

**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS**



POLICIES & PROCEDURES

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CHAPTER: 902	NUMBER: 902.09	P&P TYPE: Public
TITLE: Earned Compliance Credits		
APPROVED BY: <i>Nancy Dahlstrom</i> Nancy A. Dahlstrom, Commissioner		DATE: 07/25/2019
ATTACHMENTS / FORMS: (A) Earned Compliance Credits (ECC) Orientation. (B) Notice of End of Supervision Due to Earned Compliance Credits		AUTHORITY / REFERENCES: 22 AAC 05.155 AS 11.41 AS 12.63.100 AS 18.66.990 AS 33.05.010 AS 44.19.645 AS 33.05.020 AS 33.30.021 AS 44.28.030 AS 33.16.180 AS 33.30.011 DOC P&P 1000.01

POLICY:

It is the policy of the Department of Corrections (DOC) that all eligible offenders, who have complied with conditions of supervision, as defined below, will earn credits reducing their time on probation and/or parole supervision.

APPLICATION:

This policy and procedure will apply to all Department employees and all eligible offenders.

DEFINITIONS:

As used in this policy, the following definitions shall apply:

Dual Supervision:

An offender serving a term of probation concurrently with a term of parole is on dual supervision.

Eligible Offenders:

Those offenders who are not on supervision for: a Suspended Entry of Judgment, an unclassified felony, a sex offense as defined in AS 12.63.100, a felony crime against a person under AS 11.41, or a crime involving domestic violence as defined in AS 18.66.990 that is also an offense under AS 11.41.

SUPERSEDES POLICY DATED:	11/19/18
THIS POLICY NEXT DUE FOR REVIEW ON:	07/25/24

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PROCEDURES:

I. Reinforcing Positive Behavior:

Within the first 30 days of supervision, the Probation / Parole Officer (PO) or other designated DOC staff shall orient new offenders as to the method by which the Earned Compliance Credits (ECC) system operates and emphasize the benefits of compliance. This can be done by using the *ECC Orientation Form* (Attachment A)

II. Earning Earned Compliance Credits:

- A. When an offender has remained in compliance with their term of supervision for a calendar month, they will earn 10 days off their supervision.
- B. An offender will be considered in compliance with conditions of supervision unless one or more of the following disqualifying events occurred in that calendar month:
 1. The offender was incarcerated having been found in violation of probation and/or parole or a guilty finding for a new criminal offense. The following instances are exceptions that will not cause the offender to lose their ECC:
 - a. Cases where the offender was incarcerated due to a violation report being filed where the Court or Parole Board ultimately found in favor of the offender, and/or where the offender was incarcerated for a new crime which was later dismissed; or
 - b. The offender was exonerated.
 2. A Petition to Revoke Probation and/or a Parole Violation Report is filed with the Court or Parole Board alleging a violation of supervision conditions and is later found in violation of their probation and/or parole. If found in violation of probation or parole, an offender may not earn compliance credits between the filing of a violation and the disposition of the violation.
- C. If a violation report is filed and a Court or the Parole Board rules in favor of the offender, any credit that would have been otherwise earned shall then be awarded to the offender.
- D. If an offender is on probation due to a Suspended Imposition of Sentence (SIS) and the SIS is revoked, and the offender is sentenced, then any ECC that the offender earned while on the SIS does not apply towards any new term of probation imposed by the Court in that case.
- E. If an offender has been convicted of a crime involving domestic violence as defined in AS 18.66.990, which is not an offense under AS 11.41, the offender must complete all required treatment programs before discharge based on credits earned.

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III. Dual Supervision:

If an offender is on probation and parole supervision concurrently and violates conditions of probation and parole, credit will not be awarded on either term of supervision. However, if an offender violates a condition of parole that is not also a condition of probation, the offender may still earn credit on the term of probation if not incarcerated. Similarly, if an offender violates a condition of probation that is not also a condition of parole, the offender may still earn credit on the term of parole if not incarcerated.

IV. Termination of Supervision:

Following completion of supervision through Earned Compliance Credits, the probation officer will:

- A. Provide notice that the offender has completed supervision using DOC P&P form 1000.01L, if notice has been requested by a victim for a case the offender is currently on supervision for. The notice shall be documented in the offender management system and sent via certified mail or email.
- B. File the *Notice of End of Supervision Due to Earned Compliance Credits* (Attachment B) with the sentencing Court, District Attorney and Defense Attorney.

V. DOC Offender Management System:

ECCs will be tracked in the Department's offender management system. A PO must enter violations and dispositions into the Department's offender management system to ensure proper calculation of ECCs.

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