



# Virginia Department of Corrections

## Supervision and Management in the Community

### Operating Procedure 920.5

### *Termination of Supervision*

#### Authority:

Directive 920, *Probationer/Parolee Supervision*

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### REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

*The content owner reviewed this operating procedure in January 2023 and necessary changes have been made.*

*The content owner reviewed this operating procedure in December 2023 and determined that no changes are needed.*

### COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Administrative P&P** - A VACORIS virtual location for cases when the probationer/parolee is not available for active supervision.

**Conditional Pardon** - An act by the Governor to modify or end a sentence imposed by the Court; it is available only to people who are currently incarcerated. The Governor only grants a conditional pardon when there is substantial evidence of extraordinary circumstances to warrant it; such a pardon is not regarded as a substitute judgment for that of the convicting Court. COV §53.1-139 empowers the Virginia Parole Board to exercise supervision of these cases through P&P Officers.

**Conditions of Supervision** - A document that details the rules a probationer/parolee must abide by in order to complete supervision successfully.

**Early Termination of Supervision** - The discontinuance of probation, post release supervision, parole, or conditional pardon supervision prior to the scheduled expiration date because the probationer's/parolee's performance exceeds earlier expectations or further supervision would not be productive.

**Minimum Expiration Date (MED)** - The date established by the authority ordering supervision (Court or Parole Board) on which the supervision is expected to expire.

**P&P Officer** - Any Chief P&P Officer, Deputy Chief P&P Officer, Senior P&P Officer, or P&P Officer authorized by a Circuit Court Judge.

**Parole** - A legal status that allows an inmate to complete a sentence to incarceration in the community subject to certain conditions and supervision.

**Post Release Supervision** - A judicial action which allows a period of supervision in the community, subject to certain conditions, for felony offenses committed after January 1, 1995 and for which individuals are ineligible for parole. Those sentenced to post release supervision prior to July 1, 2000 will be supervised and reviewed in the same manner as a probation case. Individuals sentenced to post release supervision after July 1, 2000 will be supervised and reviewed in the same manner as a parole case.

**Probation** - A judicial action in lieu of incarceration that allows a probationer to be supervised in the community subject to Court imposed conditions.

**Probationer/Parolee** - A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs.

## PURPOSE

This operating procedure establishes a systematic procedure for the termination and completion of supervision for probationers/parolees under community supervision by the Department of Corrections (DOC).

## PROCEDURE

- I. Termination of Supervision
  - A. Terminations will be initiated when it is in the best interest of the probationer/parolee, the agency, and public safety. Terminations will be considered at least annually for each case under community supervision.
  - B. The P&P Officer must implement termination procedures when all conditions of the Court or Virginia Parole Board (VPB) have been satisfied and the minimum amount of time under supervision have elapsed.
  - C. The P&P Officer will consider requesting termination of supervision, when appropriate, for those probationers/parolees who have consistently demonstrated positive adjustment and where the risk to the community is minimal.
  - D. Terminations will be used as a case management tool to reward successful behavior and positive adjustment when all required criteria have been met.
  - E. Terminations may also be considered when being on active supervision presents an undue hardship to the probationer/parolee.
- II. Minimum Expiration Date (MED)
  - A. MEDs are reflected on the Conditions of Supervision.
  - B. Only the sentencing/paroling authority (sentencing Court or VPB) may extend the period of supervision beyond the MED.
  - C. No case will be supervised beyond the MED without the written authorization of the sentencing/paroling authority.
- III. Termination of Parole and Conditional Pardon Supervision Prior to the MED (4-APPFS-2A-14)
  - A. The VPB may consider early termination of Parole or Conditional Pardon supervision at any time under unusual conditions or exemplary behavior.
    1. With concurrence of the supervisor, the P&P Officer may recommend early termination if the parolee has no history of violent behavior and has exhibited exemplary behavior and progress while on supervision.
    2. In Post Release Supervision cases, the VPB has no authority to alter MED or grant early release. This authority lies with the sentencing Court.
  - B. Terminating Active Supervision Prior to the MED
    1. All cases under active parole supervision for at least six months or two-thirds of the fixed supervision period, whichever is longer, may be considered for termination of active supervision.
    2. Termination of active supervision prior to the MED will be considered in the following cases:
      - a. Terminal illness
      - b. Severe, long-term physical or mental disability, such as might render the parolee incapable of general activity
      - c. Where continued supervision would constitute a severe hardship on the parolee in areas of employment, family relations, or living arrangements
    3. If the P&P Officer recommends termination of active supervision, an approved *Parole Discharge*

*Report 920\_F4* must be completed, then reviewed and approved by a supervisor. It will then be forwarded to the VPB Post Release Unit.

4. The VPB may consider termination of active supervision pending completion of the fixed supervision period upon a determination that such termination would be in the best interest of society and the parolee.

C. All cases requiring active supervision for five consecutive years or more, must be reviewed by the P&P Officer once the five year point is reached and annually thereafter for recommendation to the VPB for termination of continued supervision.

D. If the P&P Officer feels that discharge after five years is inappropriate, a recommendation for continued supervision with justification must be forwarded to the VPB Post Release Unit. The P&P Officer will utilize the *Parole Discharge Report*, which will be reviewed and approved by a supervisor. It will then be forwarded to the VPB Post Release Unit.

#### IV. Regular Parole/Post Release Supervision/Pardon Discharges

A. When an MED is approaching and the P&P Officer feels there is no need to continue supervision, the case will expire on the scheduled MED.

B. When there are concurrent or overlapping terms of supervision, the P&P Officer may request administrative discharge from the VPB on the shorter of the overlapping terms. The supervisor must complete and then submit a *Casework Review and Recommendation 920\_F5* to the VPB Post Release Unit with the pertinent facts.

#### V. Early Release of Virginia Probation/Post Release Supervision Cases (4-APPFS-2A-14)

A. Early release will be initiated as soon as possible and in compliance with individual sentencing Court criteria.

B. Unless otherwise specified by the Court, cases placed on supervision for a period of two years or more must be recommended for early release from supervision after serving one-half or three years, whichever comes first. If the case is not felt to be a candidate for early release, the reason will be documented in the *VACORIS Supervision Notes*.

C. A probationer must not be maintained under supervision solely for nonpayment of fines, fees, or costs. Unless, the sentencing Court or Attorney for the Commonwealth in the case objects to their removal from supervision.

D. If the Court grants an early release, active supervision of the case ends.

E. If the sentencing Court fails to follow the recommendation for early release, the case should be placed in a reduced level of supervision.

#### VI. Regular Supervised Probation Discharge

A. When an MED is approaching and the P&P Officer feels there is no need to continue supervision, the case will expire on the scheduled MED; unless the sentencing Court requires notification prior to closing and release.

B. If there are multiple supervision obligations, active supervision will continue until the final MED is reached.

#### VII. Termination of Out-Of-State Cases

A. Out-of-state cases that reach their MED, with no outstanding charges or requests for extension, will be closed on the MED; unless notified otherwise by the Virginia Interstate Compact Unit.

B. At the MED the Virginia P&P Officer will complete and submit a *Case Closure Notice* in Interstate Compact Offender Tracking System (ICOTS).

- C. ICOTS requires the sending state to complete a *Case Closure Reply* in ICOTS to confirm the termination of supervision. The case should not be closed in VACORIS until an approved *Case Closure Notice Reply* is received by Virginia.

#### VIII. Termination of Supervision Contact

- A. As part of the Termination of Supervision, the P&P Officer will establish contact with the probationer/parolee to advise that supervised probation, pardon, and/or parole has been completed and inform the probationer/parolee regarding any period of good behavior, unsupervised probation, or other obligations still in effect.
- B. For discharge from Parole, a copy of Attachment 1, *Discharge Certificate (Sample)*, will be provided to the parolee.
- C. The P&P Officer must update VACORIS and make the appropriate *Supervision Notes* to provide a summary of the probationer's/parolee's performance during the entire period of supervision. This entry should be made in the *Supervision Notes* as a "Case Closing" entry and contain at least the following elements. (4-APPFS-2A-13)
1. Supervision start date
  2. Supervision end date
  3. Goals accomplished
  4. Goals unaccomplished
  5. Goals to be continued
  6. Overall behavior during supervision
  7. Overview of situation probationer/parolee was released to (Housing, work, family, etc.)
- D. The probationer's Court ordered financial obligation status must be assessed and entered into VACORIS by the P&P Officer for all probation cases.
1. The probationer's *Supervision Conditions* must be updated to reflect the financial obligation was fulfilled, (paid in full or otherwise removed by the Court), by checking the designated box and documenting the date, name, and office of the individual providing the information in the *Condition Details*.
  2. If the financial obligation was not fulfilled, the P&P Officer must only provide the date, name, and office of the individual providing the information in the *Condition Details*.

#### IX. Termination and/or Suspension of Supervision Based on a New Conviction and Time to Serve

- A. The supervision should be terminated and VACORIS updated with a transfer to facility pending custody intake when the probationer/parolee is serving one year or more.
1. When the probationer/parolee is serving between six to 12 months with an active or upon release supervision obligation, the case will be placed in Administrative P&P of the sentencing P&P District. Upon release, the case will be administratively transferred back to the sentencing P&P District for supervision or transfer.
  2. When the probationer/parolee is serving less than six months, the case will be placed in waiver, with supervision resuming upon release from incarceration.
- B. If a parolee's new conviction results in a lengthy DOC/Federal sentence, update the *Supervision Notes* and VACORIS, notify Post Release Unit, and place in waiver until receipt of closing instructions.

#### X. Death Discharges

##### A. Parole/Post Release Supervision/Pardon Cases

1. The P&P Officer must submit an approved *Parole Discharge Report 920\_F4* to the VPB Post Release

Unit. This will include an accurate accounting of the circumstances surrounding the parolee's death.

2. The P&P Officer must submit documentation that provides notification of the parolee's death, (i.e., Death Certificate), along with the *Parole Discharge Report* to the VPB Post Release Unit and await their instructions before closing the case.
3. Attachment 2, *Application for Certification of a Vital Record (VS-6) (Sample)*, must be completed and attached to the *Parole Discharge Report*.

**B. Death of Probation/Post Release Supervision Case**

1. The P&P Officer must secure verification of a probationer's death as directed by the sentencing Court before a case can be closed.
2. If a death certificate is needed, the P&P Officer must submit Attachment 2, *Application for Certification of a Vital Record (VS-6) (Sample)*, to the Virginia Division of Vital Records.
3. Once verification is secured, the sentencing Court will be informed and interest in the case closed.

C. The death must be recorded in *Supervision Notes* and *Demographics* section updated in VACORIS.

## REFERENCES

Virginia Parole Board Policy Manual

Operating Procedure 820.2, *Inmate Re-entry Planning*

## ATTACHMENTS

Attachment 1, *Discharge Certificate (Sample)*

Attachment 2, *Application for Certification of a Vital Record (VS6) (Sample)*

## FORM CITATIONS

*Parole Discharge Report* 920\_F4

*Casework Review and Recommendation* 920\_F5