

 <p><b>CD-051500</b></p>	<h1>NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."  <b>C</b>ourage <b>R</b>esponsibility <b>E</b>thics <b>D</b>edication - <b>CRED</b>ibly serving the public safety of New Mexico</p>	
	<b>ISSUE DATE:</b> 04/14/90	<b>REVIEW/REVISED:</b> 03/06/15
	<b>EFFECTIVE DATE:</b> 04/14/90	
	<b>TITLE: PPD Review of Offender Progress for Early Termination Consideration</b>	

**AUTHORITY:**

NMSA 1978, Section 31-21-7(F), Comp., as amended.

**REFERENCE:**

ACA Standard 4-APPFS-2A-05, 4-APPFS-2A-14, 4-APPFS-2E-01, *Performance Based Standards for Adult Probation and Parole Field Services*, 4<sup>th</sup> Edition.

**PURPOSE:**

To provide guidelines for the review of offender progress and consideration for early termination of supervision.

**APPLICABILITY:**

All Probation and Parole Division (PPD) staff responsible for the supervision of offenders under probation and parole supervision only.

**FORMS:**

None

**ATTACHMENTS:**

None

**DEFINITIONS:**

- A. Early Termination of Supervision: Successful completion of probation or parole supervision as authorized by the court or the Adult Parole Board prior to the original expiration date.

- B. *Offender*: An adult placed under, or made subject to supervision, probation and/or parole as the result of the commission of a criminal offense and released to the community under the jurisdiction of the courts, paroling authorities, corrections, or other criminal justice agencies, and who are required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.
- C. *Parole Authority*: The decision-making body which has the authority to grant deny and revoke parole.
- D. *Parolee*: An offender serving a sentence as the result of the commission of a criminal offense who has been granted parole or who has been released from incarceration by operation of law to parole supervision.
- E. *Probation and Parole Officer (PPO)*: The assigned PPD employee who is responsible for all supervision activities involving or relevant to a probationer or parolee.
- F. *Probationer*: An offender who has been charged with a felony crime and ordered to a term of supervision; may infrequently include a misdemeanor.
- G. *Supervision*: The monitoring of an offender's behavior to ensure compliance with conditions of supervision.

**POLICY:**

- A. The Probation and Parole Division has a series of graduated responses to address compliance and non-compliance with conditions of supervision. These include proportionate incentives for compliance and sanctions for non-compliance with conditions of supervision. **[4-APPFS-2E-01]**
- B. If permitted by law, early termination may be recommended to the court or releasing authority, when there is compliance with the conditions of supervision. **[4-APPFS-2A-14]**
- C. Consistent with the law in the jurisdiction, there is policy defining when and how victim input is sought before a probation and parole officer requests the court or the releasing authority to add, remove, or modify any of the court-ordered special conditions of supervision. **[4-APPFS-2A-05]**



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Gregg Marcantel, Secretary of Corrections  
New Mexico Corrections Department

03/06/15

Date

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**AUTHORITY:**

Policy *CD-051500*

**PROCEDURES: [4-APPFS-2A-05] [4-APPFS-2A-14] [4-APPFS-2E-01]**

- A. Early termination of a parole or probation case may be sought when the following conditions have been met.
  - 1. The probationer or parolee sentenced under determinate sentencing laws has served at least half of his or her sentence under supervision.
  - 2. The offender is on medium or low-level supervision.
  - 3. All restitution and fines have been paid at the time of request for early termination. All GPS fees, including fees for lost or damaged GPS units are paid in full by the offender.
  - 4. There is no record of a Full Violation Report within one year prior to the request for early termination, or no Preliminary Violation Reports or intermediate sanctions on record within six (6) months of the request for early termination of supervision.
  - 5. The PPO must be satisfied that the offender can be released from supervision without endangering the community.
  - 6. Offenders that have convictions of Sex Offenses, Murder, Involuntary Manslaughter, Voluntary Manslaughter, DWI (Felony), Armed Robbery, Aggravated Battery, Domestic Violence Great Bodily Harm (GBH), Arson, or Child Abuse (GBH) are not eligible for early termination consideration.
  
- B. A report requesting early termination and summarizing the offender's behavior while on determinate probation or determinate parole will be submitted to the sentencing court or Parole Board with an approval line for the supervisor's signature and must contain at least the following information:

1. Charge and disposition;
  2. Date of probation or parole;
  3. Amount of time served on probation or parole;
  4. Exact reasons for request for early termination; and,
  5. Summary of supervision.
- C. The PPO will document the date and results of the initial review for early termination and any subsequent actions regarding the matter in the chronological case notes.



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