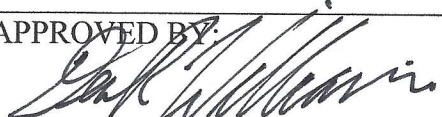


**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS**



POLICIES & PROCEDURES

SECTION: Probation And Parole		PAGE: Page 1 of 4
CHAPTER: 902	NUMBER: 902.09	P&P TYPE: Public
TITLE: Earned Compliance Credits		
APPROVED BY:  Dean R. Williams, Commissioner		DATE: 11/19/18
ATTACHMENTS / FORMS: (A.) Earned Compliance Credits (ECC) Orientation Form. (B.) ECC Sanction / Waiver Form. (C.) Notice Of End Of Supervision Due To Earned Compliance Credits.		AUTHORITY / REFERENCES: 22 AAC 05.155 AS 33.30.021 AS 33.05.010 AS 44.19.645 AS 33.05.020 AS 44.28.030 AS 33.16.180 DOC P&P 902.16 AS 33.16.270 DOC P&P 902.18 AS 33.30.011

POLICY:

It is the policy of the Department of Corrections (DOC) that all offenders be eligible for Earned Compliance Credits (ECC). Earned Compliance Credits are time off an offender's supervision sentence due to their compliance with conditions of supervision.

APPLICATION:

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

PROCEDURES:

I. Reinforcing Positive Behavior:

- A. 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 Credit (ECC) system operates and emphasize the benefits of supervision compliance. This can be done by using the *ECC Orientation Form* (Attachment A).
- B. POs shall periodically explain to the offender what credits have been earned and why. This is an opportunity for a PO to reinforce positive behavior and supervision compliance.

SUPERCEDES POLICY DATED:	05/24/18
THIS POLICY NEXT DUE FOR REVIEW ON:	11/19/23

SECTION: Probation And Parole		PAGE: Page 2 of 4
CHAPTER: 902	NUMBER: 902.09	P&P TYPE: Public
TITLE: Earned Compliance Credits		

II. Earning Earned Compliance Credits:

- A. Offenders will earn 30 days off their term of supervision for each calendar month served in which the offender remained in compliance with their conditions of supervision.
- B. An offender will be considered in compliance with the conditions of supervision unless one or more of the following disqualifying events occurred in that calendar month:
 1. The offender committed a violation of a specific condition of supervision that resulted in a sanction under DOC's P&P 902.16, Incentives And Graduated Responses To Supervision Violations Policy;
 2. The offender was on abscond status as defined under DOC P&P 902.18, Absconder Procedures Policy;
 3. The offender refused to participate in any Court-mandated or Parole Board-mandated treatment program, provided that the required treatment was available; or
 4. The offender was incarcerated. 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 filing where the Court or Parole Board ultimately found in favor of the offender;
 - b. The offender was incarcerated for a new crime which was later dismissed; or
 - c. The offender was exonerated.
- C. If, at the end of a calendar month, the offender has remained in compliance, he or she will earn 30 days credit. If a disqualifying event occurred, the offender will not earn 30 days credit.
- D. When an offender begins an initial term of supervision for a new case, he or she shall be eligible to earn 30 days credit for that month even if less than a full calendar month was served. For example, a compliant offender who began his or her initial term of supervision on the 12th of the month would be eligible to earn 30 days of compliance credit for that month.
- E. If a violation report is filed and a Court or the Parole Board rules in the favor of the offender, any credit that would have been earned in that calendar month shall then be awarded to the offender. However, if a second disqualifying event occurred in that calendar month, no credit will be awarded.
- F. If an offender is on probation due to a Suspended Imposition of Sentence (SIS) or Suspended Entry of Judgement (SEJ), and the SIS or SEJ probation is revoked and the offender is sentenced, then any ECC that the offender earned while on the SIS or SEJ does not apply towards any new term of probation imposed by the Court in that case.

III. Dual Supervision:

If an offender is on probation and parole supervision concurrently and violates the 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. 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.

SUPERCEDES POLICY DATED:	05/24/18
THIS POLICY NEXT DUE FOR REVIEW ON:	11/19/23

SECTION: Probation And Parole		PAGE: Page 3 of 4
CHAPTER: 902	NUMBER: 902.09	P&P TYPE: Public
TITLE: Earned Compliance Credits		

IV. Dispute Resolution:

- A. If an offender has committed a violation that meets the threshold of not earning the ECC for that month, the offender shall be notified in writing of the violation and the sanction imposed using the *ECC Sanction / Waiver Form* (Attachment B). For offenders in rural locations verbal notice must be provided and documented in the DOC offender management system. The PO shall complete the *ECC Sanction / Waiver Form* (Attachment B), and notate that verbal notice was provided.
- B. If the offender accepts the sanction, understanding that doing so will result in not earning ECCs, he or she shall sign the *ECC Sanction / Waiver Form* (Attachment B) and the PO shall place the form in the offender's file. For offenders in rural locations verbal acceptance of the sanction shall be documented in the DOC offender management system.
- C. If the offender disputes the sanction, the PO shall exhaust other remedies including taking the matter to a supervisor for dispute resolution. If this does not resolve the dispute, the PO shall file a violation report. In that situation, whether credit is ultimately awarded will be resolved as described in section II of this policy.

V. Preparation For Termination Of Supervision:

A. General Procedures:

1. The PO shall routinely review caseloads in order to determine which offender is due to be released within 90 days and prepare for termination of that offender's case plan and release from supervision. Doing so will ensure that the PO has the ability to address and appropriately resolve any outstanding issues related to probation or parole prior to the termination of supervision. This review will account for the offender's combination of:
 - a. Any time served on active community supervision; and
 - b. Any supervision reduction period due to ECCs.
2. Following the completion of supervision due to Earned Compliance Credits, the probation officer shall file the *Notice Of End Of Supervision Due To Earned Compliance Credits* (Attachment C) with the sentencing Court, District Attorney and Defense Attorney.

- B. Domestic Violence (DV) / Sex Offenses (SO) Probation / Parole dated **11/26/17** and **before**:
For offenders placed on Probation / Parole for DV or SO for a crime committed on or before 11/26/17, if the offender's treatment is incomplete prior to the offender being released from supervision due to having been credited with sufficient ECCs, the PO shall petition the court for an extension of probation. The extension must be requested in order for the offender to complete their treatment.

- C. DV / SO Probation / Parole dated **11/27/17** and **after**:
For offenders placed on Probation / Parole for DV or SO for a crime committed on or after 11/27/17, all

SUPERCEDES POLICY DATED:	05/24/18
THIS POLICY NEXT DUE FOR REVIEW ON:	11/19/23

SECTION: Probation And Parole		PAGE: Page 4 of 4
CHAPTER: 902	NUMBER: 902.09	P&P TYPE: Public
TITLE: Earned Compliance Credits		

court-ordered DV / SO treatment must be completed prior to the offender being released from supervision due to them having been credited with sufficient ECCs. In these cases, an offender's extension of probation will be automatic, and an offender may remain on probation up until the end of their maximum probation period.

VI. DOC Offender Management System:

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

SUPERCEDES POLICY DATED:	05/24/18
THIS POLICY NEXT DUE FOR REVIEW ON:	11/19/23