



Department of Corrections

# INTERNAL MANAGEMENT POLICY & PROCEDURE

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

IMPP #: 14-133A

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**PAROLE SERVICES: Discharge from Supervision**

Original Date Issued: 07-25-17 Replaces IMPP Issued: 07-25-17 **CURRENT EFFECTIVE DATE: 12-19-23**

Approved By:  Secretary Next Scheduled Review: 07/2026

## POLICY

Offenders shall be discharged from supervision on the date that their sentence expires or they reach their sentence discharge date. The sentence expiration date shall be determined based on an offender's sentence and the application of any good time credits that the offender may be eligible for.

To encourage success on supervision, an early discharge from supervision may be requested when allowed by law, based on the sentence of the offender. When an offender with a qualifying sentence has demonstrated satisfactory cooperation in the development and compliance with the case plan, and his/her behavior and performance is determined to be appropriate, the parole officer may recommend an early discharge from supervision.

## DEFINITIONS

Conditional Release (CR) Date: Date attained by applying earned good time credits to the sentence expiration date.

Determinate Sentence: A sentence which cites a definitive prison term which may be reduced by good time credits earned during incarceration. Some determinate sentences may also be eligible to earn good time during post-release supervision.

Discharge from Supervision: Legal satisfaction of the sentence by the action of the releasing authority or by expiration of sentence.

Discharge Recommendation: A written recommendation by the parole officer to the releasing authority requesting that the offender be granted discharge prior to the expiration of sentence.

Good Time Log: The location in the designated information management system that is used for entry and computation of post-incarceration good time.

Early Discharge: Discharge prior to the sentence expiration date by action of the releasing authority.

Indeterminate Sentence: A sentence with a prescribed minimum and maximum term with release and sentence discharge being determined by the court or other authority.

Interstate Compact Case: An individual sentenced to probation or parole outside of Kansas, who is residing in Kansas and being supervised by KDOC under the Interstate Compact Agreement, as discussed in IMPP 14-105A.

Post-incarceration Supervision: The supervision of offenders for any type of release from a KDOC facility, to

include parole, conditional release, and post-release release.

Post-Release Supervision: Refers only to the supervision of inmates released as the result of Sentencing Guidelines.

Post-Release Supervision Period: The period of supervision which follows the prison portion of a determinate sentence. This period is equal to the term ordered by the court less applicable good time credits earned. The post-release supervision period for offenders convicted of a sex offense or sexually motivated crime is equal to the term ordered by the court, plus good time earned and retained while incarcerated.

Sentence Discharge Date: The calendar date in which the offender's determinate sentence is satisfied.

Sentence Expiration Date: Discharge due to expiration of sentence.

## **PROCEDURES**

### **I. Discharge Eligibility**

#### **A. Early Discharge**

1. Offenders released by authority of the Prisoner Review Board (PRB) or via conditional release may be considered for early discharge after a minimum period of one year from release has elapsed.
2. Offenders released by authority of the sentencing judge or by the releasing authority in other states vary in their eligibility for early discharge consideration and should be considered on a case-by-case basis.

#### **B. Sentence Expiration Date**

1. Offenders serving indeterminate sentences who have been released by the PRB or via conditional release who reach their sentence expiration date shall be discharged from supervision.

#### **C. Sentence Discharge Date**

1. Offenders with determinate sentences whose post-release supervision period is not reducible by application of good time credits shall be discharged from supervision upon serving the appropriate post-release supervision term.
2. Offenders with determinate sentences whose post-release supervision period is reducible by application of good time credits shall be discharged from supervision upon serving the post-release supervision term less good time credits earned while under supervision. Offenders convicted of sexually motivated crimes shall serve the post-release term plus the good time credit used to reduce the period of incarceration, less good time credits earned while under supervision.

#### **D. Interstate Compact Cases**

1. The discharge or sentence expiration date for interstate compact cases, and any eligibility for early discharge, is established by the sending state.

### **II. Discharge Processing**

#### **A. Early Discharge Requests**

1. It shall be the responsibility of the parole officer to periodically review the case of each offender under probation, parole, or conditional release supervision to determine if case

plan objectives have been achieved to the degree determined to merit discharge consideration.

- a. An Early Discharge Request shall be prepared for all offenders who are an appropriate candidate for early discharge, considering the factors listed below.
2. A review for early discharge by may also be initiated by the PRB or the offender.
  - a. Upon the request of the PRB, the parole officer shall provide an Early Discharge Request to the PRB for review.
  - b. Upon the request of an offender, the case shall be screened for the appropriateness of an early discharge, and a report shall be provided to the PRB.
    - (1) Offender requests for early discharge may be denied by the parole officer if a previous request was denied by the PRB and there has been no significant change, or the offender has not completed requirements set forth by the PRB.
3. Considerations for recommending discharge are substantial compliance with supervision conditions, the completion of goals and objectives as outlined in the case plan and progress made to reduce criminogenic risks and needs. Other factors which may be considered include:
  - a. Criminal History and current assessed risk level;
  - b. Length of time under supervision and the offender's cooperation and performance while on supervision;
  - c. Residence stability;
  - d. Employment stability, or comparable status if employment is not required;
  - e. The nature of any law enforcement contact that has occurred;
  - f. Substance abuse history and desistance efforts;
  - g. The status of financial obligations including court costs, restitution and supervision fees; and
  - h. Medical or psychological considerations.
4. After determining an offender is eligible for discharge consideration or after being requested to submit a request, the parole officer shall prepare an Early Discharge Request in Athena-and submit it to the releasing authority through the Parole Director or designee.
  - a. If the parole director or designee does not concur with the recommendation in a parole officer initiated request, the report shall be returned to the parole officer with an explanation of non-concurrence.
  - b. In instances where the parole officer and/or director do not support a request for early discharge which was requested by the offender or releasing authority, that recommendation and the rationale may be included as part of the Early Discharge Request.
  - c. Correspondence on interstate compact cases shall be made using a progress report submitted in ICOTS.

5. The offender shall remain under active supervision until notified that an early discharge has been granted and the discharge certificate arrives unless the sentence expiration date arrives first.
  6. Discharge recommendations for Kansas offenders with indeterminate sentences being supervised out-of-state shall be reviewed by the interstate compact unit supervisor or designee prior to submission to the PRB for decision.
    - a. The interstate compact unit supervisor or designee shall forward all requests for discharge to the PRB for their consideration.
      - (1) Should the PRB issue a discharge certificate, it shall be forwarded to the receiving state. If early discharge is not approved, interstate compact unit staff shall return a narrative to the receiving state which outlines the response and PRB expectations.
  7. Prior to forwarding an early discharge request to the PRB members for consideration, the PRB Administrator shall forward the request to Victim Services for input.
    - a. Victim Services shall provide a response to the PRB Administrator within 30 days of their receipt of the early discharge request.
    - b. Upon receipt of the comments from Victim Services, the PRB Administrator shall forward the request and comments to the PRB members for discharge consideration.
  8. The PRB Administrator or designee shall notify the assigned parole officer of the decision regarding early discharge of the offender, and provide any necessary case management information.
    - a. If the offender is granted early discharge, the parole officer shall be responsible to notify the offender and prepare for case closure.
- B. Verification of Sentence Expiration and Sentence Discharge Dates
1. The sentences of Kansas offenders who are under supervision and appear to be eligible for discharge shall be verified prior to the issuance of a discharge certificate.
  2. A list shall be generated by a designated sentence computation unit (SCU) staff member between the 1st and the 5th days of the month preceding offender's sentence expiration or sentence discharge date. The list shall include all cases whose sentences are scheduled to expire within the designated time frame.
  3. The list shall be distributed to parole officers and the interstate compact unit, who shall verify the accuracy of the sentence expiration/sentence discharge dates by:
    - a. Make note of any comments provided by SCU staff and take steps, if needed, to address them.
    - b. If good time is applicable, the good time log shall be reviewed to ensure that all good time awards have been completed pursuant to IMPP 14-120A.
    - c. Notify the parole supervisor or interstate compact supervisor of any names on the list for offenders who should not be discharged.
    - d. If the offender is in custody or has an outstanding KDOC warrant, the case should be staffed to determine if the warrant should be withdrawn and the case processed for sentence discharge.

- (1) Offenders who are in custody and have been convicted of a new felony that was committed while on post release supervision, and have been sentenced to a term with KDOC, should not be processed for discharge.
  - e. Determine if any offenders on their caseload are not on the list but will be eligible for discharge, based on good time or warrant withdrawal activity that occurs after the generation of the list.
  - f. Notify the parole supervisor or interstate compact supervisor of any other discrepancies that may exist with a discharge date, good time or sentencing information.
4. The parole supervisor or interstate compact supervisor shall notify the designated Discharge Clerk of any changes, deletions or additions that need to be made to the discharge list.

### **III. Creation of Discharge Certificates and Discharge Movements**

- A. At least one staff person shall be designated by the parole directors to serve as discharge clerk for parole services. The discharge clerk is responsible for maintaining the monthly discharge lists for parole offenders, the creation of needed discharge certificates and creating the discharge movements.
- B. Discharge clerk(s) designated by the parole director(s) shall issue a discharge certificate in Athena for offenders based on the verified discharge listing.
  1. Whenever possible, discharge certificates shall be created at least two weeks prior to the discharge date.
- C. For each case on the discharge listing, the discharge clerk shall complete a discharge checklist and closing movement in Athena, no later than one week after the actual expiration of sentence date.
- D. Prior to entering the expiration of sentence/sentence discharge movement into the computer, the staff member responsible for entering the data shall ensure that any warrant previously entered Athena has been withdrawn.
  1. Should an absconder or condition violation warrant exist, the matter shall be referred to the parole officer's supervisor for appropriate action.
  2. Matters involving interstate compact offenders should be referred to interstate compact unit supervisor or designee.
  3. If it is determined by the Parole Supervisor or Interstate Compact Supervisor that the warrant will be withdrawn, the warrant withdrawal information shall be entered in Athena. The parole supervisor shall make entries for cases being supervised in state, and the interstate compact unit supervisor or designee, shall make entries for Kansas offenders being supervised out of state.
    - a. The subsequent "RD" movement or discharge checklist entry shall be completed by the discharge clerk only after receiving notification that the warrant withdrawal has been made.
- E. After early discharge is granted, upon issuance of the discharge certificate by the Prisoner Review Board, the PRB Administrator or designee shall:
  1. Enter the discharge checklist and movement in Athena.

- a. The movement date shall be the date of discharge from parole or conditional release.
2. Create the discharge certificate in Athena and notify the parole officer of record or interstate compact unit that the certificate is available in Athena.

#### **IV. Offender Notifications**

- A. Kansas offenders reaching their sentence expiration/discharge date shall be provided with the original certificate, printed from Athena.
  1. The original certificate may be provided in person or by U.S. mail.
  2. Upon request, the certificate may be provided by electronic means, such as email or text. When provided electronically, a printed original certificate shall also be provided.
- B. When a parole officer or the interstate compact unit is notified by the PRB that an early discharge has been granted, they shall print the discharge certificate from Athena and provide a copy to the offender, advising them of the early discharge.
- C. Interstate compact cases reaching the end of their sentence shall be provided with a discharge certificate or documentation as it is made available from the sending state.
- D. In all cases, upon providing the discharge certificate, the employee providing the certificate shall also provide a copy of the instructions from the Kansas Secretary of State on "Registering to Vote After Completing a Felony Sentence" and the voter registration form.
  1. The "Registering to Vote After Completing a Felony Sentence" information shall be printed from the Secretary of State's website at [Kansas Secretary of State | Registering to Vote After Completing a Felony Sentence \(ks.gov\)](https://ks.gov) along with the registration form at [Kansas Voter Registration \(ks.gov\)](https://ks.gov).

#### **V. Case Closure and Documentation of Closure Reason and Success Type**

- A. Within 15 days after the closure of Kansas cases due to discharge, early discharge or sentence expiration, the assigned parole officer shall enter the case closure reason and closure type/level of success in Athena, or other designated location.
- B. The working file shall be closed after the computer entries of the offender's discharge or expiration of sentence date has been made.
  1. Documentation shall be up to date, including a contact note describing the reason for case closure.
  2. The parole file shall be marked "Closed, Expiration of Sentence" or "Closed, Discharged", and shall be handled in accordance with records maintenance policies and IMPP 05-103D.
- C. Cases closed due to the death of the offender shall be managed in accordance with IMPP 01-114D.

#### **VI. 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 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**

IMPP 01-114D, 05-103D, 14-120A,

#### **HISTORY**

07-25-17 Original  
12-19-23 Revision 1

#### **ATTACHMENTS**

None.