

# INTERNAL MANAGEMENT POLICY & PROCEDURE

**Applicability:** ☒ Adult Operation Only ☐ JUVENILE Operations Only ☐ DEPARTMENT-WIDE

IMPP #: 11-125A

PAGE #: 1 of 4

## DECISION MAKING: Residents Eligible for Discharge from the Prison Portion of a Sentence Pursuant to K.S.A. 75-5220

Original Date Issued: 08-19-15 Replaces IMPP Issued: 08-19-15 **CURRENT EFFECTIVE DATE: 09-27-23**

Approved By: , Secretary Next Scheduled Review: 08/2026

### POLICY

In order to ensure that scarce resources are not unnecessarily expended for transportation and processing of residents 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 K.S.A. 75-5218 and amendments thereto is received, order that certain residents with 20 or less days remaining to be served on the prison portion of their sentence(s) be released as provided by K.S.A. 75-5220 and amendments thereto. 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 assigned to review court documents for accuracy and completeness and compute sentences of Residents committed to the Kansas Department of Corrections.

### PROCEDURES

#### I. Eligibility Criteria

- A. Residents who are 20 days or less from the projected release date on the prison portion of their sentence may be released directly from the county jail through relinquishment of custody to the county sheriff, providing that none of the following exclusionary criteria apply:
  - 1. Documented serious 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. Residents who are 20 days or less from the projected release date on the prison portion of their sentence who meet one (1) or more of the following criteria may be released directly from the county jail through relinquishment of custody to the county sheriff, upon review by the Secretary or his/her designee:
  - 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. Residents who are 20 days or less from the projected release date on the prison portion of their

sentence, and who do not meet criteria listed in either Section I.A or I.B. above, may be released directly from the county jail through relinquishment of custody to the county sheriff, upon review by either the Secretary 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 decide whether a resident is eligible for release/discharge on the prison portion of his/her sentence as authorized by statute.
- B. At the time an SCU staff member receives notification that a resident may be eligible for release on the prison portion of his/her sentence pursuant to K.S.A. 75-5220 and amendments thereto, 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 resident is within 20 days of release on the prison portion of his/her sentence with the application of earned Good Time Credits, SCU staff shall:
  - 1. Confirm that the resident meets none of the criteria set forth in Section I.A. above.
  - 2. Request the Booking Sheet from the sending county.
  - 3. Verify with county presence of any detainers. This information will determine a resident's eligibility to receive gratuity or not.
- D. If the resident remains eligible for release, SCU staff shall advise the Secretary or his/her designee that the resident has 20 days or less to serve on the prison portion of his/her sentence and is eligible for release as provided by K.S.A. 75-5220 and amendments thereto.
- E. Upon notification from the Secretary or his/her designee that a resident has been approved for release, the SCU staff shall notify the county jail that the inmate meets the criteria of K.S.A. 75-5220 and amendments thereto and advise them not to schedule the resident for admission to the KDOC.
  - 1. If the Secretary disapproves the request for release, SCU staff shall advise the county jail to schedule the resident for admission to the KDOC.

## **III. Processing the Release of Residents**

- A. For residents who do not have a post release supervision obligation, the SCU staff shall:
  - 1. Generate a resident number (KDOC #) if there is not already an existing KDOC #.
  - 2. Create and enter the following Athena data:
    - a. Master Record or modify as applicable.
    - b. Movement Codes.
    - c. Journal Entry and Conviction Information.
    - d. Sentence Record Summary; and
    - e. Create the Good Time Log and award/withhold Good Time, as applicable.

3. Notify appropriate EDCF RDU staff in the case of male residents, or TCF staff in the case of female residents, for entry into the release module and issuance of gratuity, if applicable.
  4. Notify Victim Services, as needed.
  5. Send "Letter Relinquishing Custody-Discharge" (Attachment A) via e-mail or fax.
  6. Request file fingerprint cards and photos, if available.
  7. Image documents.
  8. If the resident has a conviction for a sex offense, notify the Sex Predator Commitment Act Administrator.
  9. Request a Discharge Certificate from the Prisoner Review Board; and,
  10. Forward a copy of the Discharge Certificate with the "Letter Relinquishing Custody-Discharge" to the jail with direction to provide a copy to the resident.
- B. For residents who have a post release supervision obligation, the SCU staff shall:
1. Contact the Parole Office assigned to that county and request that resident be provided with:
    - a. Conditions of PRS; and
    - b. Reporting Instructions.
  2. Establish date of release.
  3. On the date that the resident is set for release from the county jail, perform procedures in Section III.A.1. through 4. and 6. through 8. 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 residents serving a period of post release supervision, designated parole staff shall create a Post Release Certificate.
- IV. If a resident previously approved for release from the prison portion of his/her sentence subsequently becomes ineligible, the SCU staff shall:**
- A. Notify jail officials.
  - B. Notify parole staff, if applicable.
  - C. Notify Transportation Captain and appropriate RDU staff of resident's approval for admission.
- V. This IMPP must serve as final policy in all departmental facilities, and no General Orders shall be developed or implemented on this subject.**

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and Residents and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or Residents, or an independent duty owed by the Department of Corrections to employees, Residents, 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**

K.S.A. 75-5218 and amendments thereto; 75-5220 and amendments thereto

#### **HISTORY**

08-19-15 Original  
09-27-23 Revision 1

#### **ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Letter Relinquishing Custody – Discharge	1 page
B	Letter Relinquishing Custody – PRS Obligation	1 page

**Letter Relinquishing Custody-Discharge**

DATE

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

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

**IT IS YOUR OFFICE'S RESPONSIBILITY TO CONDUCT A WANTS-AND-WARRANTS CHECK, PURSUANT TO K.S.A. 22-4605, PRIOR TO RELEASE OF THIS SUBJECT.**

Please forward a photograph of the resident 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

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XXXXX County Sheriff's Office

RE: RESIDENT, KDOC #  
XXXXX County Case XXXXX

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