

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Enforcement Operations</u> STATEMENT NUMBER <u>5.64</u>
SUBJECT: EARLY TERMINATION FROM PROBATION/PAROLE SUPERVISION 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>06/01/14</u> REVIEW DATE <u>06/01/15</u> SUPERSEDES PPD# <u>5.64</u> DATED <u>06/01/12</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 recommending supervision cases for early termination.
- II. **APPLICABILITY:**
To all Field Services staff
- III. **POLICY:**
It is the policy of the Department of Corrections, Division of Field Services 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 if a balance remains;
 2. The offender has complied with all conditions of release;
 3. The offender's adjustment under supervision has been satisfactory;
 4. A criminal record check has been conducted; ~~or~~
 5. Supervision fees have been paid in full or any uncollectable arrearage is submitted for waiver as part of the termination request.

6. The offender's supervision level and reporting requirements should be compatible with the request. Early termination candidates should be on minimum or administrative supervision status.
- 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 five years for a felony and two 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. **The petition template is generated in CORIS** (attachment 1 2).
 3. If the PPO is aware the prosecutor assents to the petition, this should be noted in the motion.
- C. Parolees:
1. Parolees may be discharged by the Parole Board prior to the maximum date if they meet the criteria established under RSA 651-A: 12 (Reduction of Maximum Sentence) or RSA 651-A: 14 (Early Discharge for Good Conduct).
 2. A Parole Discharge Request Form (Attachment 2+) is completed by the PPO and submitted to the Parole Board. ~~along with a copy of the parole certificate; mittimus; a written summary; and any other pertinent information~~
 - 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 a case closing summary is completed in the CORIS Notes.
 2. If termination is denied, the denial and reasons for it shall be noted in the CORIS Notes.
 3. If termination is denied, a review of the case is made in six-month cycles at the time of reclassification for further consideration.
 4. Any case that has active restitution collection obligations will become a collection only case upon expiration of supervision. The offender must have a payment plan established and be provided with payment instructions prior to termination of the active supervision.

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

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