

DEPARTMENT OF CORRECTION 	POLICY MANUAL	POLICY NUMBER: 701	PAGE NUMBER: 1 of 4
		SUBJECT: Probation And Parole Services	Adopted: 12-82 Reviewed: 07-01-02 Revised: 07-22-02

01.00.00. POLICY OF THE DEPARTMENT

It is the policy of the Board of Correction that the Department of Correction's Community Corrections Division shall have authority over individuals who are placed on probation by the district courts, or granted parole by the Commission for Pardons and Parole, until the district courts or the Commission for Pardons and Parole release such authority.

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03.00.00. REFERENCES

IDAPA 06.01.01, Rules of the Board of Correction, Section 701, Probation And Parole Supervision.

04.00.00. DEFINITIONS

Board. The state Board of Correction.

Department. The state Department of Correction.

Offender. A person under the legal care, custody, supervision or authority of the Board including a person within or without the state pursuant to agreement with another state or a contractor.

Parolee. An offender who is released from a facility to a period of supervision upon grant of parole by a paroling authority.

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Probationer. An offender who is placed on a period of supervision on probation by a court of competent jurisdiction.

05.00.00. PROCEDURE

05.01.00. Probation Services

Probation is granted by a court in lieu of incarceration. While on probation, the court retains jurisdiction of the case.

New probationers are required to sign a standard form indicating acknowledgment of the rules of conduct established by the Idaho Department of Correction. The probationer should initial each rule as an indication he has read and understands (or that it was read to him and that he understands) the rules of conduct.

05.01.01. Special Conditions

Special conditions are specific orders of the court; and as such, any violation must be reported to the court. The supervising probation agent may be held responsible for the defendant's failure to carry out these orders; thereby reducing the flexibility an agent has in supervision.

05.01.02. Restitution And Fines

An order of restitution is, in effect, a special condition and should be treated as described above. The agent monitors restitution and fine payments but does not collect them.

05.01.03. Debts

The Department of Correction is in no sense a collection agency, and its representatives are not qualified or authorized to compel a parolee or probationer to meet such obligations under fear that failure to do so may result in his being returned to prison (or to the court) as a violator. However, the Department is responsible to the court for enforcing an order of the court, such as restitution and fines.

Anyone seeking information regarding a parolee or probationer should be advised that any communication addressed to a parolee or probationer in care of the Department will be forwarded to such parolee or probationer, provided such communication is concerning a proper and lawful matter.

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05.01.04. Supervision Of Probationers

In the case of the probationer, the court retains jurisdiction through the Department of Correction. For this reason, restrictions, length of supervision, and special instructions are given by the court, usually with the understanding that the client is also subject to the rules and regulations of the Division of Community Corrections.

05.01.05. Request For Termination Of Probation

Unlike parole, there is no minimum amount of time that is required of a probationer. The amount of time to be served is instead governed by (1) no more than the maximum time of the probationary terms and (2) a combination of the judge's dictates in the matter along with attitude and adjustment of the probationer.

05.02.00. Parole Services

As a continuing part of the pre-parole classes, parole conditions are to be explained and read in detail to all offenders receiving a parole. They will also read and sign at the time of their release.

However, neither of these two (2) previous readings should in any way relieve the agent assigned to the case from going over the conditions of parole in great detail. Similar to the probation agreement, the agent must make every effort to assure that the parolee is completely aware of the meaning of each condition.

05.02.01. Special Conditions

Any special conditions entered by the Idaho Commission for Pardons and Parole must be strictly enforced by the officer. This allows for no flexibility or decision making by the officer. He is obliged to report a violation, regardless of degree, of any special condition of parole. If the officer feels further conditions need to be added or removed from this section, he may recommend the necessary action to the commission in writing.

05.02.02. Request For Discharge Of Parole

The Commission for Pardons and Parole is required by law not to grant a discharge from parole prior to one year from the date that the parolee was released on parole. It is their policy to consider cases for discharge when the parolee has shown by his attitude and conduct, satisfactory social adjustment, and all circumstances warrant such consideration after a reasonable period of supervision, unless the parolee's maximum expiration appears before one (1) year.

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05.02.02.01. Class A Parole - Supervised

Class A Parole cases are those which are supervised by a probation and parole agent under existing criteria, whether in Idaho or in some other state.

A parolee transferred to another state through the interstate compact will continue in Class A Parole status. Action to terminate parole supervision, whether the parolee is being supervised in Idaho or in another state, will be initiated by the supervising agent, will be reviewed by his immediate supervisor, and will be transmitted to the Commission for Pardons and Parole for final action.

05.02.02.02. Class B Parole - Unsupervised

Class B Parole cases are those which are paroled, by the Commission for Pardons and Parole, to an out-of-state plan without requesting supervision through the Interstate Compact. They report monthly to the Commission for Pardons and Parole.

When a parolee returns to the state of Idaho, he automatically becomes a Class A Parole case and is assigned to a probation and parole agent.

05.03.00. Regulations Maintained

Regulations and procedures governing probation and parole services shall be maintained in a procedure manual which addresses the varied duties and responsibilities of Community Correction personnel.

Director, Department of Correction

Date