

 <p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	27-24-01	4
	Date Filed	Effective Date by memo July 29,2020
Authority/References KRS 196.030, 196.035, 439.354, 439.552, 439.563, 533.020 501 KAR 6:260 P&P ACA 2A-13, 2A-14	Subject <p style="text-align: center;"><b>RELEASING OFFENDER FROM ACTIVE SUPERVISION</b></p>	

## I. DEFINITIONS

"Early release" means the court sanctioned discontinuance of probation or pre-trial diversion prior to the expiration of sentence.

"Inactive supervision" means a level of supervision that does not require personal or collateral contact. This level of supervision constitutes the time period between release from active supervision and one (1) of the following: expiration of sentence, final discharge, Court ordered termination, death, or return to active supervision.

## II. POLICY and PROCEDURE

Methods of Release - There are five (5) primary ways that an offender may be released from supervision: Early release from supervision, early termination of probation, expiration, revocation, or death. In order to close a supervision case in the appropriate manner, the Probation and Parole officer shall comply with the following:

- A. Inactive Supervision – The officer shall review the length of sentence and the minimum supervision period to determine if early release from supervision is appropriate.
1. The officer may consider the offender for early release from supervision under the following timelines. The probationer or parolee may be continued on supervision until the expiration of sentence if the officer determines the offender is not appropriate for early release.

### LENGTH OF SENTENCE

1 through 2 years  
 3 years through 5 years  
 6 years through 14 years  
 15 years up to Life  
 Life Sentence

### MINIMUM SUPERVISION PERIOD

6 months of supervision  
 1 year of supervision  
 18 months of supervision  
 3 years of supervision  
 5 years of supervision

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2. Review and Recommendation

- a. Prior to recommending inactive supervision, the officer shall:
  - (1) Complete a criminal record check to determine if the offender has a recent arrest or is under indictment, and
  - (2) Determine if all court or Parole Board ordered special conditions have been met.
- b. If the offender has no recent arrest, is not under indictment, and has met the court or Parole Board ordered conditions, the officer shall review for early release.
- c. If the officer determines early release is appropriate, the officer shall complete an approved supervision report summarizing the supervision period and recommending release from supervision. The following items shall be included: (2A-14)
  - (1) The length of time on active supervision;
  - (2) A narrative of the supervision period including a summary of employment, home conditions, and progress while on supervision;
  - (3) Whether the offender has been arrested while on supervision and if so the charge and disposition of it;
  - (4) A current criminal record check was completed with no recent arrest and the offender not being under indictment;
  - (5) Specifically address the conditions imposed by the releasing authority, when and how the offender satisfied those conditions, and the most recent drug test shall be negative for all substances except for what is prescribed. (2A-13)
  - (6) Extenuating circumstances to be considered.
- d. Interstate Compact cases Kentucky is supervising for other states shall not be released from supervised status except with the authority of the sending state. Requests to modify supervision shall be submitted through Interstate Compact. Refer to CPP 27-14-01 (Interstate Compact).
- e. The officer shall forward the approved supervision report to the releasing authority.

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3. A case approved for inactive status shall be removed from the active caseload. Offenders on inactive status shall not require any personal or collateral contacts, unless the offender has contact with a law enforcement agency. If this contact occurs, the offender shall notify the Probation and Parole office. If the offender has been arrested for a new criminal charge, the District Supervisor or designee shall review the new charges and make the determination whether the offender is to be returned to active supervision.
  4. The offender shall sign an inactive letter and this shall be placed in the offender management system within three (3) working days of the offender signing this letter.
  5. If the releasing authority does not approve release, the offender shall be continued on the active caseload.
- B. Early Termination of Probation (KRS 439.552)
1. The officer shall determine if the offender has successfully completed eighteen (18) months of supervision.
  2. If not eligible on the first review, then the officer shall review the offender's eligibility for early termination of probation annually at the same time as the case plan review per CPP 29.2 (Case Planning).
  3. The officer shall document the review in the offender management system.
  4. If the officer determines the offender is eligible for early termination of probation, the officer shall submit a supervision report to the releasing authority requesting early termination.
- C. Sixty (60) days before expiration of a case, with the exception of parole cases, officers shall review the case and apprise the court of any outstanding restitution obligations.
- D. Active Probation Case Reaching Expiration or Court Ordered Termination - When the offender has reached the expiration date or has been terminated by the Court, the officer shall:
1. Review to determine if all conditions of release have been met.
  2. A closing supervision report shall be submitted if required by the court.
  3. The officer shall document completion of supervision in the case record and close the case in the offender management system within ten (10) working days after the expiration date has been reached or Court order entered.

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- E. Active Parole Case Reaching Expiration - When the offender has reached the expiration date, the officer shall:
1. Review to determine if all conditions of release have been met.
  2. A parolee shall not be held beyond his expiration date unless a parole violation warrant has been issued or the offender remains on parole after the expiration date due to failure to satisfy a restitution obligation. If the offender provides verification of the restitution payment in full, the officer shall document payment in the offender management system and notify offender information services.
  3. After receiving notice of final discharge from parole from offender information services, the officer shall provide the notice of final discharge to the offender. The officer shall document completion of supervision in the case record and close the case in the offender management system within ten (10) working days after the expiration date has been reached.
- F. Revocation
- Upon revocation, the case shall be closed in the offender management system. A closing summary of the offender's performance on supervision shall be outlined in a special supervision report in the offender management system. (2A-13)
- G. Death
1. In the event of an offender's death, the officer shall verify the death and include documentation in the offender management system.
  2. In a probation case, an approved special supervision report shall be submitted to the court. In a parole case, notice of the offender's death and documentation shall be sent to Central Office through the supervisor to offender information services.
  3. If there is an active parole violation warrant, a special request and documentation shall be submitted requesting the warrant be removed from NCIC.
  4. The officer shall close the case in the offender management system within ten (10) working days of notification of death.
- H. When releasing an offender from supervision, the officer shall enter a comprehensive case note in the offender management system outlining the completion of special conditions and the offender's progress on supervision. (2A-13)