


**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS**



POLICIES & PROCEDURES

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CHAPTER: 902	NUMBER: 902.10	P&P TYPE: Public
TITLE: Early Termination of Supervision		
APPROVED BY:  Nancy A. Dahlstrom, Commissioner		DATE: 08/28/2019

- ATTACHMENTS / FORMS:
- A. Early Termination of Probation / Open Court / Informal Probation**
 - B. Early Termination of Parole**
 - C. Recommendation for Early Termination of Probation / Open Court / Informal Probation**
 - D. Recommendation for Early Termination of Parole**

- AUTHORITY / REFERENCES:
- 22 AAC 05.155**
 - AS 33.05.010**
 - AS 33.30.013**
 - AS 33.30.021**
 - AS 33.05.020**
 - AS 33.16.180**
 - AS 33.16.210**
 - AS 33.16.270**
 - AS 11.41**
 - AS 11.46.475-430**
 - AS 11.46.300-310**
 - AS 11.46.475-486**
 - AS 11.56.740**
 - AS 11.56.807**
 - AS 11.56.810**
 - AS 11.61.120**
 - DOC P&P 902.09**
 - DOC P&P 1000.01**

POLICY:

It is the policy of the Department of Corrections (DOC) that early termination of probation and/or parole supervision may be recommended for certain offenders who have met specific requirements established in statute.

APPLICATION:

This policy and procedure will apply to all Departmental employees and all offenders.

DEFINITIONS:

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

Open Court / Informal Supervision:

Probation where there is no direct supervision by a probation officer (PO), instead the offender is monitored by the District Attorney's Office under conditions that are imposed by the Court.

Crime Involving Domestic Violence:

This means one or more of the following offenses, or an offense under a law or ordinance of another jurisdiction having elements similar to those offenses, or any attempt to commit the offense, by a household member against another household member:

- (A) A crime against a person under AS 11.41;
- (B) Burglary under AS 11.46.300-11.46.310;

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- (C) Criminal Trespass under AS 11.46.320 – 11.46.330;
- (D) Arson or Criminally negligent burning under AS 11.46.400 – 11.46.430;
- (E) Criminal mischief under AS 11.46.475 – 11.46.486;
- (F) Terroristic threatening under AS 11.56.807 – 11.56.810;
- (G) Violating a protective order under 11.56.740(a)(1); or
- (H) Harassment under AS 11.61.120(a)(2) – (4)

Sexual Felony:

This means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, distribution of child pornography, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, online enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes.

PROCEDURES:

I. Eligibility for Early Termination of Probation

- A. For offenses committed on or before 07/08/2019, an offender is eligible for early termination of probation if the offender meets the following statutorily mandated requirements:
 1. Has not been convicted of an unclassified offense, a sex felony offense as defined in AS 12.55.185, or a crime involving domestic violence as defined in AS 18.66.990, as the current offense(s) for probation supervision;
 2. For an offense committed on or before 11/26/2017, has served at least one (1) year of the probation term if on probation for a Class C felony;
 3. For an offense committed between 11/27/2017 and 07/08/2019, has served at least 18 months of the probation term if on probation for a Class C felony;
 4. Has served at least two (2) years of the probation term if on probation for Class A or B felonies;
 5. Has completed any court-ordered treatment;
 6. Has not been found in violation of conditions of probation by the court for one (1) year for Class C felonies or two (2) years for Class A or B felonies; and
 7. Is currently in compliance with all conditions of probation.

Note: “In compliance” as used in section I, A means: the probationer has earned compliance credits for six (6) consecutive months and has fulfilled all other conditions of probation (e.g. completion of community work service, payment of restitution in full).

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B. For offenses committed on or after 07/09/2019, an offender is eligible for early termination of probation if the offender meets the following statutorily mandated requirements:

1. Has not been convicted of an unclassified offense, a sex felony offense as defined in AS 12.55.185, or a crime involving domestic violence as defined in AS 18.66.990, as the current offense(s) for probation supervision;
2. Has completed at least 18 months of the probation term if on probation for as Class C felony;
3. Has served at least two (2) years of the probation term if on probation for Class A or Class B felonies;
4. Has completed all treatment programs required as a condition of probation;
5. Has not been found in violation of conditions of probation by the court for eighteen (18) months for a Class C felony, or two (2) years for Class A or B felonies; and
6. Is currently in compliance with all conditions of probation for which they are on probation for.

II. Eligibility for Early Termination of Parole

A. For offenses committed on or before 07/08/2019, an offender is eligible for early termination of parole if the offender meets the following statutorily mandated requirements:

1. Has not been convicted of an unclassified offense, a sex felony offense as defined in AS 12.55.185, or a crime involving domestic violence as defined in AS 18.66.990, as the current offense(s) for parole supervision;
2. Has completed any ordered treatment;
3. Has served one (1) year on parole; and
4. Has not been found in violation of conditions of parole by the board for one (1) year.

B. For offenses committed on or after 07/09/2019, an offender is eligible for early termination of parole if the offender meets the following statutorily mandated requirements:

1. Has not been convicted of an unclassified offense, a sex felony offense as defined in AS 12.55.185, or a crime involving domestic violence as defined in AS 18.66.990, as the current offense(s) for parole supervision;
2. Has completed at least one (1) year on parole supervision;
3. Has completed all treatment programs required as a condition of parole; and

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4. Is currently in compliance with all conditions of parole for all the cases that the offender is on parole for.

III. For offenders who do not meet the eligibility requirements listed in sections I & II above, an officer may submit a recommendation for early termination or open court / informal probation to their supervisor for review using Attachment C (for probationers) or Attachment D (for parolees).

IV. Early Termination of Probation Supervision Recommendation:
Probation Officers shall review their caseload regularly to assess possible candidates eligible for recommendation of early termination.

A. For offenses committed on or before 07/08/2019, when an offender meets with the requirements outset in section I, A above, a probation officer shall file Early Termination of Probation Supervision / Open Court / Informal Probation (Attachment A) with the court.

1. The officer shall comply with Victim Notification Policy 1000.01 and submit any required notifications prior to recommending early termination of supervision.

2. The officer shall complete Early Termination of Probation Supervision / Open Court / Informal Supervision (Attachment A) and submit for review to their supervisor.

a. A supervisor shall approve all requests for early termination that meet statutory requirements.

b. All approved early termination recommendations shall be promptly filed with the supervising court and a copy provided to the District Attorney's Office for comment.

3. A probation officer may not recommend open court / informal probation if the offender meets the statutory requirements under Procedures, section I, A above.

4. If an offender believes he or she is eligible for early termination of supervision under section I, A of this policy, but his or her PO disagrees, the offender may request a supervisor review.

a. The Supervisor will allow both the PO and offender to explain the situation. The supervisor will then make a final determination regarding eligibility for an early termination recommendation.

B. For offenses committed on or after 07/09/2019, if an offender has met all requirements outset in section I, B above, and the PO believes the offender is a suitable candidate for early termination of probation the officer may recommend the offender for early termination of probation or placement on open court / informal supervision.

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1. The officer shall comply with Victim Notification Policy 1000.01 and submit any required notifications prior to recommending early termination of supervision.
2. The officer shall complete Recommendation for Early Termination of Probation Supervision / Open Court / Informal Supervision (Attachment C) and submit for review to their supervisor.
3. A supervisor shall review the recommendation for early termination and decide whether to recommend the offender for early termination. If there is a disagreement between the Probation Officer and supervisor, the final determination shall be made by either a PO IV or the Chief Probation Officer (CPO).
4. If the recommendation is approved by the supervisor, PO IV or CPO, it will be filed with the current supervising court and a copy will be provided to the District Attorney's office for comment.
5. If the recommendation is denied by the supervisor, PO IV or CPO a copy of Attachment C will be provided to the offender.
6. For recommendations filed with the court, if no response is received after a reasonable amount of time, the probation officer shall contact the court to discern the status of the early termination recommendation.

V. Early Termination of Parole Supervision Recommendation:

Parole Officers shall review their caseload regularly to assess possible candidates eligible for recommendation of early termination.

A. For offenses committed on or before 07/08/2019, when an offender meets with the requirements outset in section II, A above, a parole officer shall file Early Termination of Parole (Attachment B) with the Parole Board.

1. The officer shall comply with Victim Notification Policy 1000.01 and submit any required notifications prior to recommending early termination of supervision.
2. The officer shall complete Early Termination of Parole (Attachment B) and submit for review to their supervisor.
 - a. A supervisor shall approve all requests for early termination that meet statutory requirements.
 - b. All approved early termination recommendations shall be promptly filed with the Parole Board.

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3. If an offender believes he or she is eligible for early termination of supervision under section II, A of this policy, but his or her PO disagrees, the offender may request a supervisor review.

a. The supervisor will allow both the PO and offender to explain the situation. The supervisor will then make a final determination regarding eligibility for an early termination recommendation.

B. For offenses committed on or after 07/09/2019, if an offender has met all requirements outset in section II, B above, and the PO believes the offender is a suitable candidate for early termination of parole the officer may recommend the offender for early termination of their supervision.

1. The officer shall comply with Victim Notification Policy 1000.01 and submit any required notifications prior to recommending early termination of supervision.

2. The officer shall complete Recommendation for Early Termination of Parole (Attachment D) and submit for review to their supervisor.

3. A supervisor shall review the recommendation for early termination and decide whether to recommend the offender for early termination. If there is a disagreement between the Parole Officer and supervisor, the final determination shall be made either a PO IV or CPO.

4. If the recommendation is approved by the supervisor, PO IV or CPO it will be filed with the Parole Board.

5. If the recommendation is denied by the supervisor, PO IV or CPO a copy of Attachment D will be provided to the offender.

VI. Documentation:

All requests for early termination of probation, parole or open court / informal probation (regardless of origin) and all determinations by DOC, courts or Parole Board shall be documented in the DOC offender management system.

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