

KANSAS SENTENCING COMMISSION WORKSHOP

Hope Cooper, Deputy Secretary

September 17, 2020

ALTERNATIVES TO INCARCERATION

Post-Release Supervision

Admissions/Front-End

POST-RELEASE SUPERVISION

- According to a Council of State Governments analysis of the last 10 years:
 - The population on post-release supervision has decreased 1%
 - Revocations have increase 4%
- Parole/PRS technical violators account for 17% of admissions in 2019

The total parole population decreased slightly between FY2010 and FY2019.



Parole population numbers are based on the population as of June 30 of each fiscal year. Parole revocation numbers are based on prison admissions for parole revocations.

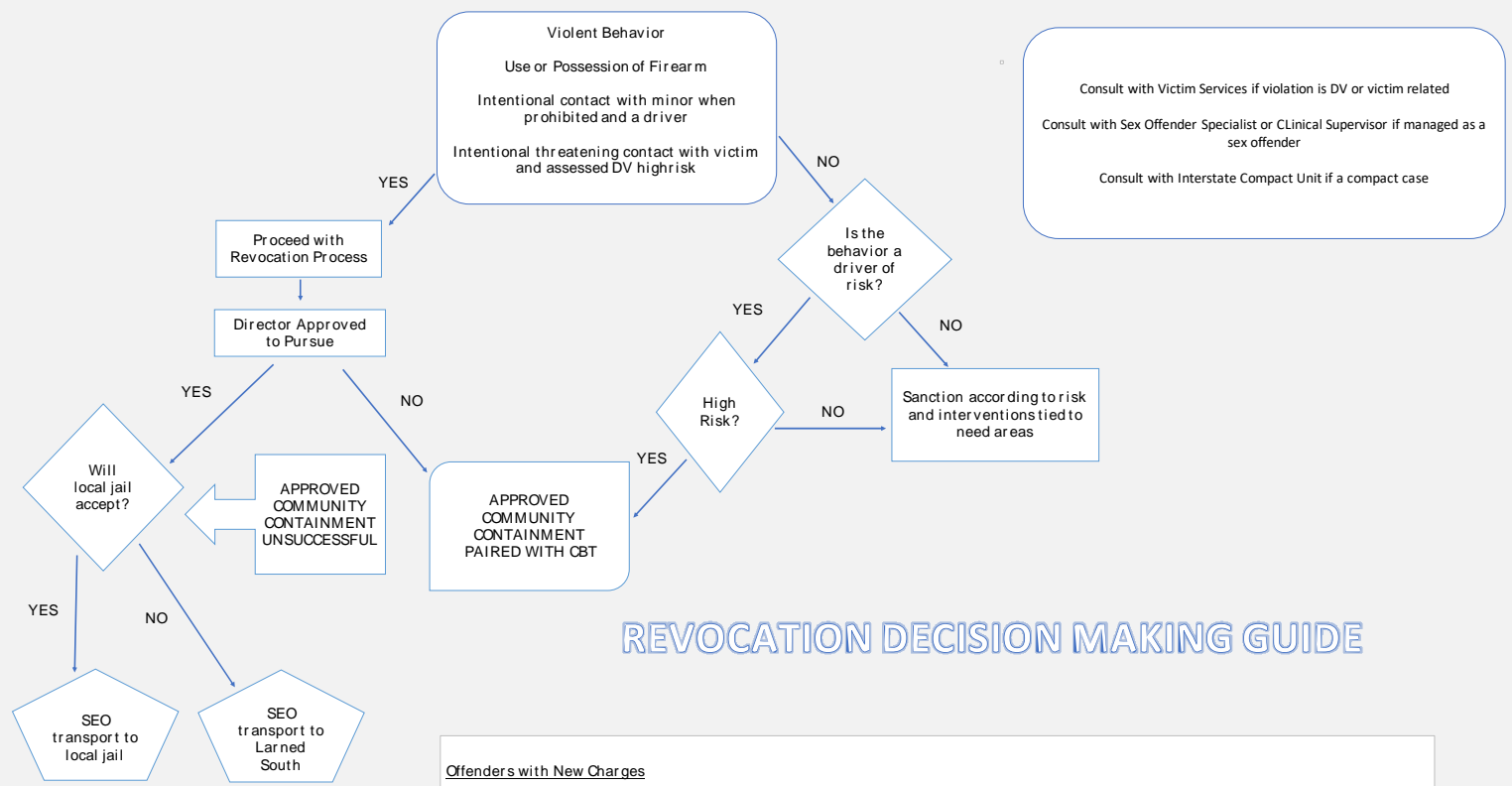
CSG Justice Center analysis of KDOC parole population and prison admission data, July 2020.

Additional takeaways:

- On average, about 6 percent of people on parole were paroled to another state.
- About a quarter of people on parole are on compact supervision from another state.
- The number of out-of-state people on parole has increased but is still low.
- The number of compact supervision cases has decreased, while people on parole for cases sentenced in Kansas has increased.

REVOCATION IN THE AGE OF COVID-19 TECHNICAL VIOLATIONS

- Violent Behavior
- Use or Possession of Firearm
- Intentional Contact With a Minor When Prohibited
- Intentional Threatening Contact With Victim and Assessed DV High Risk



Consult with Victim Services if violation is DV or victim related
Consult with Sex Offender Specialist or Clinical Supervisor if managed as a sex offender
Consult with Interstate Compact Unit if a compact case

REVOCATION DECISION MAKING GUIDE

Offenders with New Charges
Offenders with new misdemeanor or felony charges, who are placed on bond by the Court or through own recognizance should remain in the community on KDOC supervision pending the outcome of their new charges.

- If a behavior related to new charges meets the revocation criteria, condition violations may be pursued and processed separately from the new charges.
- In these cases, the PRB hearing for the condition violation may be held in the community, prior to the resolution of the new charges.
- Holding an offender in custody pending the resolution of new charges will be approved by exception by the Parole Director.

Upon conviction of a new crime, if revocation criteria are met, review for revocation. In all other circumstances, evaluate the case to determine appropriate action and intervention response.

All determinate sentence cases who are convicted of a new felony must be referred to the PRB for a revocation hearing.

- Offenders who do not meet the revocation criteria and are sentenced to probation on the new case should be served with a statement of charges and provided with a community hearing with the PRB.
- If sentenced to a KDOC sentence for new felony conviction, provide a revocation packet to PRB and a revocation hearing will be held after the offender is in a KDOC facility.

VIOLATION MATRIX

		Classification/Risk Level			
		Low	Low Moderate	Moderate	High
Violation Severity	Low	Low Response	Low Response	Moderate Response	High Response
	Moderate	Low Response	Moderate Response	Moderate Response	Very High Response
	High	Moderate Response	Moderate Response	High Response	Very High Response
	Very High	High Response	High Response	Very High Response	Very High Response

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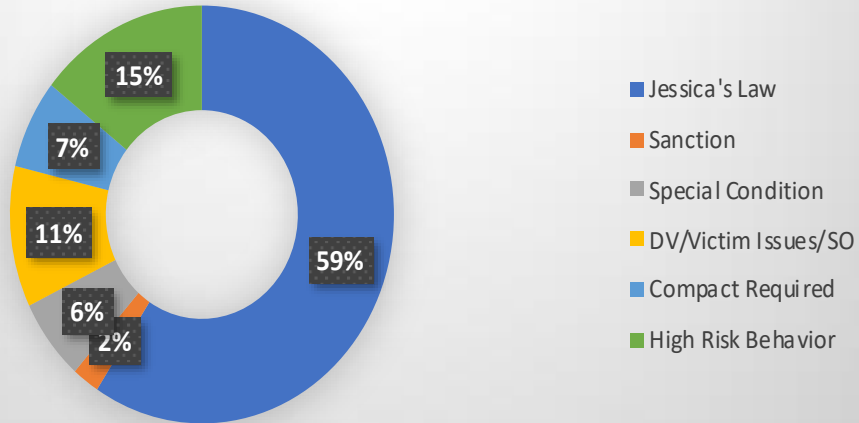
Releases/Back-End

HOUSE ARREST

- K.S.A. 21-6609
- IMPP 11-126A
 - Release from prison – considered inmate
 - Expanded criteria during COVID
 - Controlled Release Through House Arrest
- IMPP 14-137A
 - Sanction on post-release supervision
 - Diversion Agreement

GPS/EM

State



- Special Condition of Supervision
- Cost \$4.79/day
- KDOC recoups approximately 10% of cost from offender
- Limited budget
- Prioritize Mandatory GPS
 - Statutory Obligation
 - PRB/Court Condition

POLICY RECOMMENDATIONS

Robina Institute
Pew Charitable Trusts

ROBINA INSTITUTE RECOMMENDATIONS

- Revocation
 - **Modifying statute to allow for PRB discretion to sentence up to 6 months for offenders without pending charges**
 - **Allow PRB to sanction offenders to short-term stays in prison, jail, or home confinement**
 - **Allow credit for time served prior to the revocation hearing**
 - **Allow for placement on house arrest, inpatient treatment for revocation in lieu of prison**

THE PEW CHARITABLE TRUSTS

- Clearly define a technical violation (all supervision entities)
- Develop supervision responses to absconding
- **Limit arrest for revocations based on technical violations**
- **Limit incarceration for technical violations**
- **Limit incarceration pending a revocation hearing**
- Provide council at revocation hearings

RESOURCE LINKS

- https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/kansas_prisoner_review_board.pdf
- https://www.pewtrusts.org/-/media/assets/2020/04/policyreform_communitysupervision_report_final.pdf

THANK YOU

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