
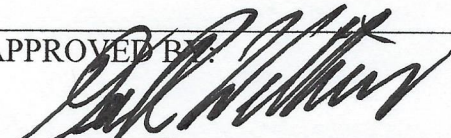


<p><b>STATE OF ALASKA</b> <b>DEPARTMENT OF CORRECTIONS</b></p>  <p><b>POLICIES &amp; PROCEDURES</b></p>	SECTION: <b>Probation And Parole</b>		PAGE: Page 1 of 4
	CHAPTER: <b>902</b>	NUMBER: <b>902.10</b>	P&P TYPE: <b>Public</b>
	TITLE: <b>Early Termination Of Supervision</b>		
	APPROVED BY:  <b>Dean R. Williams, Commissioner</b>		DATE: <b>06/27/18</b>
ATTACHMENTS / FORMS: <b>(A.) Early Termination Of Probation / Open Court / Informal Probation Form.</b> <b>(B.) Early Termination Of Parole Form.</b>		AUTHORITY / REFERENCES: <b>22 AAC 05.155 AS 18.66.990</b> <b>AS 11.41 AS 33.05.010</b> <b>AS 11.46.300-310 AS 33.05.020</b> <b>AS 11.46.320-330 AS 33.16.180</b> <b>AS 11.46.400-430 AS 33.16.210</b> <b>AS 11.46.475-486 AS 33.16.270</b> <b>AS 11.56.740 AS 33.30.011</b> <b>AS 11.56.807 AS 33.30.013</b> <b>AS 11.56.810 AS 33.30.021</b> <b>AS 11.61.120 AS 44.28.030</b> <b>AS 12.55.185</b>	

**POLICY:**

It is the policy of the Department of Corrections (DOC) to allow for the early termination of supervision for certain offenders who have met specific requirements set out in statute.

**Application:**

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

**Definitions:**

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

**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 these offenses, or an attempt to commit the offense, by a household member against another household member:

- (A) A crime against the person under AS 11.41;
- (B) Burglary under AS 11.46.300 - 11.46.310;
- (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) Terrorist threatening under AS 11.56.807 or 11.56.810;

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- (G) Violating a protective order under AS 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. Probation Early Termination:

A Probation Officer (PO) shall recommend to the court early termination of supervision for any offender who has met the following statutorily-mandated eligibility requirements:

- A. 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;
- B. Has served at least one (1) year (for a crime committed on or before 11/26/17) of the probation term or 18 months (for a crime committed on or after 11/27/17) of the probation term if on probation for a Class C felony;
- C. Has served at least two (2) years of the probation term if on probation for Class A or B felonies;
- D. Has completed any court-ordered treatment;
- E. Has not been found in violation of conditions of probation by the court for one (1) year for a Class C felony or two (2) years for Class A and B felonies; and
- F. Is currently in compliance with all conditions of probation.

**Note:** "In compliance" is defined as: 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).

II. Parole Early Termination:

A PO shall recommend to the Parole Board early termination of supervision for any offender who has met the following statutorily-mandated eligibility requirements:

- A. 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;

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B. Has completed any ordered treatment;

C. Has served one year on parole; and

D. Has not been found in violation of conditions of parole by the board for one (1) year.

III. For offenders who do not meet the conditions for a statutorily-mandated termination recommendation, POs may also recommend transfer to open court / informal probation for probationers, or early termination for probation or parole, if the PO believes the offender is a good candidate.

IV. Case Review:

POs shall review their caseload monthly to ensure all eligible cases for early termination are recommended.

V. Supervisor Approval:

When an offender meets the requirements for early termination of supervision, or if the PO believes the offender is a good candidate for early termination or open court / informal probation, the PO shall bring the request to his or her supervisor for approval.

A. A supervisor shall approve all requests for early termination that meet statutory requirements, and the PO shall submit the recommendation to the court or to the Parole Board, as applicable.

B. A supervisor shall review all other requests and make a final determination as to whether the offender shall be recommended to the court or to the Parole Board for early termination or open court / informal probation.

VI. Recommendation Forms:

A PO shall use one of the attached forms when making a recommendation to the court or Parole Board for early termination of supervision or open court / informal probation. The PO may include information that may be relevant to the court or Parole Board in making a final determination regarding early termination in the Additional Status Update section of the forms. The request for early termination of probation supervision must be made to the court that has jurisdiction.

A. A PO shall use the *Early Termination Of Probation Supervision / Open Court / Informal Probation Form* (Attachment A) if the offender meets the requirements of Procedures, section I, above, or if the PO is recommending the offender for early termination under Procedures, section III, above. A PO may also use this same form if the PO is recommending the offender for open court / informal probation. A PO may not recommend open court / informal probation if the probationer meets the statutory requirements under Procedures, section I, above.

B. A PO shall use the *Early Termination Of Parole Supervision Form* (Attachment B) if the offender meets the requirements of Procedures, section II, above or if the PO is recommending the offender for early termination under Procedures, section III, above.

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VII. Dispute Resolution:

- A. If an offender believes he or she is eligible for early termination of supervision under this policy, but his or her PO disagrees, the offender may request a supervisor review.
- B. The supervisor will allow both parties, the PO and the offender, to explain the situation. The supervisor will then make a final determination regarding eligibility for an early termination recommendation.

VIII. Continuation Of Supervision:

The PO shall continue to supervise the individual until termination of supervision or transfer to open court / informal probation is granted.

IX. Documentation:

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

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