



# JUDICIAL REFERENCE GUIDE



## Division of Probation and Parole

### EARNED COMPLIANCE CREDIT (ECC 217.703)

- Probation and Parole must comply with the statutory obligation to award ECC unless the offender meets the exclusion criteria in statute.
- Probation cases ordered to pay restitution shall automatically require restitution be paid in full prior to ECC being applied and does not require a court order specific to ECC.
- Probation cases in custody for supervision violations shall have an override entered in the P&P agency system.
- If a probation case is ordered into a treatment court after December 18, 2018, the application of ECC shall be suspended. Upon successful completion, all earned ECC will be applied, however, if terminated none shall apply.
- All ECC shall be rescinded when the offender is placed in CODS pursuant to 559.036 RSMo and/or is placed in an ITC pursuant to 217.785 RSMo.
- In response to a violation, the court may hold a hearing on any eligible offense and make a finding that the offender is ineligible to earn credits because of the nature and circumstances of the violation.

### 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 PROCESS (SOAP-559.115.5)

- 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 ORDERED SUBSTANCE ABUSE PROGRAM (LTC-217.362)

- The offender must be a chronic (3 felony findings of guilt) non-violent offender as defined in RSMo 217.010 with no past or current dangerous felonies defined in RSMo 556.061, and have a sentence length of four years. 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.

(Revised July 9, 2019)



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### 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*).
- All ECC credit is rescinded if an offender goes to CODS. The offender will not earn credits until released under supervision.
- 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.

### POST CONVICTION TREATMENT (PCT 217.785)

- In order to be eligible for sentencing to the institutional phase, the offender must have initially failed the community phase of treatment while on probation.

The Supervision Strategies and Treatment Alternatives Booklet outlining other programming criteria is available at [www.doc.mo.gov](http://www.doc.mo.gov).

### 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, and will not be released absent an order granting probation from the Court.

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.