

**ARIZONA DEPARTMENT OF CORRECTIONS  
DIRECTOR'S OFFICE**

**MEMORANDUM**

**TO:** Distribution

**FROM:** Charles L. Ryan, Director

**DATE:** October 1, 2010

**SUBJECT:** Director's Instruction # 288, Release to Probation - Senate Bill 1053 –  
**Revised**

This Director's Instruction is effective immediately and supersedes DI288 dated May 28, 2010. This Director's Instruction will remain in effect until incorporated into Department Order #1002, Inmate Release System.

**1.0 Temporary/ERCD/Absolute Discharge Releases to Probation (A.R.S 31-233; ARS 13-901; 13-902 and 13-603 subsection K.)**

- 1.1 Inmates whose Community Supervision Time has been waived by the court based solely on having a consecutive term of probation to serve upon release from the Department of Corrections, may be released directly to the County Adult Probation Department.
- 1.2 If the Community Supervision Time has been waived for any other reason, the inmate is not eligible for a SB 1053 release to Probation.
- 1.3 The period of probation shall be extended by the amount of time the Director approves for the inmate's Temporary Release time.
- 1.4 If the inmate is not eligible for a Temporary release, they shall serve until the ERCD/Absolute Discharge and then be released directly to the County Adult Probation Office. The period of probation shall not be extended for inmates released on the ERCD/Absolute discharge.
- 1.5 Inmates shall be released on their actual released date, to include weekends and holidays, with the exception of inmates identified in section 1.8 (dual supervision).
- 1.6 Upon release, they are not under the supervision of the Department and shall report directly to the County Adult Probation Department.
- 1.7 An Absolute Discharge shall be issued and forwarded to the Probation Department upon release.
  - 1.7.1. An inmate may request an Absolute Discharge upon completion of the Community Supervision Time.
- 1.8 Inmates who have court ordered Community Supervision time on one sentence and Community Supervision waived on another sentence, shall be released to Community Corrections and supervised until their Community Supervision End Date. Community Corrections shall notify probation upon the inmates CSED. At that time the supervision shall be transferred to Probation.

1.9 Transition Program (ARS 31-281; SB 1291, 2298 and 1093)

1.9.1 SB1053 inmates that also meet eligible criteria for SB1093/Transition Program (ARS 31-281) shall be screened and processed in accordance with DI219.

**2.0 Temporary Release Criteria- Inmates who do not meet the below criteria shall be released to Probation on their ERCD/Absolute Discharge.**

2.1 The inmate does not have a conviction for a sex offense and/or does not have to register as a sex offender by law. (Sex Offense Status Codes of A thru E)

2.2 The inmate has not been convicted of pursuant to ARS13-705P (formerly ARS 13-604.01) Dangerous Crimes Against Children, which requires GPS (Global Positioning System) monitoring.

2.3 The inmate is medium custody or below.

2.4 The inmate has met mandatory literacy requirements.

2.5 Inmates who have a previous revocation of release on the current commitment shall not be eligible for consideration for an early release.

2.6 Criminal Aliens with an identifier of "5", determined by ICE to be a Legal Permanent Resident are eligible. Criminal Aliens with identifiers of "3" or "6" are not eligible for a 1053 release.

2.7 Inmate does not have a felony detainer.

2.8 Inmates who are out to court and reach their TR/CSBD, shall be returned to Department Custody prior to being released to probation.

2.8.1 Inmates who are out to court and reach their ERCD/Absolute Discharge shall be released to probation.

2.8.1.1 The Institutional OIU shall send a "drop hold" to the County Jail and notify Probation.

2.9 Inmates who will be released to another jurisdiction to satisfy an outstanding issue shall be released on their ERCD/Absolute Discharge.

2.9.1 The Institution OIU shall notify the Probation Department of the agency that took custody and that a hold has been placed.

2.9.2 The Institution OIU shall place a notification hold for the County Probation Department.

**3.0 Release Procedures**

3.1 The Time Computation Unit shall:

3.1.1 Complete an initial intake audit and review all court documents to determine if Community Supervision Time has been waived by the courts due to a consecutive term of probation.

3.1.2 Review Temporary release eligibility criteria.

- 3.1.3 Send a monthly tentative release list to the County Probation Departments.
- 3.1.4 Upon the 60 day release confirmation, verify release eligibility
- 3.1.5 Upon the 7 day final release confirmation notify the Institution OIU of the release date and amount of time to extend probation if applicable and enter the release confirmation on the AIMS Audit Release Comment Screen.
- 3.1.6 Issue an absolute discharge and forward to the County Probation Departments.
- 3.2 The Institution OIU shall:
  - 3.2.1 Upon of the 7 day release confirmation, notify the Community Corrections Liason (CCL) of the inmates tentative release date.
- 3.3 The CCL shall:
  - 3.3.1 Upon notification from the OIU, complete the **Inmate Notification of Release to Probation form**, to include the number of days to extend probation, if applicable. This form is located on the Offender Management System data base.
  - 3.3.2 Complete the reporting instructions using attachment A (List of County Probation Offices). If the County has more than one office, contact the main number to determine the assigned probation office.
  - 3.3.3 A copy of the ADC Inmate Notification of Release to Probation, Form #1003-21 (Attachment B) shall be given to the Inmate, sent to the County Probation Office and placed in the offender file.
  - 3.3.4 The inmate shall report to the designated County Probation Office within 72 hours from release from Community Corrections Supervision.
- 3.4 **The Community Corrections Officer shall:**
  - 3.4.1 If an inmate has been released to the community to participate in the Transition Program as mandated per DI219, the supervising Community Corrections Officer shall supervise the offender until the offender's TR/Absolute Discharge is reached. At such time, the supervising Community Corrections Officer shall transfer the case directly to probation. At the offender's TR/Absolute Discharge date, the Community Corrections Officer shall:
    - 3.4.2 Complete the **Inmate Notification of Release to Probation, ADC Form #1003-21**, located on the Offender Management System data base.
    - 3.4.3 Complete the reporting instructions using the List of County Probation Offices (Attachment A). If the County has more than one office, the Community Corrections Officer shall contact the main number to determine the assigned probation office.
    - 3.4.4 For offenders transferred to Maricopa County, officers shall instruct offenders to contact the Maricopa County Adult Probation "hotline" within 72hrs from release from Community Supervision. Offenders will be given reporting instructions by county personnel.
    - 3.4.5 A copy of the Inmate **Notification of Release to Probation** form shall be given to the offender, sent to the County Probation Office and placed in the offender file.

- 3.4.6 The offender, other than Maricopa County offenders, shall report to the designated County Probation Office within 72 hours from release from Community Corrections Supervision.

**4.0 Sex Offenders, Sexually Violent Persons, GPS Monitored Inmates**

- 4.1 Inmates who have a sex offense status code of A thru E and/or are sentenced pursuant to ARS 705-P (formerly ARS 13-604.01) which require GPS (Global Positioning System) monitoring shall be released on their ERCD/Absolute Discharge.
- 4.2 The OIU shall contact the designated Probation Office 24 hours prior to the inmates release to advise of an inmate's release date, time and home address and to coordinate transportation. If the release falls on a weekend or holiday, the OIU shall contact the Probation Office on the last working day prior to the inmates' release.
- 4.3 The Arizona Department of Corrections shall transport the inmate to the designated Probation Office on the actual ERCD/Absolute Discharge to include weekend and holidays by 10:00 a.m.
- 4.4 Inmates whose assigned Probation Office is not within a reasonable distance from the facility where the inmate will be released, shall be transported to the ADC institution that is nearest to the Probation Office 24 hours prior to release. The inmate shall be housed in detention pending release the following day. The sending institution OIU is responsible for the notification to the Probation Department.
- 4.5 An inmate shall not be released to a third party, to include family members for transport to the Probation Office.

Director's Instruction # 288, Release to Probation - Senate Bill 1053  
**Revised** October 1, 2010

- Approved
- Not Approved

{Original Signature on File}

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Charles L. Ryan, Director

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Date