



# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b> 11-128	<b>PAGE NUMBER</b> 1 of 2
		<b>SUBJECT:</b> <b>DECISION MAKING: Application of Sanction Credit Pursuant to K.S.A. 22-3716</b>	
<b>Approved By:</b>  <b>Secretary of Corrections</b>		<b>Original Date Issued:</b> 07-12-13	<b>Current Amendment Effective:</b> 07-12-13
		<b>Replaces Amendment Issued:</b>	

## POLICY

Offenders who receive a probation sanction pursuant to subsection (c) of K.S.A. 22-3716, and amendments thereto remanding the defendant to the custody of the secretary of corrections for a period of 120 days or 180 days, may have the sanction reduced by up to 50% at the discretion of the secretary of corrections.

## DEFINITIONS

Sanction Credit: reduction in the prison portion of the probation violation sanction ordered by the sentencing court. Eligible inmates may receive no more than 60 days on a 120 day sanction and no more than 90 days on a 180 day sanction. Days of sanction credit shall not be credited towards the satisfaction of the underlying prison term.

Sentence Computation Unit: A work unit of the Facility Management Division of the Kansas Department Of Corrections charged with the interpretation and computation of sentencing orders from the District Court.

OMIS: Offender Management Information System

## PROCEDURES

### **I. Eligibility Criteria**

- A. An inmate may be eligible for Sanction Credit if the following criteria are met:
  1. The inmate is incarcerated only for a probation sanction of 120 days or 180 days pursuant to KSA 22-3716;
  2. The inmate's prison portion of their underlying prison sentence does not expire prior to completion of the 120 day or 180 day sanction; and
  3. The inmate has maintained good conduct while serving the probation sanction

### **II. Procedure**

- A. The Sentence Computation Unit shall review the sentencing documents from the District Court prior to admission of the offender to determine the length of sanction ordered by the sentencing court, the amount of Sanction Credit that may be applied to reduce the duration of the probation sanction, and to verify that the offender has enough time remaining to serve to approve admission to a Kansas Department of Corrections(KDOC) Facility.

1. The Sentence Computation shall notify the Sheriff's Department holding the probation violator of the approval or disapproval for admission to KDOC.
  2. Upon the offenders admission to the Reception and Diagnostic Unit the Sentence Computation Unit shall enter the sanction data into the sentence summary in OMIS.
  3. The earliest release date shall include the sanction credit that is available to earn on the sanction portion of the sentence. Inclusion of this Sanction Credit does not imply that the inmate has already earned the Sanction Credit but rather provides some guidance as to earliest release date available if the inmate maintains good conduct during the service of the imposed sanction.
- B. The Classification Administrator, for each facility shall notify the Sentence Computation Unit within 5 calendar days of any behavior by the inmate that would prohibit the earning of one or more day/s of Sanction Credit.
1. Upon receiving such notification from the Classification Administrator, the Sentence Computation Unit shall review the information to determine the amount of sanction credit that should be withheld and make necessary adjustments in the Sanction Credit Log in OMIS.
  2. The Sentence Computation Unit shall notify the facility Classification Administrator of any changes to the date of release for inmates at their facility who are serving a 120 day or 180 day probation violation sanction.
  3. The Classification Administrator, or their designee, shall provide notice to the inmate of the change in their release date.
  4. The Classification Administrator, or their designee, shall provide notice to the supervising community corrections agency of any changes in the type of release or the release date of inmates serving a probation violation sanction.

**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. 21-3716

#### **ATTACHMENTS**

none