINAL HISTORY:** I will advise all members of the household I am staying in of my criminal history. I understand my parole officer may discuss the circumstances of my criminal history with any household member.
- B15. SEX OFFENDER EVALUATION:** I will obtain a sex offender evaluation from an approved provider to determine my need for sex offender monitoring / counseling / treatment. I will actively participate in an approved program as determined by the evaluation and participate in approved sex offender monitoring / counseling / treatment as directed by my parole officer. I will sign and abide by the conditions of a treatment agreement established by the treatment program. I will continue active participation and attendance in sex offender programming to my parole officer's satisfaction. I will obtain the prior permission of my parole officer before voluntarily discontinuing sex offender programming. If I am released, removed or terminated from this program (temporarily or permanently) for any reason, I will notify my parole officer the next working day. I agree to allow my parole officer access to any information obtained by the sex offender programming personnel, including my attendance and performance in the program.
- B16. SEX OFFENDER PROGRAMMING:** I will actively participate in an approved sex offender monitoring / counseling / treatment program as directed by my parole officer. I will sign and abide by the conditions of a treatment agreement established by the treatment program. I will continue active participation and attendance in sex offender programming to my parole officer's satisfaction. I will obtain the prior permission of my parole officer before voluntarily discontinuing sex offender programming. If I am released, removed or terminated from this program (temporarily or permanently) for any reason, I will notify my parole officer the next working day. I agree to allow my parole officer access to any information obtained by the sex offender programming personnel, including my attendance and performance in the program.
- B17. NO SEXUALLY EXPLICIT MATERIAL, AND SEARCH FOR MATERIALS:** I will not at any time possess or have on my person, in my computer, in my residence or in my car any sexually explicit material, including but not limited to: books, movies, videos, magazines, printed matter, computer disks or files. Upon request of a parole officer at any reasonable time, I will submit to a search of my person, my personal property, my residence, my vehicle or any vehicle under which I have control, for the presence of such material.
- B18. CHILD ENDANGERMENT RESTRICTIONS:** As long as I am registered or required to register as a sex offender under AS12.63 or a law or ordinance of another jurisdiction with similar requirement, I will not reside with nor participate in the care or custody of any child under the age of 16 unless I am the legal parent, guardian, or lawful custodian of the child.

MENTAL HEALTH

- B19. MENTAL HEALTH EVALUATION / TREATMENT / PROGRAMMING:** I will have a recent mental health evaluation or will obtain one and follow the recommendations of the mental health professionals. If recommended I will actively participate in approved mental health programming, as directed by my parole officer. I will sign and abide by the conditions of a treatment agreement established by the treatment program. I will cooperate with the program personnel and will sign the consent to release information as a criminal justice referral. I will continue active participation and attendance in mental health programming to my parole officer's satisfaction. I will obtain the prior permission of my parole officer before voluntarily discontinuing mental health programming. If I am released, removed or terminated from this programming (temporarily or permanently) for any reason, I will notify my parole officer the next working day. I agree to permit my parole officer access to any information obtained by the program personnel, including my attendance and performance records in the program. **(INCLUDING: ANGER MANAGEMENT, MALE AWARENESS, ALTERNATIVES TO VIOLENCE, BATTERER'S PROGRAM, GRIEF COUNSELING, OTHER)**
- B20. TAKE PRESCRIBED MEDICATIONS:** I will take any medications related to mental health prescribed by a licensed medical professional and as directed by my parole officer. I will follow the prescribed medical treatment to the satisfaction of the medical professional and my parole officer. I agree to allow my parole officer access to any information obtained by the medical personnel.

SUBSTANCE ABUSE

- B21. SUBSTANCE ABUSE EVALUATION / TREATMENT / AFTERCARE / MONITORING:** I will have a recent substance abuse evaluation or will obtain one and will follow the recommendations of substance abuse treatment professionals. If recommended, I will actively participate in all approved substance abuse programming and aftercare as directed by my parole officer (which may include NA/AA). I will sign and abide by the conditions of a treatment agreement established by the treatment program. I will cooperate with program personnel and will sign the consent to release information as a criminal justice referral. I will continue active participation and attendance in substance abuse programming to my parole officer's satisfaction. I will obtain the prior permission of my parole officer before voluntarily discontinuing substance abuse programming. If I am released, removed or terminated from this programming (temporarily or permanently) for any reason, I will notify my parole officer the next working day. I agree to allow my parole officer access to any information obtained by substance abuse program personnel, including my attendance and performance in the program.
- B22. SUBSTANCE ABUSE MONITORING:** I will enroll in and remain in any substance abuse monitoring program directed by my parole officer. I will cooperate with program personnel and will sign the consent to release confidential information as a criminal justice referral. I will obtain the prior permission of my parole officer before voluntarily discontinuing substance abuse monitoring. If I am released, removed or terminated from the program (temporarily or permanently) for any reason, I will notify my parole officer the next working day. I agree to allow my parole officer access to any information obtained by substance abuse program personnel, including my attendance and performance in the program.

ALCOHOL

B23. NO ALCOHOL CONSUMPTION / POSSESSION; ALCOHOL TESTING / SEARCH:

- I will not consume or have in my possession at any time any alcoholic beverages, including "home brew."
- I will not enter an establishment in which the primary business is the dispensing of alcoholic beverages; this includes liquor stores, bars, pubs, taverns or nightclubs.
- I will notify my parole officer the next working day after I use any prescription or over-the-counter drugs, or other substance containing alcohol.
- I will not at any time allow alcoholic beverages in my residence or in any motor vehicle I own or under which I have control.
- I will submit to testing at any reasonable time upon the request by or at the direction of a parole officer or peace officer to determine whether or not I have used alcoholic beverages. This testing includes, but is not limited to: blood test, breathalyzer, urinalysis. I understand that if any of these tests show that I have consumed alcoholic beverages, my parole may be revoked. Refusing to cooperate when requested to submit to testing will constitute a violation of this condition and may result in revocation of my parole.

- Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, my personal property, my residence, my vehicle, or any vehicle under which I have control, for the presence of alcoholic beverages.

B24. NO ALCOHOL TO EXCESS: I will not consume alcoholic beverages to excess.

DRUG CONDITIONS

B25. TELL P.O. OF PRESCRIPTIONS: I will notify my parole officer on the next working day of any drug prescribed to me by a licensed medical professional. Upon request, I will provide a copy of the prescription to my parole officer.

B26. NO DRUG PARAPHERNALIA, NO DRUG POSSESSION, AND SUBMISSION TO DRUG TESTING / MONITORING/ SEARCHES:

- I will not at any time have on my person, in my residence or in my vehicle or any vehicle under my control any paraphernalia normally associated with the illicit use of drugs. This includes but is not limited to: syringes, injecting needles, cooking spoons, hash pipes, cocaine spoons, weighing scales and substances used for cutting, packaging or diluting drugs.

- I will submit to testing at any reasonable time upon request by or at the direction of a parole officer or peace officer to determine whether or not I have used any narcotic, stimulant, depressant, amphetamine, barbiturate, inhalant, or prescription drug. This testing includes but is not limited to blood test or urinalysis. I understand that if any of these tests show that I have ingested drugs not specifically prescribed by a licensed physician, my parole may be revoked. Refusing to cooperate when requested to submit to testing will constitute a violation of this condition and may result in revocation of my parole.

- Upon request by or at the direction of a parole officer or peace officer at any reasonable time, I will submit to a search of my person, my personal property, my residence, my vehicle or any vehicle under which I have control, for the presence of narcotic, hallucinogenic, stimulant, depressant, amphetamine, barbiturate or other drugs, or drug paraphernalia.

SEARCH CONDITIONS

B27. SEARCH FOR STOLEN PROPERTY: Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, my personal property, my residence, my vehicle or any vehicle under my control for the presence of stolen property.

B28. SEARCH FOR WEAPONS: Upon request by or at the direction of a parole officer at any reasonable time, I will submit to a search of my person, my personal property, my residence, my vehicle or any vehicle under my control, for the presence of deadly weapons as defined in AS 11.81.900(15).

RESTITUTION

B29. RESTITUTION: I will make restitution and/or pay fines in accordance with any state court case(s) on a schedule directed by my parole officer, and provide proof of payment upon request.

BUSINESS / CREDIT RESTRICTIONS

B30. P.O. PERMISSION BEFORE CREDIT/DEBIT CARDS, CHECKS, CHARGE ACCOUNTS, CONTRACTS: I will receive permission from my parole officer before I enter into any contracts; open or utilize any bank account; borrow any money; go into debt; apply for, possess, or at any time use credit cards/debit cards; or apply for or use a charge account for any purchase, lease, or service.

B31. NO CHECKS / DEBIT CARDS: I will not open, maintain or utilize a checking account. I will not at any time have in my possession any checks/debit cards, except payroll or business checks payable to me as the first party. I will not fill out any portion of any check except to endorse my name to a payroll or business check made payable to me.

B32. REPORT PURCHASES OF \$500 OR MORE: I will report the purchase or lease of any item \$500.00 or more to my parole officer at the next reporting time after I make the purchase.

- B33. P.O. PERMISSION FOR BUSINESS:** I will not in any manner establish, attempt to establish or operate a business without the prior written permission of my parole officer.
- B34. INFORM EMPLOYER OF CRIMINAL HISTORY:** I will advise any employer or prospective employer of my criminal history. I understand my parole officer may discuss the circumstances of my criminal history with my present employer or prospective employer.
- B35. NO COMMISSION JOBS:** I will not work or be employed in any job in which remuneration is by commission, nor will I work in any employment involving the direct sale of goods by me, except with permission of my P.O. I may work in a sales job if all transactions take place in a retail store.

VEHICLE CONDITIONS

- B36. ADVISE P.O. OF MOTORIZED VEHICLE(S):** Before I drive a vehicle, I will provide information to my parole officer about any motorized vehicle that I own, lease, am buying or operate. I will advise my parole officer of the make, model, year, color and license number of the vehicle(s).
- B37. CANNOT DRIVE WITHOUT P.O. APPROVAL:** I will not, under any circumstances, operate a motorized vehicle without prior approval of my parole officer. If I am allowed to drive, my parole officer may set reasonable time limits and purposes for the use of the motor vehicle.
- B38. CANNOT DRIVE:** I will not under any circumstances operate a motorized vehicle. I will not apply for a motor vehicle operator's license without the prior permission of the Alaska Board of Parole. If I am presently licensed to operate any kind of motor vehicle, I will immediately surrender the license(s) to my parole officer, who will forward them to the issuing authority and advise the issuing authority why it is being returned.

CONDITIONS THAT MAY BE USED ONLY FOR:

DISCRETIONARY PAROLE & MANDATORY RE-PAROLE

- B39. AKEELA HOUSE:** I will enter the Akeela House Residential Treatment Program. I will successfully complete that program to the satisfaction of my parole officer and the program administrator. I will sign and abide by the conditions of a treatment agreement established by the treatment program. I will cooperate with program personnel and will sign the consent to release information as a criminal justice referral. I will continue active participation and attendance in the Akeela House program to my P.O.'s satisfaction. I will obtain the prior permission of my parole officer before voluntarily discontinuing the Akeela House programming. If I am released, removed or terminated from this program (temporarily or permanently) for any reason, I will notify my parole officer immediately. I agree to allow my parole officer access to any information obtained by the Akeela House program personnel, including my attendance and performance in the program.
- B40. RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM:** I will enter an approved residential substance abuse treatment center and remain in that program for the number of days recommended by the treatment provider. I will successfully complete the program to the satisfaction of my parole officer and the program administrator. I will sign and abide by the conditions of a treatment agreement established by the treatment program. I will cooperate with program personnel and will sign the consent to release information as a criminal justice referral. I will obtain the prior permission of my parole officer before voluntarily discontinuing the residential substance abuse programming. If I am released, removed or terminated from this program (temporarily or permanently) for any reason, I will notify my parole officer the next working day. I agree to allow my parole officer access to any information obtained by the program personnel, including my attendance and performance in the program.
- B41. COMMUNITY RELEASE CENTER:** I will enter an approved community release center (CRC, halfway house). I will successfully complete a minimum of (NUMBER OF MONTHS) months on fulltime work status, to the satisfaction of my parole officer. I will abide by the rules of the center. I will obtain permission from my parole officer before leaving the program. If I am released, removed or terminated from this program (temporarily or permanently) for any reason, I will notify my parole officer the next working day. I agree to allow my parole officer access to any information obtained by the CRC personnel, including my attendance and performance while at the CRC.