




KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 11-125	PAGE NUMBER 1 of 2						
		SUBJECT: DECISION MAKING: Offender's eligible for discharge from the prison portion of a sentence pursuant to KSA 75-5220							
Approved By:  Secretary of Corrections		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Original Date Issued:</td> <td style="text-align: right;">08-06-10</td> </tr> <tr> <td>Current Amendment Effective:</td> <td style="text-align: right;">N/A</td> </tr> <tr> <td>Replaces Amendment Issued:</td> <td style="text-align: right;">N/A</td> </tr> </table>		Original Date Issued:	08-06-10	Current Amendment Effective:	N/A	Replaces Amendment Issued:	N/A
Original Date Issued:	08-06-10								
Current Amendment Effective:	N/A								
Replaces Amendment Issued:	N/A								
Reissued By:  Policy & Procedure Coordinator		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature. Date Reissued: 09-19-11							

POLICY

In order to ensure that scarce resources are not unnecessarily expended for transportation and processing of offenders with only a minimal period of the prison portion of their sentence left to serve, the Secretary of Corrections may, at the time the notice provided for in KSA 75-5218 and amendments thereto is received, order that certain offenders with ten [10] or less days remaining to be served on the prison portion of their sentence[s] be released as provided by KSA 75-5220, as amended by SB 346 of the 2010 legislative session. This early discharge from the prison portion of the sentence[s] shall not result in time being added to the period of post release supervision.

DEFINITIONS

Sentence Computation Unit (SCU): Trained staff who are assigned to review court documents for accuracy and completeness and compute sentences of offenders committed to the Kansas Department of Corrections.

PROCEDURES

I. Eligibility Criteria

- A. Inmates who are 10 days or less from the projected release date on the prison portion of their sentence may be released directly from the county jail, providing that none of the following exclusionary criteria apply:
 1. Documented misconduct in the county jail;
 2. Need for mental health/medical discharge planning services; and/or,
 3. Presents a threat to either staff or the community at large.

- B. Inmates who are 10 days or less from the projected release date on the prison portion of their sentence who meet one or more of the following criteria may be released directly from the county jail upon review by the Secretary of Corrections:
 1. Additional felony convictions or pending felony charges other than those for which the individual is being considered for release; and/or,
 2. Convicted of a sex offense.

- C. Inmates who are 10 days or less from the projected release date on the prison portion of their sentence, and who do not meet criteria listed in either I.A or I.B., may be released directly from the county jail upon review by either the SOC or his/her designee.

II. Verification of Eligibility Procedures

- A. It shall be the responsibility of staff assigned to the Department's Sentence Computation Unit (SCU) to make a determination as to whether or not an inmate is eligible for release/discharge on the prison portion of their sentence as authorized by statute.
- B. At the time an SCU staff member receives notification that an offender may be eligible for release on the prison portion of their sentence pursuant to KSA 75-5220 they shall:
 - 1. Request copies of the sentencing documents for review.
 - 2. Compute the sentence and apply all applicable Good Time Credits.
- C. If the inmate is within 10 days of release on the prison portion of their sentence with the application of earned Good Time Credits, SCU staff shall:
 - 1. Confirm that the inmate meets none of the criteria set forth in section I.A. above;
 - 2. Request the Inmate Booking Sheet from the sending county; and
 - 3. Run an NCIC check for any outstanding wants or warrants.
- D. If the inmate remains eligible for release, SCU staff shall advise the Secretary of Corrections or his or her designee that the inmate has 10 days or less to serve on the prison portion of their sentence and is eligible for release as provided by KSA 75-5220 as amended by SB346.
- E. Upon notification from the Secretary of Corrections that an inmate has been approved for release, the SCU staff shall notify the county jail that the inmate meets the SB 346 criteria and advise them not to schedule the inmate for admission to the KDOC.
 - 1. If the Secretary disapproves the request for release, SCU staff shall advise the county jail to schedule the inmate for admission to the KDOC.

III. Processing the release of inmates

- A. For inmates who do not have a post release supervision obligation, the SCU staff shall:
 - 1. Generate an Inmate number (KDOC #) if there is not already an existing KDOC #.
 - 2. Create and Enter the following OMIS Data:
 - a. Master Record or modify as applicable
 - b. Movement Codes
 - c. Journal Entry Information
 - d. Sentence Record Summary
 - e. Create the Good Time Log
 - 3. Notify banking for entry into release and gratuity, if applicable;
 - 4. Notify Victim's Services, as needed;
 - 5. Send "Letter Relinquishing Custody-Discharge" (Attachment A) via e-mail or fax;
 - 6. Requests file fingerprint cards and photos;
 - 7. Image documents;
 - 8. If the inmate has a conviction for a sex offense, notify the Sex Predator Commitment Act Administrator; and,

9. Request a Discharge Certificate from the Kansas Parole Board.
- B. For inmates who have a post release supervision obligation, the SCU staff shall:
1. Contact the Parole Office assigned to that county and request that inmate be provided with:
 - a. Conditions of PRS
 - b. Reporting Instructions
 2. Establish date of release.
 3. On the date that the inmate is set for release from the county jail, perform steps 1-4 and 6-9 as identified in Section III.A. above.
 - a. Additionally, the SCU staff shall send "Letter Relinquishing Custody-PRS Obligation" (Attachment B) via e-mail or fax.
 4. Make the necessary adjustments to the Sentence Record Summary Discharge Dates (items 475, 476, 477 and 478).
- C. For inmates serving a period of post release supervision, the supervising parole officer shall request a Post Release Certificate from the Kansas Parole Board.

IV. If an offender previously approved for release from the prison portion of their sentence subsequently becomes ineligible, the SCU staff shall:

- A. Notify jail officials
- B. Notify parole staff, if applicable
- C. Delete offender from OMIS using Maintenance Program - SB346 Offenders in Last 7 Days

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

KSA 75-5218
KSA 75-5220, as amended by SB 346 of the 2010 Legislature

ATTACHMENTS

Attachment A - Letter Relinquishing Custody-Discharge
Attachment B – Letter Relinquishing Custody-PRS Obligation

Letter Relinquishing Custody-Discharge

DATE

CONTACT (contact's e-mail address)
XXXXX County Sheriff's Office

Fax #: XXX/XXX-XXXX
Phone #: XXX/XXX-XXXX

RE: OFFENDER, KDOC #
XXXXX County Case XXXXX

On DATE, the Sentence Computation Unit for the Kansas Department of Corrections (KDOC) received file-stamped copies of the Journal Entries associated with the above-referenced case.

We have reviewed the documents and have determined that this offender has satisfied the XX-month prison sentence that was ordered to be served in case XXXXX. The court has ordered that the offender not serve a period of post-release supervision for said case. Because the offender has satisfied this sentence, the KDOC is relinquishing custody to the XXXXX County Jail and the offender can be released for this case number. There is no need to transport the offender to the KDOC's Reception and Diagnostic Unit. **If there is an active detainer from another jurisdiction that has been lodged on this offender, release should be to that detainer.**

Please forward certified copies of the Court documents, a photograph of the offender and a fingerprint card to my attention.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

SIGNATURE
TITLE
Sentence Computation Unit

Letter Relinquishing Custody-PRS Obligation

DATE

CONTACT (contact e-mail address)
XXXXX County Sheriff's Office

Fax #: XXX/XXX-XXXX
Phone #: XXX/XXX-XXXX

RE: OFFENDER, KDOC #
XXXXX County Case XXXXX

On DATE, the Sentence Computation Unit for the Kansas Department of Corrections (KDOC) received file-stamped copies of the Journal Entries associated with the above-referenced case.

We have reviewed the documents and have determined that this offender has satisfied the XX-month prison sentence that was ordered to be served in case XXXXX. The court has ordered that the offender serve a period of post-release supervision for said case. Because the offender has satisfied the prison portion of this sentence, the KDOC is relinquishing custody to the XXXXX County Jail and the offender can be released for this case number after being contacted by KDOC Parole Staff. There is no need to transport the offender to the KDOC's Reception and Diagnostic Unit. **If there is an active detainer from another jurisdiction that has been lodged on this offender, release should be to that detainer.**

Please forward certified copies of the Court documents, a photograph of the offender and a fingerprint card to my attention.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

SIGNATURE
TITLE
Sentence Computation Unit