
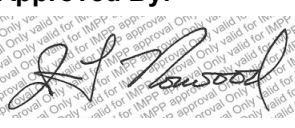


KANSAS DEPARTMENT OF CORRECTIONS

 INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-133A	PAGE NUMBER 1 of 6
	SUBJECT: PAROLE SERVICES: Discharge from Supervision	
Approved By:  Secretary of Corrections	Original Date Issued: 07-25-17	
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POLICY STATEMENT

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.

When an offender under an indeterminate sentence or interstate compact supervision 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. (4-APPFS-2A-14)

DEFINITIONS

Good Time Log: The Offender Management Information System (OMIS) computer screen designated for entry and computation of post-incarceration good time.

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.

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.

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 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 Prisoner Review Board or via conditional release who reach their sentence expiration date shall be considered to 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.

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 report 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 Prisoner Review Board or the offender.
 - a. Upon the request of the Kansas Prisoner Review Board, the Parole Officer shall provide an Early Discharge Report to the Board for review.

- b. Upon the request of an offender, his/her case shall be screened for the appropriateness of an early discharge, and a report provided to the Prisoner Review Board.
 - (1) Offender requests to send an early discharge request may be denied by the parole officer if a request previously sent was denied by the PRB and there has been no significant change, or if the offender has not completed requirements set forth by the PRB.
3. Considerations for recommending discharge are the completion of goals and objectives as outlined in the case plan, and risk/need, other factors which may include:
 - a. Criminal History;
 - b. Length of time under supervision and the offender's cooperation and performance while on supervision;
 - c. Residence stability;
 - d. Employment stability;
 - e. Law enforcement contact;
 - f. Substance abuse;
 - g. Court cost and restitution balance;
 - h. Medical or psychological considerations; and,
 - i. Payment of supervision fees.
4. After determining the offender's eligibility for discharge consideration, or after being requested to submit a request, the parole officer shall prepare an Early Discharge Report in TOADS 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 Report.
 - c. Correspondence on compact cases shall be made using a Progress Report submitted in ICOTS.
5. The offender shall be maintained 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 on Kansas offenders with indeterminate sentences being supervised out-of-state shall be reviewed by the Deputy Compact Administrator or designee prior to submission to the Prisoner Review Board (PRB) for decision.
 - a. The Deputy Compact Administrator 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, the Deputy Compact

Administrator 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 PO shall be responsible to notify the offender and prepare for case closure.
- B. Sentence Expiration Date/Sentence Discharge Date
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. An OMIS computer listing shall be generated by a designated Sentence Computation Unit staff member between the 1st and the 5th days of the month preceding the offender's sentence expiration or sentence discharge date.
 3. The OMIS listing shall be distributed to parole officers 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 14-120.
 - c. Notify the Parole 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 due, based on good time or warrant withdrawal activity that occurs after the generation of the list.
 - f. Notify the Parole Supervisor of any other discrepancies that may exist with a discharge date, good time or sentencing information in OMIS.
 4. The parole supervisor shall notify the designated Discharge Certificate clerk of any changes, deletions or additions that need to be made to the discharge list.

III. Coding of the Movement and Distribution of the Certificates

A. Expiration of Sentence/Sentence Discharge.

1. Staff member(s) designated by the Parole Director(s) shall issue a discharge certificate in TOADS for offenders, based on the verified discharge listing.
2. The designated staff member(s) for certificate issuance shall ensure that the expiration of sentence/sentence discharge date computer OMIS movement is made no later than one week after the actual expiration of sentence date.
3. Prior to entering the expiration of sentence/sentence discharge date into the computer, the staff member responsible for entering the data shall ensure that any warrant previously entered in OMIS has been withdrawn.
 - a. Should an absconder or condition violation warrant exist, the matter shall be referred to the parole officer's supervisor for appropriate action.
 - b. Matters involving interstate compact offenders should be referred to the Deputy Compact Administrator or designee.
4. If it is determined that the warrant will be withdrawn, the warrant withdrawal OMIS movement shall be completed by the parole supervisor for Kansas cases being supervised in state, or by the Deputy Compact Administrator, or designee, for Kansas offenders being supervised out of state.
 - a. The subsequent "RD" movement shall be completed by the designated staff member for certificate issuance after receiving notification that the warrant withdrawal has been made in OMIS.
 - b. "RD" movements shall be made by the designated staff member for certificate issuance in the case of Kansas cases being supervised in state.
5. Interstate compact staff determining that an offender is eligible for discharge after verification of the computer listing shall refer the case to KPB support staff for certificate issuance.
 - a. "RD" discharge movements for Kansas cases being supervised out of state shall be made by KPB support staff.
6. Offenders reaching their sentence expiration/discharge date shall be provided with the original certificate.

B. Early Discharge.

1. Upon issuance of the discharge certificate by the Prisoner Review Board, the PRB Administrator or designee shall enter the discharge movement in OMIS and notify the parole officer of record or Interstate Compact Unit that the certificate is available in TOADS.
 - a. The movement date shall be the date of discharge from parole or conditional release.
2. The Parole Officer of record or Interstate Compact unit designee shall print the certificate from TOADS and provide a copy to the officer, advising him/her of the early discharge.

IV. Closure of the File

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1. The working file shall be closed after the computer coding 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.

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. 22-3717, 22-3722
IMPP 05-103, 14-120
4-APPFS-2A-14

ATTACHMENTS

None.