



JUDICIAL REFERENCE GUIDE



Missouri Board of Probation and Parole

EARNED COMPLIANCE CREDIT (ECC 217.703)

- In all instances, Probation and Parole must comply with the statutory obligation to award ECC.
- All eligible offenders will accrue ECC unless they meet the exclusion criteria set out in statute.
- Offenders who are ordered by the Court to pay restitution will not be discharged due to their accrual of ECC until restitution has been paid in full. The Court / Parole Board will be notified once restitution is paid in full and given at least 60 days to respond.
- A Final Case Summary Report will be provided to the Court 60-120 days prior to the offender's discharge date. The Court will be informed of any outstanding financial obligations or violations pending. This gives the Court the opportunity to file a motion to revoke, grant an authorized extension of the term of probation, make a Court order directing Probation and Parole to continue supervision and/or grant the ECC Discharge.

DOMESTIC VIOLENCE SUPERVISION

Any offender sentenced on or after October 1, 2014 for one of the following charges and whose victim is an intimate partner shall be supervised on the Domestic Violence Specialized Caseload.

- Aggravated Stalking (565.225; prior to 1/1/2017)
- Domestic Assault 1st (566.072)
- Domestic Assault 2nd (565.073)
- Domestic Assault 3rd (565.074)
- Domestic Assault 4th (565.076)
- Stalking 1st (565.225)
- Violation Order Protection/Ex Parte (455.085 and 455.050)

Offenders will be supervised on an enhanced level and be required to complete a Batterer Invention Program and/or counseling addressing their Domestic Violence behavior. No Court or Parole Board Special Condition is required.

If the offender was sentenced before October 1, 2014 and violates their probation, the case will be assessed to determine placement on the Domestic Violence Specialized Caseload.

SEX OFFENDER ASSESSMENT UNIT

- Sentencing Assessment Report (SAR) is required.
- The assessment is to determine the offender's suitability for supervision and community-based sex offender treatment and is not considered a program.
- At the conclusion of the assessment, a report will be sent to the Court outlining a recommendation.
- Should the Court agree with the assessment outlining the release plan, a court order for probation release should be submitted.
- Should the Court disagree, an order denying release should be entered. No hearing is required by statute to deny such release.

LONG TERM COURT ORDER SUBSTANCE ABUSE PROGRAM (LTC-217.362)

- The offender must be a chronic (3 felony findings of guilt) and non-violent offender.
- Program Length is 12 months.
- Offenders that have a statutory prohibition prior to probation/parole release must be scheduled for program entry such that their program completion date coincides with the statutory requirement (*For Example: Chronic DWIs will be scheduled for program entry after 12 months have been served including jail credit*).
- **Conflicting Sentences:** The minimum prison term or Parole Board established release date must be in proximity to the projected LTC completion date for the offender to be eligible.



JUDICIAL REFERENCE GUIDE



Missouri Board of Probation and Parole

COURT ORDERED DETENTION SANCTION (CODS-559.036)

- CODS placement is required prior to revocation if the offender is on supervision for an eligible offense, the offender has not consented to revocation, and the offender is otherwise eligible for CODS.
- The offender must not have a prior 120 Shock or Post Conviction placement on the same offense pursuant to 559.115 or 217.785 (*Prior 217.362 placement is allowed*).
- The offender must have more than 8 months left on supervision after any Earned Compliance Credits are rescinded. (*All previous ECC credits will be rescinded upon CODS placement, however, the offender will earn ECC during placement*).
- Only an offender with technical violations is eligible for CODS. (*No laws, weapons, absconder, and/or violation of no-contact order violations*).

When the offender completes CODS Successfully: The Court will receive a Court Report. This report will note the date the offender will be released on probation supervision.

If the offender is terminated from CODS: A Court Report will be completed requesting that the Court issue a *capias* and assume custody within 2 days for revocation/ alternative disposition.

The Supervision Strategies and Treatment Alternatives Booklet outlining other programming criteria is available at www.doc.mo.gov.

This booklet can assist the Court and Attorneys in recommending an appropriate offender management strategy.

INSTITUTIONAL TREATMENT CENTER (ITC-559.115)

SHOCK INCARCERATION PROGRAM (SIP-559.115)

- Probation and Parole must be notified to obtain a placement date. Projected bed dates are available by calling the local Probation and Parole Office.
- Offenders who arrive in advance of their expected delivery date or who were not booked may not receive placement.
- The offender is eligible at initial sentencing (term sentence pursuant to 559.115).
- May occur at revocation of SIS/SES after mandatory CODS has occurred, if applicable.
- Offense must not carry a statutory restriction against probation/parole.
- Only offenders with mild mental health or medical needs (i.e; medication compliant/stable) can be accommodated.

An ITC/SIP offender will be statutorily discharged upon the 120th day unless the Court issues an order for Probation and Parole to supervise. A hearing is required if the Court believes probation release is not appropriate.

ITC/SIP stipulated offenders with conflicting sentences will be diverted to general population for 120 days.

An offender in general population will not be released absent an order granting probation from the Court.

If an offender is successful at the time of the Initial Court Report and is later terminated (after the Court has issued a release order) then the offender will be released unless a new Court order is received.

If an offender is terminated from an ITC/SIP, the offender's sentence will be executed if no Court order for release is received.