

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

MEMORANDUM

TO: DISTRIBUTION
FROM: CHARLES L. RYAN
DATE: December 12, 2014
SUBJECT: Director's Instruction # 331, Adjusted Administrative Releases

This Director's Instruction is effective immediately and supersedes DO 1001, Inmate Release System, Section 1001.15 - Adjusted Administrative Releases, dated October 11, 2011. This Director's Instruction will remain in effect until incorporated into Department Order #1001, Inmate Release System.

PURPOSE

This Director's Instruction provides procedures for the release of inmates.

1001.15 RELEASE FROM CUSTODY PROCEDURES

- 1.1 Inmates with court ordered Community Supervision shall not be released on a weekend or holiday to a **Temporary Release/CSBD**.
 - 1.1.1 **Temporary Release/CSBD** releases shall occur Monday through Friday.
 - 1.1.2 Inmates whose **Temporary Release/CSBD** falls on a weekend or holiday shall be released on the first workday after the weekend or holiday.
 - 1.1.3 All inmates granted a discretionary release shall report to their assigned Community Corrections Officer **as** outlined in this Department Order.
- 1.2 Registerable/Notifiable Sex Offenders **without viable home plans** whose ERCD falls on a weekend, holiday or Friday shall be released on the day prior to their ERCD (Monday through Thursday only), if statutorily eligible.
 - 1.2.1 The Department shall transport the inmate from the releasing institution to the **801 building Community Corrections Office or the Southern Region Community Corrections Center only, by 1200 hours**.

- 1.2.2 **The Department Transportation staff shall call the Community Corrections Office upon departure from the institution, advising them of the estimated time of arrival. In the event that they will not arrive by the designated time, they shall call the Community Corrections Office with an update on the estimated time of arrival.**
- 1.2.3 **Inmates shall be physically escorted by Department Transportation staff into the Community Corrections Office and delivered to the assigned officer, senior officer, supervisor, or the Duty Officer by 1200 hours. The Community Corrections staff member shall sign the Intake/Transfer of Custody – Body Receipt form.**
 - 1.2.3.1 **If the designated Community Corrections Office is not within a reasonable distance from the institution, the inmate shall be transported to the Department institution nearest to the designated Community Corrections Office 24 hours prior to release.**
 - 1.2.3.2 **Transportation arrangements shall be made by the Offender Information Unit and Central Office Classification.**
 - 1.2.3.3 **The inmate shall be housed in detention pending release the following day.**
- 1.3 **Registerable/Notifiable Sex Offenders with viable home plans (an approved Community Corrections placement), that do not require GPS monitoring, whose ERCD falls on a weekend, holiday or Friday shall be released on the day prior to their ERCD (Monday through Thursday only), if statutorily eligible.**
 - 1.3.1 **An immediate family member and/or approved sponsor may pick up a sex offender with a viable home plan, who does not require GPS monitoring, and transport them to the assigned Community Corrections Office by 1200 hours, in accordance with the inmate’s Conditions of Supervision.**
 - 1.3.2 **If an immediate family member and/or an approved sponsor are not available, Department Transportation staff shall transport inmates to the assigned Community Corrections Office, by 1200 hours as outlined in 1.2.2 through 1.2.3.3 of this section.**
 - 1.3.3 **If the inmate has viable home plans (an approved Community Corrections placement) and does not require GPS monitoring, the inmate shall be transported to the normally assigned Community Corrections office. Only Registerable/Notifiable Sex Offenders without viable home plans or those that require GPS monitoring shall be transported to the 801 Community Corrections building or the Southern Region Community Corrections Center.**

- 1.4 Sexually Violent Persons (SVP) – ERCD and SED for Sexually Violent Persons who are under a court ordered **Sexually Violent Person** Civil Petition shall be released and transported by the Department **Transportation staff** to the Arizona State Hospital on the date of the ERCD/SED, to include weekends and holidays. No **Sexually Violent Person** shall receive a **Temporary Release/CSBD**. **The inmate shall be physically escorted into the hospital and an Intake/Transfer of Custody – Body Receipt form shall be completed.**
- 1.5 GPS Monitored Inmates – Inmates who require GPS electronic monitoring whose ERCD falls on a weekend, holiday or Friday, shall be released on the day prior to their ERCD release date, (Monday through Thursday only) if statutorily eligible.
 - 1.5.1 **The Department Transportation staff shall:**
 - 1.5.1.1 Transport the inmate directly to the 801 building Community Corrections Office or the Southern Region Community Corrections Center only, for application of the GPS by **1200 hours** Monday through Thursday.
 - 1.5.1.2 **Call the Parole Office upon departure from the institution, advising them of the estimated time of arrival. In the event that they will not arrive by the designated time, they shall call the Parole Office with an update on the estimated time of arrival.**
 - 1.5.2 **Inmates shall be physically escorted by the Department Transportation staff into the Community Corrections Office and delivered to the assigned officer, senior officer, supervisor or Duty Officer. The Community Corrections staff member shall sign the Intake/Transfer of Custody – Body Receipt form. If the designated Community Corrections Office is not within reasonable distance from the institution, transportation shall be in accordance with 1.2.3.1 through 1.2.3.3 of this section.**
- 1.6 Non Registerable/Notifiable Sex Offenders, **that do not require GPS monitoring**, whose ERCD falls on a weekend or holiday shall be released **on the Friday** prior to the **weekend or the day prior to the holiday**, if statutorily eligible. These inmates may be released Monday through Friday.
- 1.7 **Court Ordered Evaluation (COE) Releases**
 - 1.7.1 **Inmates under a Mental Health Civil Petition requiring a Court Ordered Evaluation shall be released in accordance with specific release eligibility criteria and transported directly and escorted into the Maricopa County Psychiatric annex or designated contracted psychiatric facility by Department Transportation staff. The Department Transportation staff shall complete the Intake/Transfer of Custody – Body Receipt form.**

- 1.7.2 **Designated Department staff shall serve the Mental Health Civil Petition Affidavit of Service to the inmate within the service time frames directed by the court, and within one working day return the completed Mental Health Civil Petition Affidavit of Service to the designated Mental Health staff.**
- 1.8 Earned Release Credit Dates on Weekends/Holidays
- 1.8.1 Inmates scheduled to be released on their ERCD on a weekend or holiday shall be released on the Friday prior to the weekend or the day prior to the holiday, Monday through Friday if statutorily eligible, unless circumstances specified in **this Department Order** requires the inmate to be released Monday through Thursday.
- 1.8.1.1 Temporary Releases shall only be for one to three calendar days prior to their ERCD.
- 1.8.2 Inmates who have **a term of community supervision and who have** been assessed as maximum/intensive supervision and/or are validated STG members shall be released in accordance with 1.8.1 of this section and shall report to their assigned Community Corrections Office by **1500 hours** on the day of release.
- 1.8.2.1 The Community Corrections Officer shall submit the applicable Conditions of Supervision and Release **form** with **the** approved Pre-Release Investigation Report **to the Offender Information Unit** for inmates defined in this section.
- 1.9 ABOEC Granted Releases – Pursuant to A.R.S. 31-412A, inmates scheduled to be released on their Parole Eligibility Date (PED) on a weekend or holiday shall be released on the Friday prior to the weekend or the day before the holiday, Monday through Friday if statutorily eligible, unless circumstances specified in 1.2 through 1.5 of this section require the inmate to be released Monday through Thursday.
- 1.9.1 If the inmate is not statutorily eligible for a **Temporary Release**, the date of release may be adjusted to the next workday **following their Parole Eligibility Date**.
- 1.10 Home Arrest
- 1.10.1 The **Offender Information Unit** shall request release confirmation from the **Time Computation Unit** on home arrest inmates.
- 1.10.2 Inmates released on home arrest shall only be released Monday through Friday, excluding holidays.

- 1.11 Mandatory/Provisional Releases
 - 1.11.1 Adjusted releases shall be processed if the release date falls on a weekend or holiday.
 - 1.11.2 Inmates shall be released on the Friday prior to the weekend or the day prior to the holiday (Monday through Friday).
- 1.12 Sentence Expiration Date/Community Supervision End Date **or an ERCD for an inmate with a date of offense** prior to Truth in Sentencing (**inmates with a date of offense prior to January 1, 1994**) - Inmates shall be released on their weekend or holiday release date.
- 1.13 Absolute Discharge – Inmates with an Absolute Discharge shall be released on the date of the discharge.
- 1.14 Mandatory Literacy – Inmates with a **Sentence Expiration Date** which falls on a weekend or holiday and were previously denied CSBD/ERCD due to mandatory literacy, but have since met the requirements, shall be released the Friday prior to the weekend or the day prior to the holiday (Monday through Friday).
 - 1.14.1 If the mandatory literacy requirements have not been met, the inmate shall be released on the day of their **Sentence Expiration Date**.
- 1.15 Interstate Compact (**ISC**) – Inmates with an approved Interstate Compact placement shall be released on their actual release date, to include weekends and holidays.
- 1.16 Non-Eligible Temporary Release Inmates – Inmates who are not statutorily eligible for a **Temporary Release** shall be released on their actual ERCD/CSSED/PED.
 - 1.16.1 The inmate shall sign the applicable Conditions of Supervision and Release.
 - 1.16.2 The inmate shall report to their assigned Community Corrections Office within one workday after the weekend or holiday, unless circumstances specified in this Department Order require same day reporting.
 - 1.16.2.1 If same day reporting is required, the **Offender Information Unit** shall coordinate with the Community Corrections Officer for the weekend and holiday release.
 - 1.16.3 Inmates who are Registerable/Notifiable and/or require GPS monitoring who are not statutorily eligible for a **Temporary Release** shall be released on their ERCD/SED.

1.16.3.1 **Inmates shall be physically escorted by Department Transportation staff into the Community Corrections Office and delivered to the assigned officer, the senior officer or supervisor, or the Duty Officer in accordance with 1.2 through 1.5.2 of this section. The Community Corrections staff member shall sign the Intake/Transfer of Custody – Body Receipt form. If the designated Community Corrections Office is not within a reasonable distance from the institution, transportation shall be in accordance with 1.2.3.1 through 1.2.3.3 of this section.**

1.16.3.2 The **Offender Information Unit** shall coordinate with the Community Corrections Officer for the weekend and holiday release.

1.17 Criminal Alien Releases

1.17.1 One-Half Deport Releases – Inmates who are eligible for deportation at one half of their sentence shall be released to **Immigration Customs Enforcement** on or after that designated date, to include weekends and holidays.

1.17.2 Criminal Aliens scheduled to be released on their ERCD on a weekend or holiday may be released on the Friday prior to the weekend or the day prior to the holiday, if statutorily eligible and **if they** meet the **Temporary Release** criteria outlined in Department Order #1002, Inmate Release System.

1.18 Probation Detainers – Inmates with Probation Detainers whose release date falls on a weekend or holiday shall be released on the weekend or holiday.

1.19 Weekend/Holiday Earned Release Credit Date/Temporary Release Process

1.19.1 Adjusted Release memos are required for Registerable/Notifiable Sex Offenders and inmates requiring GPS monitoring.

1.19.2 The **Time Computation Unit** shall send the release confirmations to the **Offender Information Unit**, the Community Corrections Release Unit, and the Office of Victim Services.

1.19.3 The **Offender Information Unit** shall notify the Community Corrections Officer and the Community Corrections Supervisor as to the inmate's actual release date.

1.19.4 The Community Corrections Officer shall monitor the **Release Management System (RMS)** and note any changes to the inmate's release date.

{Original Signature on File}