

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Enforcement Operations</u> STATEMENT NUMBER <u>5.64</u>
SUBJECT: <b>EARLY TERMINATION FROM PROBATION/PAROLE SUPERVISION</b> PROPONENT: <u>Mike McAlister, Director</u> <i>Name/Title</i> <u>Field Services</u> <u>271-5652</u> <i>Office Phone #</i>	EFFECTIVE DATE <u>08/01/07</u> REVIEW DATE <u>04/15/08</u> SUPERSEDES PPD# <u>5.64</u> DATED <u>07/01/05</u>
ISSUING OFFICER:  <hr/> <i>William Wrenn, Commissioner</i>	DIRECTOR'S INITIALS _____ DATE _____ APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

I. PURPOSE:

To provide guidance for the selection of supervision cases for early termination

II. APPLICABILITY:

To all staff

III. POLICY:

It is the policy of the Department of Corrections to utilize early termination when appropriate. Probation and parole cases should be reviewed at least annually for early termination consideration.

IV. DEFINITION:

Early termination is defined as a discharge from supervision granted by the Court or Parole Board, prior to the maximum date imposed, and based on the offender's successful adjustment in the community.

V. PROCEDURES:

A. Probationers and parolees should be considered for early termination when:

1. All sentencing requirements have been met including a good faith effort toward satisfying all financial obligations. The petition shall indicate that the case be continued for collection only purposes of a balance remains.
2. The offender has complied with all conditions of release
3. No other circumstances exist that would question early termination consideration
4. The offender's adjustment under supervision has been satisfactory
5. A criminal record check has been conducted

B. Probationers

1. Pursuant to RSA 651:2 (V), "the period of probation shall be for a period to be fixed by the court not to exceed 5 years for a felony and 2 years for a Class A Misdemeanor. Upon petition of the probation officer or the probationer, the period may be terminated sooner by the court if the conduct of the probationer warrants it."

2. An early termination petition is prepared and, upon concurrence of the supervisor, is submitted to the court, prosecutor and defense attorney for further action (attachment 2).
- C. Parolees:
1. Parolees may be discharged prior to the maximum date imposed should they meet the criteria established under RSA 651-A: 12 (1/3 off for good behavior) or RSA 651-A: 14 (meritorious discharge).
  2. A parolee discharge request (Attachment 1) is completed and forwarded to the Executive Assistant to the Parole Board, together with any pertinent documentation, for inclusion on the Parole Board's agenda.
    - a. Care should be exercised to ensure that the request is filed under the appropriate statute (RSA 651-A: 12 or RSA 651-A: 14).
    - b. The PPO's immediate supervisor will review and concur with the request prior to submission to the Parole Board
- C. GENERAL:
1. When early termination is granted, the case is closed and noted in the chronos.
  2. If termination is denied, the denial and reasons for it shall be noted in the chronos.
  3. If termination is denied, a review of the case is made in 6-month cycles at the time of reclassification for further consideration.
  4. Any case that has active collection obligations will become a collection only case. The offender must have a payment plan established and be provided with payment instructions.

REFERENCES:

Standards for the Administration of Correctional Agencies

Second Edition Standards

Standards for Adult Correctional Institutions

Fourth Edition Standards

Standards for Adult Community Residential Services

Fourth Edition Standards

Standards for Adult Probation and Parole Field Services

Third Edition Standards

Other

**Refer to PPD 5.06 & References (reviews conducted)**

McALISTER/pf

Attachments

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF CORRECTIONS  
DIVISION OF FIELD SERVICES  
PAROLEE DISCHARGE REQUEST**

\_\_\_\_\_  
DATE

**TO:** EXECUTIVE ASSISTANT, NEW HAMPSHIRE BOARD OF PAROLE

**FROM**  
:

\_\_\_\_\_  
PROBATION/PAROLE OFFICER

\_\_\_\_\_  
REGION

\_\_\_\_\_  
OFFICE

**TYPE OF REQUEST**

- GOOD CONDUCT (651-A:14)
- EARLY DISCHARGE
- MAXIMUM EXPIRATION OF SENTENCE

**REGARDING**

\_\_\_\_\_  
(LAST) (FIRST) (MI)

**DATE PAROLED**

**EARLY DISCHARGE DATE**

\_\_\_\_\_  
REGISTRATION NUMBER

\_\_\_\_\_  
LENGTH OF TIME UNDER SUPERVISION

**REPORTING ARRANGEMENTS**

**EMPLOYMENT RECORD**

**DIFFICULTIES (DATE, PLACE, DISPOSITION)**

**FAMILY STATUS**

**PROBATION/PAROLE OFFICER RECOMMENDATION:**

***NOTE TO THE PPO: Please be sure to include a copy of the parole summary and parole certificate.***

County, SS

Date

The State of New Hampshire  
Docket #

V

PETITION FOR EARLY TERMINATION OF PROBATION

Now comes \_\_\_\_\_, Probation/Parole Officer WITH THE New Hampshire Department of Corrections and says:

1. THAT the defendant was sentenced on \_\_\_\_\_ by Judge \_\_\_\_\_ for the offense of \_\_\_\_\_ as follows:
2. THAT the defendant has been on probation for \_\_\_\_\_ months of a \_\_\_\_\_ month sentence.
3. THAT since the conviction, the defendant has not been charged with nor convicted of any further offenses.
4. THAT fines and supervision fees are paid in full.
5. THAT there are no further services which the Department of Corrections can offer this probationer and any continuation of supervision would be punitive and not rehabilitative in nature.

Therefore, it is respectfully prayed that, pursuant to the aforementioned information:

- A. probation in this case be terminated; and
- B. the court grants such other relief as it may deem just.

Respectfully submitted,

\_\_\_\_\_, PPO  
New Hampshire Department of Corrections  
Division of Field Services

CERTIFICATION

I certify that a copy of this motion has been mailed to the \_\_\_\_\_ County Attorney and \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Probation/Parole Officer