
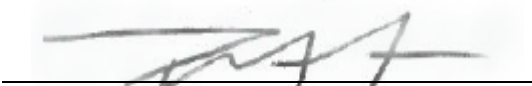


<b>POLICY TITLE: EARLY TERMINATION OF PROBATION OR CONVERSION TO ADMINISTRATIVE RELEASE</b>		<b>PAGE 1 OF 3</b>
<b>POLICY NUMBER: 9.15 - ACC</b>		
<b>CHAPTER 9: SUPERVISION AND CASE MANAGEMENT</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
	<b>EFFECTIVE DATE:</b> <b>July 21, 2004</b>	<b>LATEST REVISION:</b> <b>June 1, 2021</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

Adult Community Corrections

**III. POLICY**

Title 17-A M.R.S.A. Section 1804(10) provides that a Probation Officer may file a motion with the court for termination of a period of probation and discharge of the probationer at a time earlier than that provided in the sentence, if warranted by the conduct of the probationer. Title 17-A M.R.S.A Section 1804(9) provides that a Probation Officer may file a motion with the court for conversion of a period of probation for certain crimes to a period of administrative release. It is the policy of the Department that every Probation Officer shall review all his or her probation cases, at least annually, to determine which are appropriate for early termination or conversion to administrative release.

A request for early termination of probation for an out of state probationer shall be forwarded to the sending state.

**IV. DEFINITIONS**

None

**V. CONTENTS**

- Procedure A: Early Termination of Probation or Conversion to Administrative Release, General
- Procedure B: Motion for Early Termination of Probation or Conversion to Administrative Release
- Procedure C: Action Following Court's Decision

## VI. ATTACHMENTS

None

## VII. PROCEDURES

### **Procedure A: Early Termination of Probation or Conversion to Administrative Release, General**

1. Every Probation Officer shall review all his or her probation cases, at least annually, to determine which are appropriate for early termination of probation or conversion to administrative release.
2. In reviewing each case for appropriateness for early termination of probation, the Probation Officer shall determine whether the probationer has not engaged in conduct prohibited by his or her conditions of probation and has satisfactorily fulfilled all of the proactive conditions of his or her probation and in the opinion of the supervising Probation Officer continuation on probation would not benefit the community (including the victim, if any) or the probationer. When it is determined that early termination of probation is appropriate based on this review, the Probation Officer shall promptly file a motion with the court for early termination of probation.
3. In compliance with Department Policy (ACC) 9.6, Restitution and Fees, under no circumstances may a Probation Officer make a motion for or agree to early termination of probation if the probationer has not paid the total amount of restitution owed.
4. In addition, whenever a person on probation is convicted of a new crime during the period of probation, the probation is not revoked, and the person is sentenced to an unsuspended term of imprisonment which is concurrent with the period of probation and the term of imprisonment will not expire until the period of probation is completed, the Probation Officer may file a motion with the court for early termination of probation.
5. In reviewing each case of a Class D or E crime or a Class C crime under Title 29-A Section 2557-A (operating after habitual offender revocation) for appropriateness for conversion to administrative release, the Probation Officer shall determine whether the probationer has not engaged in conduct prohibited by his or her conditions of probation and has satisfactorily fulfilled all of the proactive conditions of his or her probation except for those not requiring continuing monitoring by the Probation Officer and in the opinion of the supervising Probation Officer continuation on probation would not benefit the community (including the victim, if any) or the probationer. When it is determined that conversion to administrative release is appropriate based on this review, the Probation Officer may file a motion with the court for conversion to administrative release.

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**Procedure B: Motion for Early Termination of Probation or Conversion to Administrative Release**

1. Prior to filing a motion for early termination of probation or conversion to administrative release with the court, the Probation Officer shall inform the prosecuting attorney of the intent to file and shall provide the prosecuting attorney with a copy of the motion.
2. In the case of a motion being made under Procedure A. 2. above, the motion for early termination of probation shall include a summary of the probationer's performance while on probation, including the probationer's fulfillment of the conditions of probation.
3. In the case of a motion being made under Procedure A. 5. above, the motion for conversion to administrative release shall include a summary of the probationer's performance while on probation, including the reason(s) why continuing monitoring by the Probation Officer is not required for the probationer's fulfillment of the remaining proactive conditions of probation.

**Procedure C: Action Following Court's Decision**

1. The Probation Officer shall notify the probationer of the court's decision on the motion if the probationer was not present in court.
2. If the motion is granted, the Probation Officer shall complete a Termination Summary.
3. If the motion is not granted, supervision of the probationer shall continue unabated.

**VIII. PROFESSIONAL STANDARDS**

**ACA**

- 4-APPFS-2A-13 A closing summary or a final progress report is prepared that summarizes the performance of the offender during the entire period of supervision. The closing summary or final progress report remains in the offender's supervision record.
- 4-APPFS-2A-14 If permitted by law, early termination may be recommended to the court or releasing authority, when there is compliance with the conditions of supervision.

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