

# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  <b>11-125A</b>	<b>PAGE NUMBER</b>  <b>1 of 4</b>
	<b>SUBJECT:</b>  <b>DECISION MAKING: Offenders Eligible for Discharge from the Prison Portion of a Sentence Pursuant to K.S.A. 75-5220</b>		
<b>Approved By:</b>   Secretary of Corrections	<b>Original Date Issued:</b> <span style="float: right;"><b>08-19-15</b></span>		<b>Replaces Version Issued:</b> <span style="float: right;"><b>N/A</b></span>
		<b>CURRENT VERSION EFFECTIVE:</b> <span style="float: right;"><b>08-19-15</b></span>	

<b>APPLICABILITY:</b>	<input checked="" type="checkbox"/> <b>ADULT Operations Only</b>	<input type="checkbox"/> <b>JUVENILE Operations Only</b>	<input type="checkbox"/> <b>DEPARTMENT-WIDE</b>
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**POLICY STATEMENT**

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 K.S.A. 75-5218 and amendments thereto is received, order that certain offenders 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 offenders committed to the Kansas Department of Corrections.

**PROCEDURES**

**I. Eligibility Criteria**

- A. Offenders 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 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. Offenders 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:
  - 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. Offenders 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 make a determination as to whether or not an offender 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 an offender 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 offender 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 offender meets none of the criteria set forth in Section I.A. above;
  - 2. Request the Inmate Booking Sheet from the sending county; and
  - 3. Verify with county presence of any detainers. This information will determine offender's eligibility to receive gratuity or not.
- D. If the offender remains eligible for release, SCU staff shall advise the Secretary or his/her designee that the offender 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 that an offender 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 offender for admission to the KDOC.
  - 1. If the Secretary disapproves the request for release, SCU staff shall advise the county jail to schedule the offender for admission to the KDOC.

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

- A. For offenders 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; and
    - e. Create the Good Time Log.
  - 3. Notify appropriate EDCF RDU staff in the case of male offenders, or TCF staff in the case of female offenders, 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 offender has a conviction for a sex offense, notify the Sex Predator Commitment Act Administrator; and,
  9. Request a Discharge Certificate from the Prisoner Review Board.
- B. For offenders who have a post release supervision obligation, the SCU staff shall:
1. Contact the Parole Office assigned to that county and request that offender be provided with:
    - a. Conditions of PRS; and
    - b. Reporting Instructions.
  2. Establish date of release.
  3. On the date that the offender is set for release from the county jail, perform procedures in Section III.A.1. through 4. and 6. through 9. 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 offenders serving a period of post release supervision, the supervising parole officer shall request a Post Release Certificate from the Prisoner Review Board.
- IV. If an offender 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; and
  - 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**

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

**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

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.**

**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 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 #  
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