



# KANSAS DEPARTMENT OF CORRECTIONS

 <b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>	<b>PAGE NUMBER</b>
	14-115A	1 of 5
<b>SUBJECT:</b>		
<b>PAROLE SERVICES: Supervision of DUI Offenders</b>		
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## POLICY STATEMENT

In accordance with Kansas Statute, offenders who are sentenced to the Secretary of Corrections for a fourth or subsequent DUI, which occurred prior to 6/30/11, shall be monitored during their jail term and then supervised for a term of post release supervision. Parole Services staff shall coordinate an alcohol assessment with contracted assessors and assist in the placement of the offender in the appropriate treatment program.

## DEFINITIONS

Aftercare Plan: A written document developed jointly by the offender and the Case Management Group during the substance abuse treatment process which addresses methods to maintain sobriety upon completion of the active treatment phase.

DUI Tracking System: An OMIS database containing movement codes developed specifically for the tracking of offenders convicted of their fourth or subsequent DUI.

Multi-disciplinary Team: A group consisting of the parole officer, a RADAC staff member, and a treatment provider staff member who are charged with developing and monitoring the offender's treatment plan.

Post-Release Supervision Activation Criteria (applies only to offenders whose fourth or subsequent DUI was committed on or after July 1, 2001 but prior to July 1, 2002): Activation of post-release supervision shall occur when any of the following occur:

- The offender fails to make himself/herself available for treatment assessment;
- The offender fails/refuses to enter treatment;
- The offender fails to complete treatment;
- Upon apprehension after the offender absconds prior to being assessed, entering or completing treatment; or
- The offender completes treatment.

RADAC: Regional Alcohol and Drug Assessment Center. Not for profit companies that have contracted with the State of Kansas, Social and Rehabilitation Services (SRS), Substance Abuse Treatment and Recovery (SATR), to complete substance abuse placement assessments for persons meeting eligibility criteria. RADAC is commissioned to provide alcohol/drug assessments in accordance with the terms of an interagency agreement between SRS and KDOC for offenders meeting the criteria for the supervision of offenders convicted of their fourth or subsequent DUI offense.

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. NOTIFICATION PROCEDURES**

- A. Upon notification that an offender has been sentenced under the provisions of K.S.A. 8-1567(g), the KDOC SCU shall assign an inmate number, create a master record and make an unassigned entry into the DUI tracking system citing the county of incarceration based upon information contained in the Journal Entry of Sentencing received from the court of conviction.
- B. A member of the SCU shall contact the designated parole officer responsible for supervision of the county in which the offender was convicted so that initial information regarding the offender can be gathered.
  - 1. The parole officer shall enter the parole officer code in the DUI tracking system assigning the offender to his/her caseload.
  - 2. When the offender is activated in TOADS, the assigned parole officer shall be responsible for creating and maintaining status for DUI in TOADS, creating and closing interventions, maintaining contact notes and creating reports as required on any other case.
- C. The parole officer shall gather as much offender background information as possible from sources such as KDOC Records, Court Services and Community Corrections, other law enforcement agencies and any collateral sources.
- D. The parole officer shall monitor the offender's status during the course of the jail sentence.
  - 1. The parole officer shall make contact with the offender, either by letter or personal contact at the jail, to advise of his/her status on postrelease and provide instructions for contacting the parole officer upon release from jail.
- E. The parole officer shall contact the appropriate RADAC staff member to arrange for an alcohol/drug treatment assessment.
  - 1. The parole officer shall assist the RADAC staff member with jail admittance as necessary and shall work closely with the assessor in determining treatment location and transition from jail to treatment.
- F. Once the RADAC assessment has been conducted the RADAC staff member shall convene the Multi-disciplinary Team, who shall develop a treatment plan.
- G. The parole officer shall submit the treatment plan information and offender background information to the Prisoner Review Board (PRB) Administrator.
  - 1. The PRB Administrator shall present the case to PRB Members, who shall assign any necessary special conditions pursuant to K.S.A. 22-3717.
  - 2. The PRB Administrator shall ensure that the necessary release certificates are issued .

### **II. OFFENDER RELEASE FROM JAIL**

- A. If the substance abuse assessment determines that the offender should enter a residential program upon release from jail, the parole officer shall assist in coordinating the transportation to the program and/or area of supervision.
- B. Offenders whose fourth or subsequent DUI was committed on or after July 1, 2002 shall have their post-release supervision activated on the day of release from the jail sentence.

1. The parole officer shall be responsible for creating an OMIS entry in the DUI tracking system moving the offender to post-release supervision.
  - a. After making the post-release admission entry, the parole officer shall contact the SCU to advise that the movement has been made and the offender released to supervision. Upon notification, the SCU shall update the sentence record and create the good time log.
- C. Offenders whose fourth or subsequent DUI was committed on or after July 1, 2001 but prior to July 1, 2002 shall be "in the custody of the Secretary of Corrections", upon release from the jail sentence, however shall not be placed on post-release supervision until the offender has either completed or failed to complete the recommended treatment program.
  1. The parole officer shall be responsible for creating appropriate entries in both TOADS and OMIS reflecting the offender's current status.
- D. During the offender's participation in treatment, the parole officer shall work closely with the Multidisciplinary Team in monitoring the offender's progress and working toward development of an aftercare treatment plan.

### **III. TREATMENT COMPLETION AND POSTRELEASE SUPERVISION FOR OFFENSES COMMITTED BETWEEN 7/1/01 AND 7/1/02**

- A. Prior to completion of treatment, the offender and the Multidisciplinary Team shall meet to obtain the offender's signature on the post-release certificate and to discuss the aftercare plan and reporting instructions upon release from treatment.
  1. The actual treatment program completion date shall serve as the post-release supervision start date.
    - a. The supervision start date shall be entered on the release certificate by the parole officer at the initial personal interview.
  2. Upon successful completion of treatment, the parole officer shall be responsible for creating a release entry in the DUI tracking system which will activate the offender in the OMIS movement file.
    - a. Once the offender is activated on post-release supervision, the regular movement record can be utilized.
  3. After making the post-release admission entry, the parole officer shall contact the SCU to advise that the movement has been made. Upon notification, the SCU shall modify the sentence record and create the good time log.

### **IV. OFFENDER REFUSAL TO ENTER OR COMPLETE TREATMENT**

- A. If an offender refuses to enter the designated treatment program after his/her release from jail, or fails to complete treatment after initial program entry:
  1. The parole officer shall arrange a meeting with the offender, present the release certificate to the offender for signature, and inform him/her that the post-release supervision term has begun.
  2. The parole officer shall contact the SCU so that the sentence record can be modified and the good time log created.
  3. The parole officer shall complete the post-release admission entry which shall reflect the date the offender refused to enter or complete the program.

4. A meeting of the Multidisciplinary Team shall be convened to discuss available treatment options.

**V. OFFENDER ABSCONDS SUPERVISION PRIOR TO TREATMENT PROGRAM ENTRY OR COMPLETION OF THE PROGRAM**

- A. If the offender fails to appear for treatment or fails to complete the treatment program and his/her whereabouts are unknown, the offender shall be processed in accordance with IMPP 14-131/14-131A , and an absconder warrant shall be issued.
- B. Apprehended absconders shall be processed in accordance with IMPP 14-131/ 14-131A with the following exceptions:
  1. The Deputy Compact Administrator shall coordinate the return of offenders from other states after apprehension.
    - a. Coordination will involve determination of treatment location by consulting the TOADS database or by contacting the previous parole officer of record to determine location of treatment.
    - b. Once the appropriate treatment location is determined, the Deputy Compact Administrator shall submit a Transportation Memo to the Transportation Coordinator.
    - c. The Transportation Memo shall specify that the offender be delivered to the jail nearest the specified treatment location and shall indicate the parole officer who will be providing supervision to the offender.
      - (1) The Transportation Coordinator shall contact the designated parole officer and shall provide information as to the offender's tentative arrival time.
    - d. The parole officer shall arrange a meeting with the offender, present the release certificate to the offender for signature, and inform him/her that the post-release supervision term has begun.
    - e. The parole officer shall contact the Case Management Group to arrange for placement in treatment.
      - (1) Should a treatment slot not be available, the offender shall be placed under community supervision, which may include electronic monitoring or Global Positioning technology until a vacancy is available.
    - f. The offender shall be held in jail no longer than three working days after admission to the county jail, unless extenuating circumstances are present.

**VI. VIOLATION PROCESSING AFTER PRIMARY TREATMENT COMPLETION**

- A. Offenders absconding after completion of treatment shall be processed pursuant to IMPP 14-131/14-131A and 14-137/14-137A.
- B. The parole officer shall contact the Case Management Group for additional dispositional input for offenders completing primary treatment but failing to complete aftercare.

## VII. ELIGIBILITY FOR COMPACT PLACEMENT

- A. Offenders successfully completing treatment will be considered for out of state transfer if appropriate treatment aftercare is available and with supervisory approval and in accordance with IMPP 14-105/14-105A.
- B. Offenders failing to complete treatment shall not be considered for out of state transfer.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who 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. 8-1014, 8-1567, 22-3717  
IMPP 14-105/14-105A, 14-131/14-131A; 14-137/14-137A

### ATTACHMENTS

None.