

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

**MEMORANDUM**

**TO:**           **DISTRIBUTION**

**FROM:**       **CHARLES L. RYAN**

**DATE:**       December 3, 2015

**SUBJECT:**    Director's Instruction # 339, Absolute Discharge Procedures

This Director's Instruction is effective immediately and supersedes Department Order #1002, Inmate Release Eligibility System, Section 1002.06, Criteria for Board of Executive Clemency Releases, subsections 1.3 through 1.3.4, dated January 8, 2003. This Director's Instruction will remain in effect until incorporated into Department Order #1002, Inmate Release Eligibility System.

**PURPOSE**

This Director's Instruction provides the criteria and procedures for the issuance of Absolute Discharges.

1.3       Absolute Discharge

1.3.1       The Board may grant an Absolute Discharge, pursuant to ARS 31-411 and 31-414, if an inmate has been certified Parole eligible.

1.3.1.1     If an Absolute Discharge is granted, it shall be effective on the parole eligibility date.

1.3.1.2     If an inmate is past the parole eligibility date, the Board shall specify the effective date of the Absolute Discharge.

1.3.1.3     The Time Computation Unit (TCU) Administrator or designee shall complete a Certificate of Absolute Discharge, Form 1002-21, and forward it to the Director or designee for signature.

1.3.1.4     After the approving authority has signed the Certificate of Absolute Discharge, the TCU Administrator or designee shall prepare a cover letter advising the inmate of the process for restoration of civil rights, send the certificate and letter to the inmate and file a copy of the certificate in the inmate's Master Record File.

1.3.2       An Arizona parolee who has been on continuous supervision for a minimum of one year shall be eligible for consideration of an Absolute Discharge, in accordance with the ABOEC procedures.

- 1.3.2.1 All Parolees may submit an application for an Absolute Discharge on their own behalf.
- 1.3.2.2 Upon the request by the ABOEC, the Community Corrections Officer shall verify information regarding the offender's compliance with the conditions of supervision and progress while under supervision. No recommendations shall be made. The information shall be submitted through the chain-of-command to the Operations Director for Community Corrections or designee for review.
- 1.3.2.3 The Operations Director for Community Corrections or designee shall submit the report to the ABOEC. The ABOEC shall:
  - 1.3.2.3.1 Have sole discretion to grant or deny an Absolute Discharge.
  - 1.3.2.3.2 Notify the TCU.
  - 1.3.2.3.3 Notify the Operations Director for Community Corrections of the decision.
- 1.3.2.4 If an Absolute Discharge is granted, follow section 1.3.1.4 of this Director's Instruction.
- 1.3.3 A parolee may request a Certificate of Absolute Discharge upon completion of the sentence(s) imposed.
  - 1.3.3.1 The Request for Absolute Discharge shall be in writing and may be requested by:
    - 1.3.3.1.1 The parolee.
    - 1.3.3.1.2 The parolee's Community Corrections officer.
    - 1.3.3.1.3 The parolee's attorney.
  - 1.3.3.2 The Offender Services Bureau Administrator or designee shall ensure that a Certificate of Absolute Discharge is issued when requested by an eligible individual.
  - 1.3.3.3 Upon receipt of the written Request for an Absolute Discharge, the Offender Services Bureau, Offender Information Unit Supervisor shall:
    - 1.3.3.3.1 Verify that the sentence(s) have been completed.

1.3.3.3.2 Prepare a Certificate of Absolute Discharge, and a cover letter advising the parolee of the process for restoration of civil rights.

1.3.3.3.3 Send the certificate and letter to the requestor and file a copy in the Master Record File.

1.3.4 When an offender has a term of probation to serve, and if the offender's term of probation is equal to or exceeds the offender's SED, the Director or designee shall issue the offender an Absolute Discharge on the offender's ERCD. The Department shall not supervise the offender, nor is the offender under the control of the Department.

{Original Signature on File}