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## Evaluation of the 90-day Period of Revocation for Violation of Postrelease Supervision Conditions

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Kansas Department of Corrections  
Policy, Planning and Data Analysis Unit  
January 9, 1995

## Evaluation of the 90-day Period of Revocation for Violation of Postrelease Supervision Conditions

### I. Background Information

The Sentencing Guidelines Act was passed by the 1992 Kansas Legislature and amended in 1993. It became effective on July 1, 1993. The Act establishes a sentencing grid (based upon severity of the offense and criminal history of the offender) for determining the sentence for felony offenses committed on or after its effective date. A retroactive provision of the Act applies to incarcerated offenders who would have been considered candidates for presumptive probation had their offense(s) occurred on or after July 1, 1993.

The Act further provides that, upon completion of the prison portion of the sentence imposed, the offender be released to serve a term of postrelease supervision<sup>1</sup> plus the amount of good time earned and retained while imprisoned. For persons convicted of nondrug severity levels 1 through 6 and drug severity levels 1 through 3 the period of postrelease supervision is a period of 24 months. For those convicted of a nondrug severity level 7 through 10 and drug severity level 4, the prescribed period of postrelease supervision is 12 months.<sup>2</sup>

All persons released from prison to serve a period of post-incarceration supervision are required to abide by certain conditions:

Reporting and travel - This requires that the offender report as directed to the assigned parole officer and follow his/her instructions in reporting on a regular basis and keep the officer informed of residence and employment status. If it becomes necessary to travel outside the assigned parole district (as determined by the parole officer) or the State of Kansas, advance permission of the parole officer must be obtained.

Laws - The offender is required to obey all federal and state laws and all municipal or county ordinances. If arrested for any reason, the offender must notify the parole officer at the earliest opportunity.

Weapons - The offender may not own, possess, purchase, receive, sell or transport any firearms, ammunition or explosive devices or any dangerous weapon as defined by federal, state, or municipal laws or ordinances.

Personal Conduct - This requires that the offender not engage in assaultive activities, violence or threats of violence of any sort.

Narcotics/Alcohol - The offender is prohibited from possessing, using, or trafficking in any controlled substance, narcotics, or other drug as defined by law except as

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<sup>1</sup> Postrelease supervision is the statutorily defined type of supervision for offenders released pursuant to the Sentencing Guidelines Act. Parole and conditional release are statutorily defined types of supervised release for sentences imposed pursuant to laws in effect prior to July 1, 1993. In this report, post-incarceration supervision is used generically to refer collectively to those under postrelease supervision and those under parole and conditional release supervision.

<sup>2</sup> K.S.A. 1993 Supp. 22-3717 as amended by 1994 HB 2332.

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prescribed by a licensed medical practitioner. The offender is also prohibited from consuming intoxicating liquor to excess. This condition further requires that the offender consent to submit to a blood or urine test at the direction of the parole officer.

**Association** - This requires that the offender not associate with persons engaged in illegal activity and that the written permission of the parole officer and warden be obtained to visit or correspond with inmates of any correctional facility.

**Employment** - The offender is required to secure and maintain reasonable steady employment to the best of his/her ability, unless excused for medical or other valid reasons.

**Counseling** - This requires the offender to participate in counseling if directed to do so.

**Costs** - The offender is required to pay restitution, court costs and any other costs as directed.

In addition to these standard conditions of release, special conditions may be imposed upon the offender by the Kansas Parole Board (KPB) or parole officer. A requirement to attend Alcoholics Anonymous (AA) meetings weekly is an example of a special condition that might be imposed. An offender's failure to abide by any condition(s) of release may be cause for revocation of post-incarceration supervision status and return to prison.

Under laws in effect prior to July 1, 1993, the length of time a condition violator<sup>3</sup> served upon return to prison was determined by the KPB and could be up to the conditional release date or maximum sentence expiration date. Under the Sentencing Guidelines Act, the length of time a condition violator serves is determined by the KPB. However, the period may not exceed 90 days from the final revocation hearing.<sup>4</sup> If there has been a new misdemeanor or felony conviction, the condition violator must serve the entire remaining balance of the postrelease supervision period in prison, including the amount of good time which has been earned prior to release.<sup>5</sup>

## II. Statement of the Problem

The number of offenders being returned to prison as condition violators has been increasing during the past several years. The retroactive provision of the Act resulted in a large number

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<sup>3</sup> Historically, offenders whose post-incarceration supervision status is revoked based upon the violation of release conditions without there being a new prison sentence imposed have been referred to as "technical violators." Because of the possible connotation that "technical violations" are less than serious, the terms "condition violation" and "condition violator" are used throughout this report.

<sup>4</sup> K.S.A. 1993 Supp. 75-5217.

<sup>5</sup> K.S.A. 1993 Supp. 22-3717 as amended by 1994 HB 2332.

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of offenders being released from prison earlier than they would have been under the provisions of the previous law, with the majority occurring within the first year of the Act becoming effective. The large influx of offenders to post-incarceration supervision status was followed by an increased number of offenders being returned to prison as condition violators. Additionally, parole services and facility staff began expressing the opinion that offenders who are subject to no more than 90 days incarceration for violating release conditions present greater management problems.

This study was undertaken to determine whether there is a basis for amendment to the Sentencing Guidelines Act, specifically those provisions pertaining to the period of postrelease supervision and the 90-day period of revocation. The primary research questions are:

- Is the increase in the number of condition violators proportionate with the increased number of offenders released to post-incarceration supervision status?
- Do offenders released pursuant to Sentencing Guidelines differ from those released pursuant to the previous law in ways other than sentence structure?
- Do condition violators returned to prison for a maximum of 90 days pursuant to the Sentencing Guidelines Act present more of a management problem than condition violators of an earlier time period and law?

**III. Methodology**

The study is comprised of a quantitative analysis of offender data contained in the Kansas Department of Corrections Management Information System (MIS) and a qualitative assessment of the attitudes, opinions, and perceptions of departmental staff and offenders....

**Quantitative Analysis**

A comparative analysis of two groups of offenders was made. Group A was comprised of those offenders released to post-incarceration supervision between August 13, 1992 and August 12 1993 (i.e., the last full year of prison releases before any releases pursuant to the provisions of Sentencing Guidelines). Group B was comprised of those offenders released between August 13, 1993 and August 12, 1994 (i.e., first full year after inmates began being released pursuant to the provision of Sentencing Guidelines).

The study population was sub-divided by type of release as shown in Table 1 (See next page). Offenders in both groups were also categorized as having prior prison release(s) or not having prior prison release(s).

Table 1  
 Study Population by Type of Release

Release Type Sub-Group	Group A Released 8/13/92 thru 8/12/93	Group B Released 8/13/93 thru 8/12/94
1. Sentencing Guidelines (Non-Retroactivity)	-	✓
2. Sentencing Guidelines (Retroactivity)	-	✓
3. Parole & Retroactivity	-	✓
4. Parole	✓	✓
5. Conditional Release	✓	✓
6. Other (Court-related etc.)	✓	✓

Qualitative Assessment

To assess the attitudes, opinions, and perceptions of staff, a questionnaire<sup>6</sup> was developed and administered via a Focus Group at each facility, regional parole office<sup>7</sup>, and the Department's Central Office. The role of the Focus Groups was to develop a questionnaire response that was representative of the particular work area. A representative of the study team was assigned to each Focus Group to field questions and clarify the intent of particular questions. In all but a few instances, a study team representative was in attendance when the Focus Groups convened to prepare a response.

A questionnaire was also developed to obtain information and opinions from inmates and offenders on post-incarceration supervision. Offender interviews were conducted by members of the study team at regional parole offices and at the Topeka and Ellsworth Correctional Facilities.<sup>8</sup>

<sup>6</sup>A copy of the Focus Group questionnaire is included as Appendix A.

<sup>7</sup>Since the KDOC contracts with the Northwest Kansas Community Corrections agency for post-incarceration supervision services in the northwestern corner of the state, a questionnaire response was obtained from that agency as well.

<sup>8</sup>A copy of the questions asked of offenders is included as Appendix B.

IV. Study Findings

PART I - Data Analysis

A computerized software package, Statistical Analysis System (SAS), was used in analyzing the offender data. Chi-square ( $X^2$ ) analyses were performed on the qualitative or "nominal" variables (and on quantitative variables put in nominal form) primarily to test for association between the variable and the type of release group. Most of the variables on which the Chi-square analysis was used are dichotomous (e.g., returned to prison vs. not returned, placed in disciplinary segregation during the time frame vs. not placed in this type of segregation, absconded vs. did not abscond).

For the quantitative variables, usually taking the form of number of days or number of occurrences, one-way analysis of variance was used to test for differences among the means or average "scores" of the members of the release groups who exhibited at least some level of behavior measured. Cases in which the behavior of interest did not occur at all were not included in these analyses. Each analysis of variance test in which there was a statistically significant result was followed by "Tukeys Studentized Range (HSD) Test," a common "t-test" method of comparing, two at a time, the group averages that were involved in the analysis of variance. The level of significance used in each t-test is  $p < .05$ .

It should be noted that, while in many cases the analyses of variance performed indicate that the differences among the means of the release groups are highly significant statistically, the magnitude or strength of the differences is best described as weak to moderate. Put another way, given the usual large number of subjects represented in each ANOVA, small differences among the means on a particular variable can be statistically significant. The question is whether or not the differences reported are great enough to be meaningful or important.

For purposes of this report, the term "significant" will be used as a shortened form of "statistically significant." Additionally, the term "analysis of variance" often will be abbreviated as "ANOVA."

***Identification of the Release Groups Compared in the Study***

*As explained above in the methodology section, the study population was divided into sub-groups according to type of release. Actual distribution of the study population is as follows:*

Number of Releases During Specified One-Year Time Frames

<u>Release Type Sub-Group</u>	<u>Group A Pre- Guidelines Released 8/13/92 thru 8/12/93</u>	<u>Group B Post Guidelines Released 8/13/93 thru 8/12/94</u>
1. Sentencing Guidelines (Non-Retro)	---	15
2. Sentencing Guidelines (Retro)	---	2226
3. Parole & Retro	---	54
4. Parole	2910	1469
5. Conditional Release	462	218
6. Other Releases (Court-related, etc.)	743	424
<b>Total Study Population</b>	<b>4115</b>	<b>4406</b>

- Due to the small number of cases within them, sub-groups 1 and 3 from Group B were excluded from further analysis. Also, sub-group 6 (Group A and B) was excluded since the category had relatively little relevance to the study.
- Group A-Parole, Group B-Parole, and Group B-Retro are the primary groups used for comparison. Additional comparisons were made between the two conditional release groups, one group from each time frame.

Primary Comparison Groups (from table above)

<u>Name of Group</u>	<u>Number</u>	<u>Description</u>
Parole Group A	2910	Released during the first time frame via KPB decision to parole
Retro Group	2226	Released during the second time frame via the retroactive provisions of the Kansas Sentencing Guidelines Act
Parole Group B	1469	Released during the second time frame via KPB decision to parole
<b>Total (All three groups)</b>	<b>6605</b>	

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- Number of Releases During the Time Frame and Number of Releases Before the Time Frame

Proportion Released More Than Once During the Period

Release Group	One Release		Multiple Releases	
	n	%	n	%
Parole A	2786	95.7	124	4.3
Retro	1952	87.7	274	12.3
Parole B	1393	94.8	76	5.2

Missing Data: 13 Cases

- There is a significant association between release group and having multiple releases during the period [ $X^2(2) = 134.0, p < .001$ ].
- Parole Group A and Group B were similar with 4.3% and 5.2% having more than one release during the period. The corresponding figure for the Retro Group was 12.3%.
- This finding is not surprising, given the shorter revocation penalty period which was more prevalent among those in the Retro Group.

Proportion With One or More Releases Prior to the Period

Release Group	No Prior Release		One or More Prior Releases	
	n	%	n	%
Parole A	1420	48.8	1490	51.2
Retro	1202	54.0	1024	46.0
Parole B	544	37.0	925	63.0

- There is a significant association between release group and having a history of at least one release that occurred prior to the one-year time frame [ $X^2(2) = 103.6, p < .001$ ].
- Parole Group B had the greatest proportion with prior releases (63%) followed by Parole Group A (51%) and the Retro Group (46%).

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- These data might, to some extent, reflect a "selection" process whereby an offender is more likely to receive a retroactive release if the criminal history is less extensive.
- If Parole Group B and the Retro Group are combined, the resulting group (53%) does not differ much proportionately from Parole Group A (51%) with regard to having one or more prior releases.

**Offender Characteristics**

*How do offenders released pursuant to Sentencing Guidelines compare with offenders released pursuant to the previous law? From the outset of the study, the researchers anticipated that the three release groups would be different with regard to certain demographic and offense-related characteristics. For example, it was known that the Retro Group would, by definition, be under-represented in terms of the proportion of offenders with more serious "person" offenses. Since it was not possible to control for such differences, the purpose of this section is to inform the reader of the known differences on basic characteristics so that they can be considered in interpreting the results.*

- Age at Time of First Release During the Time Frame

Release Group	n	Average Age (Years)
Parole A	2899	31.4
Retro	2224	29.9
Parole B	1469	32.0

- The differences in average age among the three release groups was small but statistically significant by analysis of variance ( $F = 35.24$ ;  $df2, 6,591$ ;  $p < 001$ ).
- Further analysis by t-test ( $p < 05$ ) indicated that the Retro group (29.9 years) was significantly younger than either Parole Group A (31.4 years) or Parole Group B (32.0).
- This finding is probably related to a selection process whereby the slightly younger offenders with less criminal history, etc. are more heavily represented in the Retro Group.

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• Gender and Racial/Ethnic Category

Release Group	Male		Female	
	n	%	n	%
Parole A	2690	92.4	220	7.6
Retro	2017	90.6	209	9.4
Parole B	1343	91.4	126	8.6

Release Group	White		Non-white	
	n	%	n	%
Parole A	1646	56.8	1252	43.2
Retro	1467	65.9	759	34.1
Parole B	744	50.7	723	49.3

Missing data: 14 cases

- There is no significant association between release group and gender of those released.
- There is a significant association between release group and racial/ethnic category [ $X^2(2) = 90.3, p < .001$ ], with a smaller proportion of non-whites in the Retro Group (34.1%) compared to Parole Group A (43.2%) and Parole Group B (49.3%).

-- However, if the Retro Group and Parole Group B are combined (to form a group of those released in the second time frame), the proportion of non-whites (40.1%) is not much different from the proportion (43.2%) in Parole Group A (releases in the first time frame).

Type of Offense. Overall Most Serious Offense for Each Offender

Release Group	Percentage With Each Type of Offense					
	Sex (Person)	Other Person	Property	Drug	Other	Total
Parole A	7	37	33	19	4	100
Retro	4	24	54	11	7	100
Parole B	5	38	25	30	2	100

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- There is a significant association between release group and type of offense [ $X^2(8) = 524.8, p < .01$ ]. Among the differences -- the Retro Group is under-represented for person offenses and over-represented for property offenses. Again, this finding was anticipated because the retroactive provisions of the Sentencing Guidelines Act are not applicable to many person offenses.
- It is probable that at least part of the difference associated with racial/ethnic group (described on the previous page) is related to type of offense.
  - Of all the whites released, irrespective of time frame or release group, 34% had overall most serious offenses in the "person" category and 66% had "non-person" offenses. For non-whites, it was 43% person and 57% non-person.
- If the types of offense are collapsed into two more general categories, "person" and "non-person," (Table Below) the association becomes more clear.
  - Parole Groups A and B do not differ from each other but each differs from the Retro Group.
    - This association between release group and general category of offense is significant [ $X^2(2) = 144.7, [ < .001$ ].

Release Group	Person		Non-Person	
	n	%	n	%
Parole A	1260	43	1649	57
Retro	624	28	1602	72
Parole B	633	43	836	57

**Returns to Prison from Post-Incarceration Supervision**

*The increase in the number of offenders returned to prison for violating the conditions of post-incarceration supervision is a primary issue of this study. To address this issue, an analysis of offender movement records was made to determine what, if any, differences exist among the release groups with regard to status at the end of the study period and revocation-related behavior. For purposes of this study, revocation-related behavior was considered to include: 1) Warrants issued and time lapse between release and warrant issue; 2) Absconding of supervision, 3) Returns to prison and time lapse between release and return and 4) Location (i.e., where supervised) just prior to return.*

- **Location/Status as of the End of the Time Frame**

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Proportion of Release Group That, at the End of the Time Frame, Was Discharged or Was on Post-release in Good Standing vs. Proportion That Was Incarcerated or Had Warrants Issued on Them

Release Group	Discharged or Under Supervision		Incarcerated or Warrant	
	n	%	n	%
Parole A	2286	78.6	624	21.4
Retro	1655	74.3	571	25.7
Parole B	1098	74.7	371	25.3

- There is a significant association between release group and the status of the offender at the end of the time period [ $X^2(2) = 14.84, p < .001$ ].
- Of Parole Group A offenders, 78.6% were on post-incarceration supervision in good standing or had been discharged as of the end of the time frame, while the remaining 21.4% were either incarcerated or had warrants issued on them.
  - By this measure neither of the other two release groups fared as well.
    - The corresponding figures for Retro Group were 74.3% and 25.7%; for Parole Group B, 74.7% and 25.3%.

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• Warrants Issued on Those Released

Proportion of Release Group on Whom Warrants Were Issued

Release Group	First Release of Time Frame			
	Warrant Issued		Warrant Not Issued	
	n	%	n	%
Parole A	700	24.1	2210	75.9
Retro	654	29.4	1572	70.6
Parole B	371	25.3	1098	74.7

Release Group	Second Release of Time Frame			
	Warrant Issued		Warrant Issued	
	n	%	n	%
Parole A	25	20.2	99	79.8
Retro	93	33.9	181	66.1
Parole B	28	36.8	48	63.2

- There is a significant association between release group and having a warrant issued at some time after the first release [ $X^2(2) = 19.3, p < .001$ ].
- The proportion on whom warrants were issued was highest for the Retro Group (29.4%), followed by Parole Group B (25.3%) and Parole Group A (24.1%).
- A significant association is also evident for the second release [ $X^2(2) = 9.16, p < .01$ ], but the order of the groups is different.
- As with the first release, the proportion on whom warrants were issued was lowest for Group A parole (20.2%).
- The proportion was high again for the Retro Group (33.9%), but even higher for Parole Group B (36.8%).

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• Measures of Time from Release to Warrant Issued and from Release to Return to Prison

Time from Release to Date Warrant Was Issued

Release Group	First Release of Time Frame		Second Release of Time Frame	
	n	Avg. No. Days	n	Avg. No. Days
Parole A	700	124	25	66
Retro	654	117	93	53
Parole B	371	113	28	59

- The ANOVA on average number of days from the first release of the time frame to the date of warrant indicates that there were no significant differences among the release groups.
- The average was greatest for Parole Group A (124.2 days), followed by the Retro Group (117.0 days) and Parole Group B (113.1 days).
- For those who had a second release and subsequent warrant issued, the ANOVA revealed no significant differences by release group.

• Absconders

Proportion of Release Group Who Absconded During the One-year Time Frame

Release Group	Absconded		Did Not Abscond	
	n	%	n	%
Parole A	461	15.8	2449	84.2
Retro	457	20.5	1769	79.5
Parole B	257	17.5	1212	82.5

- There is a significant association between release group and becoming an absconder during the period of release [ $X^2 (2) = 19.1, p < .001$ ].
- Parole Group A had the lowest proportion of absconders (15.8%), followed by Parole Group B at 17.5% and the Retro Group at 20.5%.

Time From Warrant Date to Return Date

Release Group	First Release of Time Frame		Second Release of Time Frame	
	n	Avg. No. Days	n	Avg. No. Days
Parole A	404	43	13	19
Retro	409	42	43	27
Parole B	242	46	19	26

- The average length of time from date of warrant to date of readmission did not differ significantly among the release groups for either the first or the second release of the time frame.

Time from Release Date to Return Date

Release Group	First Release of Time Frame		Second Release of Time Frame	
	n	Avg. No. Days	n	Avg. No. Days
Parole A	426	154	13	55
Retro	506	141	56	80
Parole B	287	145	23	92

- The ANOVA indicated that the average length of time from the first release of the time frame to date of return to prison differed significantly among the release groups ( $F = 3.24$ ;  $df2, 1218$ ;  $p < .05$ ).
- Further analysis by t-test indicated that returnees from the Retro Group spent significantly ( $p < .05$ ) fewer days on post-incarceration status (140.5 day on average) than did the returnees from Parole Group A (153.7 days on average). The Parole Group B (145.0 days) did not differ significantly from either of the other groups.
- For those who had a second release in the time frame and a subsequent return to prison, the ANOVA indicates no significant differences among the release groups with regard to length of time before returned.

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- **Returns to Prison from Post-Incarceration Supervision**

Returns to Prison: Release Group by Type of Return

First Release

Release Group	Type of Return			Total
	New Sentence	Condition Violation	Not Returned	
Parole A	60	366	2484	2910
Retro	50	456	1720	2226
Parole B	24	263	1182	1469
<b>Total (All Groups)</b>	<b>134</b>	<b>1085</b>	<b>5386</b>	<b>6605</b>

Second Release

Release Group	Type of Return			Total
	New Sentence	Condition Violation	Not Returned	
Parole A	0	13	111	124
Retro	6	50	218	274
Parole B	2	21	53	76
<b>Total (All Groups)</b>	<b>8</b>	<b>84</b>	<b>382</b>	<b>474</b>

- A total of 1,219 (18.4%) of the 6,605 offenders with first releases during the time frame returned to prison in that same time frame, 134 (2.0%) with new sentences and 1,085 (16.4%) for condition violations with no new sentence.
- The proportion returning to prison as a result of new felony sentences did not differ appreciably among the groups (Parole Group A 2.1% and 0.07% for first and second release, respectively; Retro Group 2.2% and 2.2%; Parole Group B 1.6% and 2.6%).

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Returns for Condition Violation

Release Group	Percentage of Total Released			
	First Release		Second Release	
	Returned	Not Returned	Returned	Not Returned
Parole A	12.5	87.5	10.5	89.5
Retro	20.5	79.5	18.2	81.8
Parole B	17.9	82.1	27.6	72.4

- There is a significant association between release group and proportion returned as condition violators for the first release of the time frame [ $X^2(2) = 60.4, p < .001$ ] as well as the second [ $X^2(2) = 9.6, p < .01$ ].
- For the first release, Parole Group A had proportionately fewest returns of this type (12.5%) followed by Parole Group B (17.9%) and the Retro Group (20.5%).
- The order changed for the second release. Parole Group A was the lowest again (10.5%) followed by the Retro Group (18.2%) and Parole Group B (27.6%).

Returns to Prison for Either Reason (new sentence and condition violations combined)

Release Group	Percentage of Total Released			
	First Release		Second Release	
	Returned	Not Returned	Returned	Not Returned
Parole A	14.7	85.3	10.5	89.5
Retro	22.7	77.3	20.4	79.6
Parole B	19.5	80.5	30.3	69.7

- Returns for either reason were predominately condition violation returns. Thus, the order of the groups is the same with regard to the proportion returned, and the same significant association between release group and proportion returned is present [Release 1 -  $X^2(2) = 56.3, p < .001$ ; Release 2 -  $X^2(2) = 12.2, p < .01$ ].

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- In-state vs. Out-of-state Releases, Revocations, and Discharges

Proportion of Release Groups Released to In-state vs. Out-of-state Locations (First Release)

Release Group	In-state		Out-of-state	
	n	%	n	%
Parole A	2322	80.0	579	20.0
Retro	1902	85.5	322	14.5
Parole B	1200	81.7	269	18.3

Missing data: 11 cases

- There is a significant association between release group and the location to which released (in-state or out-of-state).
- For Parole Group A the split between release to Kansas and release to out-of-state was 80.0% to 20.0%, similar to what it was for Parole Group B, 81.7% to 18.3%. However, for the Retro Group the split was 85.5% to 14.5%.
  - This finding could be due in part to there being less time to arrange out-of-state compacts for those in the Retro Group, resulting in the situation where the inmate is released to a Kansas location to await acceptance by another state pursuant to the provisions of the interstate compact.
- For those with a second release during the period, there was no significant association between release group and release location.

Proportion of Release Groups Discharged<sup>9</sup> from In-state vs. Out-of-state Locations (First Release)

Release Group	In-state		Out-of-state	
	n	%	n	%
Parole A	42	89.4	5	10.6
Retro	61	85.9	10	14.1
Parole B	34	79.1	9	20.9

<sup>9</sup>Discharged means totally released from all forms of Kansas Department of Corrections' supervision or custody.

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- For the relative few offenders who were discharged from their first release of the period, there was no significant association between release group and the general location before discharge (Kansas or out-of-state).
- There were too few (11) discharges from a second release to allow any type of meaningful analysis.

Proportion of Release Groups Revoked from In-state vs. Out-of-state

Release Group	In-state		Out-of-state	
	n	%	n	%
Parole A	400	95.2	20	4.8
Retro	476	97.1	14	2.9
Parole B	272	96.5	10	3.5

- There was no significant association between release group and the general location (Kansas or out-of-state) from which revoked. Offenders were equally likely to be revoked from in-state or out-of-state regardless of the release group to which they belonged.
- For those revoked from a second release during the time frame, all were revoked from Kansas locations.

There are some differences with regard to the respective proportions of the in-state and out-of-state post-incarceration populations that are revoked. An examination of the general location to which released (Kansas vs. out-of-state) in relation to the general location from which revoked (Kansas vs. out-of-state) produced the following information:

Disposition	First Release of Time Frame			
	In-state		Out-of-state	
	n	%	n	%
Revoked*	1145	21.1	47	4.0
Not Revoked	4279	78.9	1123	96.0
Total	5424	100.0	1170	100.0

\* NOTE: To be counted as a revocation (either in-state or out-of-state) both the release and the return must have occurred during the time period.

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Missing data: 11 cases

Disposition	Second Release of Time Frame			
	In-state		Out-of-state	
	n	%	n	%
Revoked	92	22.4	0	0.0
Not Revoked	318	77.6	39	100.0
Total	410	100.0	39	100.0

- There is a significant association between the general location of the offender (in-state vs. out-of-state) and release revocation: [ $X^2(1) = 188.7, p < .001$  for the first release of time frame, and  $X^2(1) = 9.6, p < .01$  for the second release].
- In each case the number revoked from out-of-state as a proportion of the number released out-of-state was much smaller than the corresponding number revoked in-state as a proportion of number released in-state.

It should be noted that this comparison is not "pure" in the sense that offenders can move between in-state and out-of-state (or vice-versa) during the time frame. Thus, it is possible to be revoked from a different location than from which released.

The results of further analysis of the in-state/out-of-state revocation data is presented in the three-part table, by release group, that begins on the next page.

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in-state and Out-of-state Revocation by Release Group (First Release of the Time Frame)

**Release In-state:**

Disposition	Par. Group A	Retro	Par. Group B	Total
Revoked	400 (17.2%)	474 (24.9%)	271 (22.6%)	1145 (21.1%)
Not Revoked	1922	1428	929	4279
Total	2322	1902	1200	5424

Missing data: 11 cases

$X^2(2) = 39.2, p < .001$  - significant association between revocation and release group.

**Released Out-of-state:**

Disposition	Par. Group A	Retro	Par. Group B	Total
Revoked	20 (3.5%)	16 (5.0%)	11 (4.1%)	47 (4.0%)
Not Revoked	559	306	258	1123
Total	579	322	269	1170

$X^2(2) = 1.2$  - non-significant, no association between revocation and release group.

**Total (In- and Out-of-state):**

Disposition	Par. Group A	Retro	Par. Group B	Total
Revoked	420 (14.5%)	490 (22.0%)	282 (19.2%)	1192 (18.1%)
Not Revoked	2481	1734	1187	5402
Total	2901	2224	1469	6594

Missing data: 11 cases

$X^2(2) = 188.7, p < .001$  - significant association between revocation and release group.

- The association between revocation and release group is significant for the in-state offenders, but not for the out-of-state offenders.
  - For those in-state, the Retro Group had the greatest proportion revoked (24.9%), followed by Parole Group B (22.6%) and Parole Group A (17.2%).
  - For those out-of-state, the proportion revoked did not differ statistically among the three release groups (3.5% to 5.0%).
- For the total (combined in-state and out-of-state), the association between revocation and release group is significant, the groups falling in the same order as for the in-state offenders.

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- Analysis of information from sources separate from the data base used specifically for this study produced a similar finding.

Group (Kansas Offenders)	FY 1994 (July 1, 1993 Through June 30, 1994)	
	Average Daily Population (ADP)	Number of Returns for Condition Violation
In-state	4814	1688
Out-of-state	2157	249

\* Source: Computerized report PGM-POPRP1 (ADP) and PGM-PARREP (returns).

- The ratio of returns of this type to the ADP of Kansas offenders on supervised release was much lower for the out-of-state group (.115) than for the in-state group (.351).
  - Put another way, for the out-of-state group there was one return for every 8.7 ADP, while for the in-state group it was one return for every 2.9 ADP.
- Several explanations to the study finding that the rate of revocation is higher for in-state cases than it is for out-of-state cases are possible:
  - Some other states have more community sanctions for offenders available in lieu of revocation.
  - Some other states place less emphasis on public safety and accountability in the supervision of offenders than Kansas.
  - Before Kansas offenders are accepted for supervision by other states, they must develop adequate residence and employment plans and possess a strong desire to reside in the other state.
  - Kansas does not have standardized criteria for the assignment of sanctions and relies upon individual officer discretion, which varies among parole officers.

- Length of Time Confined After Return to Prison

Release Group	First Release of Time Frame		Second Release of Time Frame	
	n	Avg. No. Days	n	Avg. No. Days
Parole A	417	90	11	45
Retro	493	78	55	51
Parole B	281	78	23	54

- The ANOVA on the data pertaining to length of time confined after return to prison from the first release of the time frame indicates significant differences among the release groups ( $F = 7.22$ ;  $df_2, 1190$ ;  $p < .001$ ).
- Further analysis by t-test indicates that the average number of days for Parole Group A (90.1 days) was significantly ( $p < .05$ ) longer than the average for either the Retro Group (77.7 days) or Parole Group B (78.0 days).
  - The fact the Retro and Parole B Group are shorter is not surprising. The implementation of the "90-day limit" during the latter release time frame, although applicable to only the Retro Group, likely had some impact when the Parole Board determined the length of incarceration for those in the Parole B Group. Data also indicate that, during the latter time frame, the Parole Board utilized the re-parole option more often, thus reducing the overall average.
  - A comparison of the range and standard deviation<sup>10</sup> indicates that the distribution of the number of days confined was very different among the three release groups:

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<sup>10</sup>Standard deviation is a measure of the average variation from the mean. The smaller the standard deviation, the more the "scores" are clustered near the mean. In this case, the scores of the Retro Group (i.e., days confined upon return to prison) are much more clustered near the mean than for the other groups.

Days Confined After Return (Release #1)

	Parole Group A	Retro	Parole Group B
No. of Offenders	417	493	281
Average Days Confined	90	78	78
Standard Deviation	61	40	59
Range (In Days)	1 -316	1 - 267	1 - 277

- For the Retro Group, 194 of the 281 (69%) were between 90 and 120 days.
  - For the Parole Group A, 72 of the 417 (17%) were between 90 and 120 days.
  - For the Parole Group B, 38 of the 281 (14%) were between 90 and 120 days.
- For the relatively few who were returned from a second release during the period, analysis of variance on length of time confined after return revealed no significant differences among the release groups (averages ranged from 45 days to 54 days).

**Behavior of Offenders in Prison Upon Return**

*In the opinion of many departmental staff, the 90-day limit on the period of incarceration for offenders who are returned to prison as condition violators is not an effective deterrent. Staff further assert that such offenders, because their release is not contingent upon their behavior, have become more of a management problem upon their return.*

*Is there an association between the behavior of an offender upon return to prison as a condition violator and the release group? In the absence of detailed disciplinary report data in the Department's Management Information System, inmate movement records of placement in segregation (administrative and disciplinary) were used for as an alternative measure of inmate behavior.<sup>11</sup>*

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<sup>11</sup>In counting placements in segregation, only placements during the time period but after return to prison are considered (i.e., placements in segregation during the time period but prior to release are not counted). In computing the amount of time spent in segregation, the counting period is from date of placement in segregation to date of release from segregation. However, if the offender was still in segregation at the end of the period, the computation was from the date of placement in segregation to the end of the period.

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- Administrative Segregation

Proportion of Release Group in Administrative Segregation at Least Once During the Time Frame

Release Group	0 Times		1 + Times	
	n	%	n	%
Parole A	2871	98.7	39	1.3
Retro	2047	91.9	179	8.0
Parole B	1370	93.3	99	6.7

- There is a significant association between release group and being assigned to administrative segregation one or more times during the time frame [ $X^2(2) = 139.5, p < .001$ ].

- Only 1.3% of the Parole Group A offenders were in administrative segregation at least once, compared to 6.7% for the Parole Group B counterparts and 8.0% for the Retro Group.

Total Number of Days and Total Number of Times in Administrative Segregation During the Time Frame

Release Group	Number of Days		Number of Times	
	n	Avg.	n	Avg.
Parole A	39	18.3	39	1.36
Retro	173	10.6	179	1.35
Parole B	98	7.4	99	1.15

- For the offenders who were in administrative segregation at some time during the time frame, the ANOVA indicated significant differences among the release groups ( $F = 7.14; df2, 309; p < .001$ ) with regard to the length of time in administrative segregation.

- Further analysis by t-test ( $p < .05$ ) indicated that the average length of time in administrative segregation was longer for Parole Group A (18.3 days) than for either the Retro Group (10.6 days) or Parole Group B (7.4 days).

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- Regarding the total number of times these offenders were placed in administrative segregation during the time frame, there were no significant differences among the three release groups.
  - The averages were 1.2 times for Parole Group B, 1.4 times for the Retro Group, and 1.4 times for Parole Group A.

● **Disciplinary Segregation**

Proportion of Release Group in Disciplinary Segregation at Least Once During the Time Frame

Release Group	0 Times		1+ Times	
	n	%	n	%
Parole A	2893	99.4	17	0.6
Retro	2183	98.1	43	1.9
Parole B	1456	99.1	13	0.9

- There is a significant association between release group and being confined at least once in disciplinary segregation [ $X^2(2) = 21.8, p < .001$ ]. Only 0.6% of Parole Group A offenders were in disciplinary segregation one or more times, compared to 0.9% for their Parole Group B counterparts and 1.9% for the Retro Group.

Total Number of Days and Total Number of Times in Disciplinary Segregation During the Time Frame

Parole Group	Number of Days		Number of Times	
	n	Avg.	n	Avg.
Parole A	16	10.3	17	1.1
Retro	43	19.4	43	1.4
Parole B	13	22.8	13	1.3

- Regarding the total number of times these offenders were placed in disciplinary segregation, there were no significant differences among the three release groups (the averages being 1.1 times for Parole Group A, 1.4 times for the Retro Group, and 1.3 for Parole Group B).

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- For the relatively few offenders who were in disciplinary segregation at some time during the time frame, the ANOVA indicated that the average number of days spent in disciplinary segregation is not significantly different among the release groups. However, the pattern of differences among the groups is different from that observed in the data on administrative segregation.

Comparison of the Pattern of Differences in the Number of Days in Administrative Segregation with the Number of Days in Disciplinary Segregation

Release Group	Number of Days in Administrative Segregation	Number of Days in Disciplinary Segregation
Parole A	18.3	10.3
Retro	10.6	19.4
Parole B	7.4	22.8

- **Both Types Segregation Combined**

Proportion of Release Group in Either Type of Segregation at Least Once During the Time Frame

Release Group	0 Times		1+ Times	
	n	%	n	%
Parole A	2859	98.3	51	1.7
Retro	2037	91.5	189	8.5
Parole B	1366	93.0	103	7.0

- Basically the same pattern is evident as for administrative segregation and disciplinary segregation, individually. There is a significant association between release group and being confined at least once in some type of segregation, either administrative or disciplinary [ $X^2(2) = 129.0, p < .001$ ].
- Only 1.7 % of the Parole Group A was in segregation, compared to 7.0% for Parole Group B and 8.5% for the Retro Group.

Total Number of Days and Total Number of Times in Either Type of Segregation During the Time Frame

Release Group	Number of Days		Number of Times	
	n	Avg.	n	Avg.
Parole A	50	17.5	51	1.4
Retro	183	14.6	189	1.6
Parole B	102	10.0	103	1.3

- The data on administrative and disciplinary segregation were combined to create measures of total days and total number of times in segregation.
  - There were no significant differences among the release groups in the number of days (the averages being 17.5 days for Parole Group A, 14.6 days for the Retro Group, and 10.0 days for Parole Group B).
  - However, considering the total number of times in segregation the ANOVA indicated significant differences among the averages for the release groups ( $F = 3.27$ ;  $df 2, 342$ ;  $p < .05$ ). Further analysis by t-test ( $p < .05$ ) indicated that the average number of times in segregation for the Retro Group (1.6) was significantly higher than for Parole Group B (1.3), but not significantly higher than for Parole Group A (1.4).

**Comparison of Conditional Release Groups:**

**Group A (Time Frame 1) and Group B (Time Frame 2)**

*"Conditional Release" is a statutorily mandated release pursuant to the pre-sentencing guidelines laws. Conditional Release occurs when the inmate has served the maximum sentence less earned good time. Since offender releases under the terms of Conditional Release are mandatory and the criteria is different than for the three primary comparison groups used in this study, these sub-groups were analyzed separately.*

● Offender Characteristics

Characteristic	Conditional Release (CR)				Statistical Significance of Association <sup>12</sup>
	Group A Released 8/13/92 thru 8/12/93		Group B Released 8/13/93 thru 8/12/94		
	n	%	n	%	
Total In Group	462	100	218	100	
Age at First Release	----	----	----	----	See comment below.
Gender: Female	22	4.8	10	4.6	X <sup>2</sup> (1) = 0.01, non-sig.
Racial/Ethnic: Non-white	144	31.1	75	34.4	X <sup>2</sup> (1) = 2.61, non-sig.
Offense Type: "Person"	223	48.3	143	65.6	X <sup>2</sup> (1) = 17.89, p<.001

- The average age of Group B CR (34.2) is significantly greater (p<.05 by t-test) than Group A CR (31.8).
- There is a significant association between CR release group and type of offense.
  - Group B CR had proportionately more offenders with "person" crimes than Group A CR.
- Again, as with the findings on the characteristics of the three primary release groups, -- the differences probably are at least partially the result of a "selection" process whereby older offenders with more criminal history as well as offenders with person offenses are more likely to be excluded from release via "retroactivity" and serve to their conditional release dates.

<sup>12</sup>A statistically significant finding indicates that there is an association between CR release group and that measure, with one group being proportionately over- or under-represented in a certain gender, racial/ethnic, or offense category.

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● Behavioral Measures

Measure (Occurred During Time Frame)	Conditional Release (CR)				Statistical Significance of Association*
	Group A Released 8/13/92 thru 8/12/93		Group B Released 8/13/93 thru 8/12/94		
	n	%	n	%	
Two or More Releases	4	0.9	0	0.0	-----
Placed in Adm. Seg.	15	3.3	9	4.1	$X^2(1) = 0.34$ , non-sig.
Placed in Disc. Seg.	6	1.3	2	0.9	$X^2(1) = 0.19$ , non-sig.
Placed in Any Seg.	15	3.3	10	4.6	$X^2(1) = 0.75$ , non-sig.
Absconded	65	14.1	28	12.9	$X^2(1) = 0.19$ , non-sig.
Returned After First Release	66	14.3	36	16.5	$X^2(1) = 2.51$ , non-sig.
Location/status at End of Time Frame (Incar. or Warrant)	107	23.2	53	24.3	$X^2(1) = 0.11$ , non-sig.
1+ Releases Prior to Time Frame	185	40.0	87	39.9	$X^2(6) = 1.14$ , non-sig.

- In regard to the behavioral measures listed, there is no significant association between CR release group and any of the measures.
- For each measure, the proportion exhibiting the behavior of interest is not different between the groups.

PART II - Qualitative Analysis

Focus Group Data

[Questions addressed by all Focus Groups]

*Perception and understanding of the Sentencing Guidelines Act*

*Given a list of the commonly stated purposes/goals<sup>13</sup> of the Sentencing Guidelines Act, groups were asked to rank the order of importance they were given by the Legislature. Groups were then asked for their ranking. Comparing staff's perceptions of legislative rankings with their own rankings provides insight into the level of understanding staff have of the Act. Groups were also asked for a self assessment of the level of understanding of the Act and how that understanding was attained.*

A composite summary of staff rankings is shown in Table 2 (See next page).

- The composite rankings reflect only a slight variation between staff perceptions of the Legislature's priorities and their own.
  - Although there was only slight variation in the composite rankings, the ranges were wider for the legislative rankings than for the staff's own rankings, suggesting that KDOC staff are less certain about the legislative intent of the Act than they are about what they believe the Act should accomplish.
- The promotion of public safety through the imprisoning of violent offenders is considered by staff to have been the top priority when the Legislature passed the Act and remains the top priority.
- Discussion with co-workers is the predominant means by which staff's understanding of the Act has been acquired.
  - At the facility level, it was not uncommon for groups to indicate that the level of understanding was greater among unit team/classification staff than among the uniformed/security staff.
  - It was further observed that training with regard to the Act focused primarily on what may be termed "technical provisions" related to sentence computation and retroactive application and little on the conceptual differences between determinate and indeterminate sentencing.

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<sup>13</sup>As stated in *Recommendations of the Kansas Sentencing Commission* and presented to members of the Kansas Legislature on January 15, 1991.

Table 2  
 Parole Staff Rankings of Sentencing Guidelines Goals

Commonly Stated Purpose or Goal	Staff's Perceived Legislative Ranking	Staff's Ranking
To develop guidelines that promote public safety by imprisoning violent offenders.	1	1
To reduce sentence disparity to ensure the elimination of racial, geographic or other bias that may exist.	2	3
To establish sentences that are proportional to the seriousness of the crime and the degree of injury or harm to the victim.	3	2
To establish a range of easy to understand presumptive sentences that promote "Truth in Sentencing."	4	4
To provide state and local correctional authorities with information to assist with inmate population management options and program coordination.	6	5
To provide policy makers with information that will enhance decisions regarding resource allocation.	5	6

***Impact of Sentencing Guidelines on performances of job responsibilities***

*Has the implementation of Sentencing Guidelines impacted the manner in which KDOC staff perform their jobs responsibilities and/or do staff anticipate changes in future job performance as a result of Sentencing Guidelines?*

- Groups were almost equally divided as to whether the implementation of Sentencing Guidelines had changed the manner in which staff members' job responsibilities are performed - 8 groups responded "Yes" and 6 responded "No."
- Regarding anticipated changes, all but 3 groups felt that the performance of job responsibilities would change at some point in the future as a result of the implementation of Sentencing Guidelines.
- Impact Already Experienced
  - Increase in case management related "paperwork" was clearly the most frequently cited change, especially by non-uniformed facility staff.

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- Dual tracking of cases (e.g., guidelines/non-guidelines sentence structure)
  - More filings for clemency, etc.
  - Correspondence with judges, attorneys, victims, etc.
  - "Dress-in" and "dress-out" processing
- More opportunity and need for cognitive intervention with inmates who refuse program participation since creating a favorable impression for the KPB is no longer necessary.
  - Reduced parole officer caseloads, enabling more concentration on "high risk" cases.
  - More disruptive attitudes among condition violators, resulting in more disciplinary reports and increased level of tension/stress in inmate living units.

● Anticipated Impact

- Inmates will become increasingly more difficult to manage and motivate because of their "I don't care" and "you can't do anything to me" attitudes.
- A more violent type of offender will be released from prison (without the KPB being involved in the decision).
- More cognitive intervention with inmates will be necessary in order to fully implement various offender management initiatives.
- Continuing education and training for staff will be necessary as guidelines legislation continues to evolve.

***Level of staff anxiety resulting from Sentencing Guidelines***

*To what extent are departmental staff comfortable with the changes brought about by the Sentencing Guidelines Act?*

- The Act has created a sense of anxiety and discomfort among staff.
  - On a scale of 1 to 7 (1 = Totally Uncomfortable or Extremely Anxious / 7 = Totally Comfortable or No Anxiety), the group ratings ranged from 2 to 5. The overall or average rating was 3; only 4 of the 14 individual group ratings were higher than 3.
  - Virtually no difference was found between parole office groups and facility groups.

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- Primary sources of discomfort noted were:
  - General lack of understanding of the Sentencing Guidelines Act brought about by continual changes in implementation procedures and inability to get answers to questions.
  - Uncertainty related to sentence conversion process (e.g., is the conversion correct? are we releasing/holding the inmate under proper authority?).
  - Release and discharge dates are set by time with no regard to offender behavior.
  - The "I don't care" and "you can't do anything to me" attitudes among offenders that are the result of the 90-day limit on revocations.

***Extent to which Sentencing Guidelines address the concern for public safety***

*Public safety is a major component of the Department's mission. Accordingly, any shortcomings in this regard (whether they be actual or perceived) are of concern and must be dealt with by departmental staff. How do departmental staff feel about public safety in the wake of Sentencing Guidelines and how do they offset any perceived shortcomings in the day to day performance of their jobs?*

- There is a feeling among staff that the Act does not totally address public safety.
- On a scale of 1 to 7 (1 = No Concern / 7 = Maximum Concern), the extent to which the Act addresses the concern for public safety received an overall rating of 4.
  - The parole office group ratings ranged from 2 to 7 .
  - The facility and Central Office group ratings ranged from 3 to 5.
  - The range difference between parole office groups and that of other groups suggests that the feeling that the Act has public safety shortcomings is more pronounced among parole and field service staff .
- Public safety shortcomings identified include:
  - The 90-day period of incarceration for condition violators is not long enough
  - Because release and discharge are determined by time rather than behavior and without review, there is potential for offenders to be released and/or discharged without knowing if there has been a behavioral change.
  - Offenders choose incarceration over other longer term sanctions.

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- The period of confinement does not always fit the crime committed.
  - Criminal history not emphasized enough.
  - Plea bargaining is not taken into account.
  - Nature of offense needs to be emphasized more - sex offenders should serve longer.
- There is less incentive for inmates to participate in programs to help them learn new behavior (i.e., since inmates no longer have to impress the Parole Board).
- In the course of the day to day performance of their duties, staff have addressed these shortcomings in a variety of ways:
  - Increase the offender's level of supervision (post-incarceration).
  - Have become more active in trying to get inmates involved in programs (i.e., increase their level of motivation) and improve inmate-staff communication.
  - Increase program referrals and/or more use of intermediate sanctions for those under post-incarceration supervision.

***Determinate period of incarceration (90-day maximum) for Condition Violators***

*Limiting the period of re-incarceration for those who violate the conditions of postrelease supervision to no more than 90 days is a key provision of the Sentencing Guidelines Act and a major focus of this study. How do departmental staff feel about this provision and what, if any, alternatives do they suggest?*

- Population management was the most popular response given as the purpose of a time limited revocation period - 9 of the 14 groups responded to this effect.
  - Cost containment and allocation of resources was the next most popular response - cited by 6 groups.
  - Punishment for not abiding by the conditions of release was cited by 4 groups.
- When asked on a scale of 1 to 7 (1 = Total Disagreement / 7 = Total Agreement), the extent to which they agreed or disagreed with a statement that offenders released from prison should remain under supervision indefinitely, the responses ranged from 2 to 7. The overall or average rating was 4.
- The predominate and recurring theme throughout the group discussions was that the 90-day period of incarceration was TOO SHORT - groups were unanimous and interjected this opinion at virtually every opportunity during their discussions, as well as in the written responses.

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- Groups offered a wide range of suggestions as to how long the period of revocation should be.
  - Although no one suggestion was dominant, common themes expressed were.
    - At least 120 days to six months minimum up to one year
    - Time should be indeterminate based upon criminal history, nature of the violation, and individual needs for programs
    - Discretion of the KDOC should determine it - keep the KPB out of it
    - Time spent back at a facility as a condition violator (or at least time spent in segregation upon return) should be dead time (i.e., not counted toward supervision)
- Although very concerned that a 90-day maximum was too short, groups were almost unanimous (12 Yes, 2 No) that the Parole Board should impose shorter periods based upon case by case situations.
  - Items commonly cited by the groups as factors to be considered when weighing individual offender situations were:
    - Nature of the violation - (cited 8 times)
    - Circumstances of crime - (5 times)
    - Number of violations - (4 times)
    - Number of previous revocations or frequency of violation - (3 times)
    - Previous institutional behavior (2 times)
    - Level of support the individual has (2 times)
    - Employment history or hardship it would cause family (2 times)
    - Overall reintegration (adjustment to supervision) to date (2 times)

**[Questions addressed only by Parole Services Focus Groups]**

***Comparison of offenders released pursuant to Sentencing Guidelines with those released pursuant to the previous law***

***Do staff perceive differences between offenders released from prison since the implementation of Sentencing Guidelines and those released during an earlier period of time? If so, how are the offenders different and are they managed differently?***

- On a scale of 1 to 7 (1 = Less Difficult / 7 = More Difficult), parole service staff tends to view those released pursuant to the Sentencing Guidelines Act as more difficult to supervise - responses ranged from 3 to 6 with an overall or average response of 5.
  - The differences cited were essentially attitudinal in nature:

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- Among the guidelines releasees, there is a disregard for a release plan (i.e., they know they are getting out of prison whether they have a plan or not).
  - Guidelines releasees know they will be getting discharged after 1 or 2 years regardless of whether restitution etc. has been paid.
  - We have lost our intimidation factor with the guidelines offenders.
- It is important to note that to this point in time the vast majority of those released pursuant to Sentencing Guidelines have been via the retroactivity provision of the Act.
- The adjustment difficulties an offender faces upon release are essentially the same, regardless of sentencing structure - On a scale of 1 to 7 (1 = No Different / 7 = Entirely Different) the responses ranged from 1 to 3 with an overall average of 2.

***Impact of Sentencing Guidelines on staff's ability to effectively supervise offenders***

*Have Sentencing Guidelines affected parole officers' ability to supervise offenders under post-incarceration supervision and if so how? What problems have resulted from such impairments?*

- On a scale of 1 to 7 (1 = Same / 7 = Much Different), the supervisory approach taken with regard to condition violators and their return to prison since the implementation of Sentencing Guidelines, was rated a 3 overall .
- Differences cited included:
- Must take a short term as opposed to long term approach.
  - Early discharge can no longer be used as an incentive for positive performance.
- Parole staff feel more impaired in their ability to perform there job under Sentencing Guidelines than under the previous indeterminate sentencing structure.
- On a scale of 1 to 7 (1 = Significantly Impaired / 7 = Unimpaired) the response ranges were 2 to 5 under Sentencing Guidelines and 4 to 6 under the previous structure - overall averages were 3 for Sentencing Guidelines and 5 for previous sentencing structure.
- Impairments cited included:
- The 90-day limit to the period of incarceration and offenders "I don't care, you can't do anything to me" attitude - no incentive for the offender to cooperate.
  - Offenders can be released without a plan to the nearest parole office.

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- There is a lack of short term alternative resources<sup>14</sup>.
- o Impairments to supervision are addressed in a variety of ways:
  - Utilization of Special Enforcement Officers (SEOs) on high risk offender home visits and increased attention to Boulder Industries (BI) high risk profile.
  - Increase supervision levels.
  - Changes to Field Service Orders and restructuring and specialization of caseloads.
  - Utilization of available intermediate sanctions and pre-revocation programs.

***Decisions to revoke the post-incarceration supervision status of Condition Violators***

*What action should be taken when an offender has violated the conditions of release and what factors are considered in deciding a course of action?*

- Given the option of returning the offender to prison or keeping the offender under post-incarceration supervision for violating the conditions of supervision, returning the offender to prison seems to be the preferred option among parole services staff.
  - o 2 of 4 groups felt that proximity to discharge should be a factor in favor of keeping the offender under post-incarceration supervision if the offender was within 30 days or less of final discharge.
- On a scale of 1 to 7 ( 1 = No Importance / 7 = Great Importance), groups were asked to rate the importance given to various factors in making revocation decisions. The response ranges and overall averages for various considerations presented in Table 3:

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<sup>14</sup>The lack of resources referred to here is a perception on the part of some staff. Actual data reflect an under-utilization of available resources. In the context in which it is used, the term "sanctions" is a more appropriate term than "resources."

Table 3  
 Parole Staff Rankings of Revocation Considerations

Factor/ Consideration	Range	Overall Average
Protection of Public	7-7	7
Avoidance of Public Criticism	4-6	5
Maintain Integrity of the Conditions of Supervision	6-6	6
Make a Point to the Offender	5-7	6
Make a Point to Other Offenders	3-6	4
Assert Control or Authority over the Offender	2-5	4
Control Size of Caseload	1-2	2

- Protection of the public is considered the most important factor in making the decision to return the offender to prison or keep him/her under post- incarceration supervision.
- Controlling caseload size is given virtually no importance.

*Perceptions regarding the seriousness of the condition violations*

*From a staff point of view, has the seriousness of the behavior that results in an offender's return to prison for violating release conditions increased, decreased, or remained the same in the wake of Sentencing Guidelines?*

- When asked whether the seriousness of the behavior that results in an offender's return to prison has increased, decreased, or stayed about the same over the past twelve months 3 of 4 groups responded that it has stayed about the same - the other responded that seriousness of the behavior has increased.
  - One group responded that the seriousness had increased - the reasons cited for the increase were:
    - Offenders know they can be returned for no more than 90 days and that is not a deterrent.
    - Less serious offenders are deferred to alternatives in lieu of revocation while violent offenders are revoked.

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[Questions addressed only by Facility Focus Groups]

*Perceptions regarding differences in offenders based upon sentence structure*

*From a staff point of view, are there differences in the behavior of inmates based upon the structure under which they were sentenced and is(are) any type(s) more or less difficult to supervise?*

- Groups were almost unanimous in stating there are differences in behavior between inmates awaiting release pursuant to Sentencing Guidelines and those awaiting release pursuant to the "old law."
  - A difference based upon inmate gender was noted by the Topeka Correctional Facility staff; a difference among male offenders was indicated but not among female offenders.
- Commonly cited differences include:
  - The majority of guidelines inmates are argumentative and generally uncooperative - they have bad attitudes and think nothing can be done to them - "old law" inmates behave better because they have to see the Board. (Cited 4 times)
  - An unwillingness among guidelines inmates to participate in programs and/or release planning. (3 times)
  - Increased agitation among the inmate population due to confusion over the new law (i.e., new law doesn't apply to everyone and those to whom it doesn't apply show resentment toward those to whom it does). (2 times)
- Certain types of inmates seem to be less difficult to work with; however, the differences are slight.
  - Groups rated various types of inmates according to the degree of difficulty in working with them on a scale of 1 to 7 (1 = Easy to Work With / 7 Difficult). Ratings are summarized in Table 4.

*Comments and suggestions submitted by Parole Service Focus groups*

*Each Focus Group was given an opportunity to submit any comments or suggestions with regard to the 90-day revocation period. While a number of the comments submitted were reiterations of earlier statements with the questionnaire responses, the following additional comments and suggestions were received. Comments have been paraphrased and/or consolidated to avoid duplication.*

- We need to keep in mind that those under post-incarceration supervision will be in the community unsupervised at some time in the future and should be enabled to function at an acceptable level in the community.
- There needs to be a continuum of services available and parole officers need a wider range of options - right now it seems that its either treatment or jail/prison and the shortage of treatment or halfway house type resources results in delayed entry or intervention.<sup>15</sup>
- All offenders should be required to give some of their time to their community as payment for the problems they have caused.
- Community/Regional work camps should be considered as an alternative to returning a condition violator to a state prison - prison should be reserved for the violent offender.
- Parole officer safety has been sacrificed by the 90 days and the flood of violent offenders released by guidelines. Public safety should be the #1 concern; money and prison population should not be part of the equation (i.e., decision to return a condition violator to prison and how long they stay).
- Those that are threats to persons should be removed from the community instantly and held as long as possible and be involved in mental health counseling to deal with their anger and anti-social behavior.
- Revocation time needs to be "dead time" and not counted as a part of parole (i.e., post-incarceration supervision time). Whenever a warrant is issued, regardless of type, time should stop just as it currently does when an A&D warrant is issued.

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<sup>15</sup>While this comment suggests that there is a lack of resources available, it is again important to note that this is a perception on the part of some staff and that data actually show an under-utilization of existing resources.

**Table 4**  
**Facility Staff Rankings of Degree of Difficulty in Working with Inmates**  
**by Type of Sentence Being Served**

Type of Inmate Sentence Structure	Range	Overall Average
Serving an Indeterminate Sentence	2-3	3
Serving to Their Conditional Release Date	2-5	4
Serving to Their Maximum Release Date	2-6	5
Serving a "Converted" Determinate Sentence	4-6	5
Serving an Original Determinate Sentence	3-6	4

- The data shown in Table 4 suggest that inmates serving indeterminate sentences are perceived as slightly less difficult to work with than those serving other types of sentences.

***Inmate attitude toward Sentencing Guidelines***

*Inmate attitudes regarding Sentencing Guidelines are likely to have an affect on their facility adjustment and behavior. What is the overall inmate attitude, in terms of like or dislike, with regard to Sentencing Guidelines.*

- It is the perception of facility staff that Inmates, in general, like the Sentencing Guidelines Act.
  - On a scale of 1 to 7 (1 = Greatly Dislike / 7 Like Greatly), the range of staff rates was from 3 to 6 with an overall average rating of 5.

***Staff concern for their safety since the implementation of Sentencing Guidelines***

*Are facility staff more concerned or less concerned for their safety since implementation of Sentencing Guidelines?*

- On a scale of 1 to 7 (1 = Much Less Concern than Before Guidelines / 7 = Much More Concern than Before Guidelines), group ratings ranged from 4-6 with an overall average rating of 5.
  - The narrow range and overall average just above the mid-point suggest that staff are slightly more concerned for their safety now than they were before Sentencing Guidelines became effective.

*Perceived management problems since the implementation of Sentencing Guidelines*

*It was speculated that a large number of offenders who might otherwise receive prison sentences would, under sentencing guidelines, receive presumptive probation. Since a large portion of those diverted from prison would be of the "non-violent" type, a larger portion of the prison population would be of the "violent" type offender. Has there been an increase in the number of physical and verbal assaults or other management problems since the implementation of sentencing guidelines and what strategies have been employed by staff to address any such problems?*

- There seems to be general agreement that the incidence of inmate verbal assault toward both staff and other inmates has increased since the implementation of Sentencing Guidelines.
  - Regarding verbal assaults toward staff, 8 groups perceived an increase and 1 group indicated no increase.
  - Regarding verbal assaults toward other inmates, 7 groups perceived an increase and 2 groups indicated no increase.
- There appears to be less agreement regarding the incidence of physical assault; groups were almost evenly split in this regard.
  - Regarding physical assaults toward staff, 3 groups perceived an increase while 5 groups perceived no increase. The TCF group indicated a perceived increase among the male inmates but not among the female inmates.
  - Regarding physical assaults toward other inmates, 4 groups perceived an increase while 5 groups perceived no increase.
- Apart from physically and verbally assaultive behavior, other management problems caused by condition violators include:
  - Their attitudes have deteriorated considerably
    - Refuse to work or take program assignments
    - Refuse to clean their areas or take care of state property
    - Increased disciplinary problems
  - There is no incentive for behavioral change
    - Inmates do not care about being returned for 90 days
  - Institutional logistics problems

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- A variety of approaches and strategies have been employed to address the management problems caused by the condition violators
  - Staff spend more time talking to inmates, exploring options and discussing consequences of their behavior - a more cognitive approach - progressive discipline. (Cited 3 times)
  - Increased use of Administrative Segregation. (3 times)
  - Increased use of the disciplinary process.
  - Administration of good time.
  - Avoid verbal confrontations with inmates.
  - Increased custody levels or transfer to higher security level facilities.
  - Prosecute those who assault staff in District Court.

**Has Inmate Behavior Changed Since the Implementation of Sentencing Guidelines?**

Early on, some corrections officials expressed concern about possible consequences of the enactment of certain provisions of sentencing guidelines. One concern expressed was that limiting the period of incarceration for those returned to prison for violating the conditions of their release to no more than 90 days would be problematic. It was the opinion of staff that 90 days was not long enough to serve as a deterrent to "condition violation behavior" and that, upon their return to prison, such offenders would not be deterred from acting out because they would be released again in more than 90 days, regardless of their behavior. Predictions were made about possible changes in inmate behavior and strong concerns were expressed about staff safety.

Absent computerized data on the specific disciplinary violations, analysis of inmate behavior in the facility was on the basis of time spent in segregation. Facility Focus Groups provided information regarding perceived changes in inmate assaultive type behavior. Collateral data, independently submitted data for inclusion in the Facility Management Division's Monthly Activity Report, provided another basis for comparative analysis. Using these data for the periods August, 1992 through July, 1993 and August, 1993 through July, 1994 (i.e., the time frames for this study), a comparative analysis of assaultive type inmate behavior was accomplished with the results as shown in the following tables. Since a large segment of the condition violator population was housed at the Ellsworth Correctional Facility during the second half of the latter time frame, separate analysis of the Ellsworth data is pertinent.

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Behavioral Measure	Total Occurrences System-wide		% of Chg Per. 1 - Per. 2
	Period 1 Aug. '92 - Jul. '93	Period 2 Aug. '93 - Jul. '94	
Inmate-on- Inmate Assaults	179	168	-6%
Inmate-on-Staff Assaults	68	89	+31%
Total Disciplinary Reports	18,318	15,474	-16%
	Number of Occurrences per ADP		
Inmate-on-Inmate Assaults	.029	.028	
Inmate-on-Staff Assaults	.011	.015	
Total Disciplinary Reports	2.956	2.610	
Average Daily Population	6,196	5,928	

Time Frame	Number of Occurrences at the Ellsworth Correctional Facility		
	Disciplinary Reports Written	Inmate-on-Inmate Assaults	Inmate-on-Staff Assaults
August, 1992 thru July, 1993	1677	20	4
August, 1993 thru July, 1994	1963 (17% increase)	20 (No change)	11 (175% increase)

***Impact of Sentencing Guidelines on pre-release planning***

How and to what extent has the implementation of Sentencing Guidelines altered the significance of pre-release planning?

- Pre-release planning is perceived by facility staff as slightly more important under Sentencing Guidelines than under indeterminate sentencing.
  - On a scale of 1 to 7 (1 = Less Important / 7 = More Important), the ratings ranged from 4 to 6 with an overall average of 5.

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- Reasons cited for the increased importance include:
  - Because there is no requirement for an approved release plan before an inmate is released, it is imperative that staff work with inmates to develop a plan. (Cited 3 times)
  - Since inmates are less likely to make plans on their own, staff must assume a more active role. (2 times)
  - There is more advanced notice and certainty with regard to inmate release dates; this allows for more in depth planning to take place.
- While the importance of pre-release planning was regarded as more important under Sentencing Guidelines, groups noted its importance for all inmates regardless of the type of release.
  - "Old law" inmates feel they have more to lose if they return (e.g., longer period of incarceration); therefore having a plan helps them stay out.

***Perceived changes in the seriousness of revocation behavior since the implementation of Sentencing Guidelines***

*How has the seriousness of the behavior that results in an offender's return to prison changed since the implementation of Sentencing Guidelines?*

- 6 of the 9 groups felt that the seriousness of the revocation behavior has stayed about the same; 3 groups felt that the seriousness had increased.
- Those reporting an increase in seriousness attribute it to:
  - Reduced consequences for violating (e.g., 90 day limit upon return to prison).
  - Parole practices encourage the use of progressive discipline.
  - Offenders being given every opportunity to comply with conditions but parole officers are pushed to the limit until there is no alternative but to revoke the offender.
  - A lack of adequate programs and other resources coupled with increased parole officer case loads and the lack of offender respect for authority.
  - Offenders know they are being less closely supervised and choose to take advantage of the situation.

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- Offenders find it to their advantage to violate so that they may take advantage of the retroactive provision of Sentencing Guidelines and have their sentence converted and have their supervision period shortened.

***Comments and suggestions submitted by Facility Focus groups***

*Each Focus Group was given an opportunity to submit any comments or suggestions with regard to the 90-day revocation period. As with the parole groups, a number of the comments submitted were reiterations of earlier statements. Comments have been paraphrased and/or consolidated to avoid duplication.*

- 90 days is not long enough to be punitive or rehabilitative - it either needs to be increased or made progressive (e.g., 1st violation 90 days, 2nd violation 180 days etc.) - should be highly structured - time spent in prison on a revocation should not count as part of the supervision time - 90 days doesn't fit everyone -- need more flexibility - tie length of the period to the disciplinary process
- Inmates say the 90 days is just a vacation and appreciate the free food and medical care - we need to make returning to prison less attractive, add more segregation beds - it should be an unpleasant and intense program to attack the vital deficiencies in their lives - try the boot camp approach for 120 days to get them to think twice
- We need to move toward returning few violators to prison - favor the use of intensive supervision, electronic monitoring, house arrest, and other community based programs as alternatives.
- Need boot camps for more than just young offenders.
- Evaluate those who return for additional program needs.
- Need to have more supportive programs for inmates and families of inmates which are specific to the needs of the violator.
- I don't think we can assume that the 90 day period is the reason we are having more assaults. If these inmates were assaultive throughout their incarceration, what's to say they wouldn't be assaultive if they came back for 180 or 360 days
- RDU no smoking policy, not just the 90 days, might be affecting behavior of inmates.
- There should be a cognitive restructuring group for all inmates in preparation for successful release.
- The Department needs to ensure that any offense committed by an inmate that is a felony is presented to the District Attorney for prosecution.

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- We should do away with guidelines and go back to the old system - why does Kansas think it will work when it hasn't worked in other areas
- There were several comments (i.e., at one facility) that parole officers returned or revoked inmates for minor infractions or "power trips."
- Security and non-unit team staff have requested training on Sentencing Guidelines and the condition violator program.

**Offender Interviews**

Members of the study team interviewed 22 offenders to determine their opinions about various aspects of the Sentencing Guidelines Act and, in particular, the provision of the Act that limits the period of incarceration to no more than 90 days for those revoked for violating the conditions of release. A copy of the questionnaire used in conducting the offender interviews is included as Appendix B.

The selection of offenders to be interviewed was on a random basis from among those who were available and agreed to participate on the day the interviewers were at the Ellsworth and Topeka Correctional Facilities or the regional parole offices. Of the 22 offenders, 14 were confined in a KDOC facility and 8 were under post-incarceration supervision.

***Demographic characteristics and other background information on those interviewed***

- Gender - Male = 16 Female = 6
- Race - White = 11 Black = 11
- Age Group - 20-24 = 3 25-29 = 3 30-34 = 7 35-39 = 6 40+ = 3
- 18 of the 22 respondents were under some form of KDOC supervision at the time the Sentencing Guidelines Act became effective on July 1, 1993.
  - It may be presumed that these offenders had experienced the application of the "old" law, and at least witnessed the application of the "new" law.
- 19 of the 22 interviewed have been returned to prison as condition violators.
  - Each of the 14 inmates and 2 of those on post-incarceration supervision status interviewed had been returned to prison at least once as a condition violator.
    - Most of those interviewed, however, were familiar with the issue of condition revocations.
- Only 2 of the 22 had been returned after release by way of retroactive application of Sentencing Guidelines.

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- Almost all of those interviewed (19 of 22) had obtained their last release by way of a Kansas Parole Board decision.
  - For some, return as condition violators would provide an opportunity to have their sentences converted to determinate sentences (i.e., Sentencing Guidelines).

**General Issues Related to the Sentencing Guidelines Act**

A goal of the interview process was to obtain insight into the general opinion that inmates and offenders under post-incarceration have of the Sentencing Guidelines Act.<sup>16</sup>

- Inmates have a slightly more positive attitude about the Sentencing Guidelines Act than do those on post-incarceration supervision status.
  - On a scale of 1 to 7 (1 = Like / 7 = Dislike), the average response for inmates was 3.
  - The average response for those on post-incarceration supervision was 4.
  - The range of opinions for the inmate group was much wider than for those on post-incarceration supervision.
    - The difference is perhaps understandable since inmates are preoccupied with matters pertaining to their release; those on post-incarceration supervision status are more concerned about staying out, no matter how that release was attained.
    - For some offenders under post-incarceration supervision, Sentencing Guidelines are not an issue.
- Offender comments about the Sentencing Guidelines Act were not all positive.
  - Negative sentiment expressed focused on:
    - the limited application of the law to only certain offenders
    - the perceived potential for abuse by authorities and offenders
    - the view that drug offenders will serve more time than some violent offenders.

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<sup>16</sup>Because of the small number of inmates interviewed, statistical analysis based on small cell frequencies is not reliable. Therefore, where reported, all scores on scale items are stated in terms of range and mean; other information is reported in the form of frequencies and percentages.

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- Offenders, like the general public, express a concern for those who engage in violent behavior.
- Only about a third of those interviewed were willing or able to provide an opinion regarding their parole officer's opinion about the Sentencing Guidelines Act.
  - On a scale of 1 to 7 (1 = Like / 7 = Does Not Like), the average score, among those who responded, was 3.
    - This would seem to indicate that offenders perceive parole officers as having substantially positive regard for the Act. That may or may not be the case.

***Revocation Issues***

*Department staff have consistently heard that some offenders are intentionally violating the conditions of their release so as to be afforded the opportunity to have their sentences converted to sentences provided for under the Sentencing Guidelines Act. This may serve as an indicator as to how much positive regard offenders have for the Act. In several respects return to prison as a condition violator has clearly worked to the offender's advantage. On the other hand, it may just be that such talk is a rationalization for unacceptable behavior while under supervision. (Of course, some offenders may be disappointed when they are informed that they are not eligible for conversion.)*

- Only 1 respondent admitted that his return was motivated by the desire to have his term converted to a guidelines sentence.
- 8 indicated that they were aware of someone who had intentionally violated the conditions of release so as to take advantage of the provisions of the Sentencing Guidelines Act.
  - It may be that such comments are more prevalent than are actions aimed at gaining conversion by this means.
- When asked what aspects of the Sentencing Guidelines Act offenders wanted to take advantage of, the following items were identified:
  - The revocation period is reduced from 9 or more months to up to 90 days
  - The supervision period is both shorter (1 or 2 years plus good time) and it is time limited.
    - To this short list could be added the determinate nature of the sentence which excludes the involvement of the Kansas Parole Board.

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- One offender noted that he would not need to pay restitution as a condition of release and the victim would need to obtain a civil judgement against him in order to recover his/her loss.
- It is difficult to determine from this study if recent increases in revocation actions are based on changes in offender behavior (intentional or unintentional), poor performance of those released under the retroactivity provisions of the law, and/or changes in offender management policies.

***Enforcement of Conditions And Need for Revocation***

- Most offenders interviewed judged parole officers to be supportive.
  - On a scale of 1 to 7 (1 = Provided Strong Positive Support / Did Not Provide Support), the average response was 3.
- Offenders felt that parole officers were somewhat more concerned about the enforcement of release conditions.
  - On a scale of 1 to 7 (1 = Strong Enforcement / 7 = Minimal Enforcement of Conditions) the average response was 2.
  - Frequently cited reasons for revocation were:
    - Substance abuse (8 instances)
    - Travel (4 instances)
    - Failure to report (2 instances).
- Of those whose post-incarceration release had been revoked, most felt their returns to prison were not warranted.
  - Violations were viewed as petty.
  - Violators thought they were deserving of another chance, or perhaps the use of additional resources might have salvaged the offender's supervision status.
  - The actions of parole officers were sometimes described as less than reasonable.

**The 90-day Revocation Period**

- Over two-thirds of the offenders interviewed felt the 90-day parole revocation period was about the right length of time.
  - 3 felt it was too long

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- 5 felt it was too short.
- Some respondents felt it had no deterrent value, while others felt it provided a beneficial period of time for them to think about what they had done.
- Some felt it served no purpose at all.
- One offender felt that practice of returning condition violators should be abolished and offenders returned only after the commission of a new crime.
- Others expressed concern about the manner in which parole staff would utilize this provision.
- Offenders were asked about the frequently reported comment made by offenders that they can "Do the 90 days standing on their head."
  - The respondents acknowledged the accuracy of the statement and indicated that many offenders have expressed words of that nature.
  - One offender tried to put the comment in perspective by indicating that when you have done a lot of time, 90 days doesn't seem like much.
  - Several respondents acknowledged that, while common, a significant amount of this kind of talk was "macho" in nature.

***Revocation Program At Ellsworth:***

- For those who have had contact with the revocation program at Ellsworth, the experience cannot be described as having been a pleasant one.
- Referred to by some as "Hellsworth," the revocation program at the Ellsworth Correctional Facility may be the hardest time done in the system.
- One offender observed that if all KDOC facilities were as "tough" as the one at Ellsworth, condition violator returns would be less.
- In the minds of some offenders, the program clearly makes you not want to return. For others, it may be an improvement over conditions on the "outside," or have no positive value whatsoever.
- The most difficult part of the program, according to those interviewed, seemed to center on the loss of basic amenities (canteen privileges, hygiene items, cigarettes, shower shoes, etc.).

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- One inmate observed that, with the loss of basic amenities, no one should be surprised about the negative attitudes of offenders confined at the Ellsworth Correctional Facility.
- Dissatisfaction was also expressed about food, disrespect from officers, lack of medical attention, and perceived racial discrimination.

**Other Information:**

Members of the study team used a thirty-two item questionnaire to obtain the information reported in this section of the report. Some questions had several sub-parts. The responses to some questions have not been recorded in this narrative - even though they may be of interest. Information relating to assistance and resources, and release planning is available upon request.

Appendix A

*Evaluation of the "90 Day Revocation Period"*  
Focus Group Questions

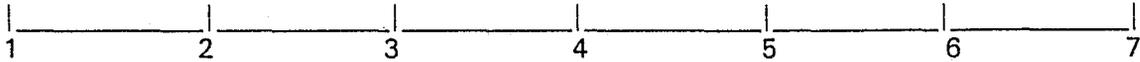
Questions 1 through 18 are to be addressed by ALL Groups.

1. In no particular order, the commonly stated purposes/goals of the Sentencing Guidelines Act are:
  - To develop guidelines that promote public safety by imprisoning violent offenders.
  - To reduce sentence disparity to ensure the elimination of racial, geographical or other bias that may exist.
  - To establish sentences that are proportional to the seriousness of the crime and the degree of injury or harm to the victim.
  - To establish a range of easy to understand presumptive sentences that promote "Truth In Sentencing."
  - To provide state and local correctional authorities with information to assist with inmate population management options and program coordination.
  - To provide policy makers information that will enhance decisions regarding resource allocation.
  
- a. Given these stated goals/purposes of the Act, in what order of importance do you believe the KANSAS LEGISLATURE placed them - beginning with 1 as the "Most Important" and ending with 6 as the "Least Important?"
  
- b. In what order of importance would YOU place them - again using 1 as the "Most Important" and ending with 6 as the "Least Important?"

Stated Purpose/Goal	Legislature's Ranking	Your Ranking
To develop guidelines that promote public safety by imprisoning violent offenders.		
To reduce sentence disparity to ensure the elimination of racial, geographical or other bias that may exist.		
To establish sentences that are proportional to the seriousness of the crime and the degree of injury or harm to the victim.		
To establish a range of easy to understand presumptive sentences that promote "Truth In Sentencing."		
To provide state and local correctional authorities with information to assist with inmate population management options and program coordination.		
To provide policy makers information that will enhance decisions regarding resource allocation.		

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2. On a scale of 1 to 7 (1 = Total Lack Of Understanding / 7 = Total Understanding), rate the overall level of understanding of the key elements of Sentencing Guidelines among KDOC staff of your particular facility or parole region.



3. An understanding of the Sentencing Guidelines Act can be obtained in many ways. What is the predominant means by which KDOC employees of your facility or region obtained their understanding of Sentencing Guidelines? (Select one from the list below.)

<input type="checkbox"/> Training	<input type="checkbox"/> Reading the Act Itself	<input type="checkbox"/> Reading the Newspaper etc.
<input type="checkbox"/> Reading the Desk Reference Manual		<input type="checkbox"/> Discussion with Co- workers
<input type="checkbox"/> Discussion with Offenders	<input type="checkbox"/> Other (Specify) _____ _____ _____	<input type="checkbox"/> All of the preceding but no one is predominant

4. Has the implementation of Sentencing Guidelines substantially changed the manner in which KDOC staff perform their job responsibilities?

YES       NO

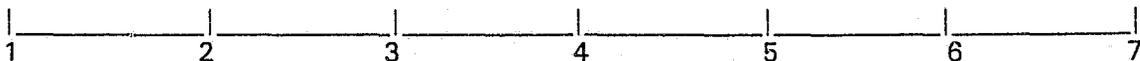
5. If the response to #4 was YES, describe the manner in which it has changed.

6. Is it anticipated that the manner in which job responsibilities are performed will change substantially in the future as more offenders are admitted to the system or released under the provisions of the Sentencing Guidelines Act?

YES       NO

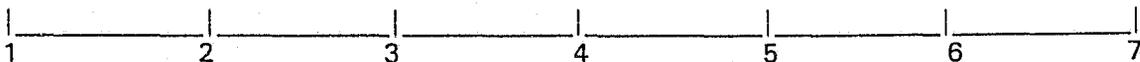
7. If the response to #6 was YES, describe the anticipated changes.

8. What level of comfort or anxiety is there regarding the changes brought about by the Sentencing Guidelines Act? On a scale of 1 to 7 (1 = Totally Uncomfortable or Extremely Anxious / 7 = Totally Comfortable or No Anxiety) rate the level of comfort of KDOC staff within your particular facility or parole region.



9. Give the reasons for the comfort or anxiety regarding the changes brought about by the implementation of the sentencing guidelines legislation.

10. On a scale of 1 to 7 (1 = No Concern / 7 = Maximum Concern), rate the extent to which the Sentencing Guidelines Act addresses the concern for public safety.



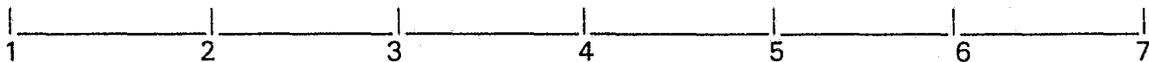
11. If concern for public safety is less than Maximum, in what way(s) has public safety not been

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considered or in what way(s) could it be increased?

12. If the response to #10 or #11 suggests public safety shortcomings, how do KDOC employees of your respective facility or parole region address or respond to these shortcomings in the day-to-day performance of their job responsibilities?
13. On a scale of 1 to 7 (1 = Total Disagreement / 7 = Total Agreement), what is your position with regard to the following statement:

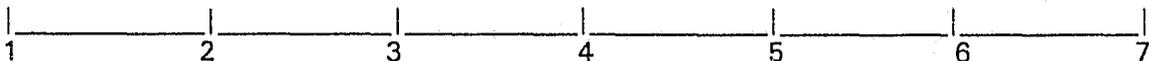
"Offenders released from prison should be maintained under post incarceration supervision indefinitely; that is, until it is decided that he/she should be released."



14. What is the purpose of a "time limited" revocation period (e.g., up to 90 days)?
15. (Complete the sentence by choosing one) The 90 day maximum parole revocation period is:  
 too long.                       too short.                       about right/OK.
16. If it is felt that the revocation period is too long or too short, a) how long should it be, and b) on what is this judgement based?
17. The Kansas Parole Board has the flexibility to impose shorter periods of confinement for condition violators. Should the Parole Board impose different periods of incarceration depending upon the offender's "situation?"  
 YES                       NO
18. If the response to #17 was YES, what factors should be considered when weighing the offender's "situation?"

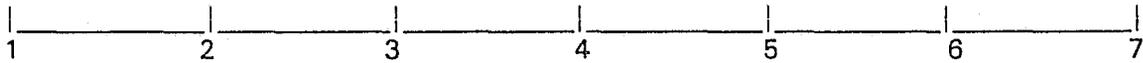
Questions P1 through P16 are for Regional Parole Groups only. Facility Groups go to Question F1 on page 9 . Central Office groups stop here.

- P1. On a scale of 1 to 7 (1 = Less Difficult / 7 = More Difficult), describe the difficulty of supervision of offenders released under the provisions of the Sentencing Guidelines Act (i.e., "new law") in comparison to those released under the "old law."

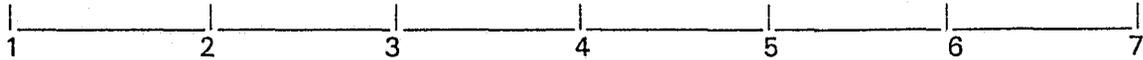


- P2. Describe the manner in which the two groups are different from each other from the standpoint of supervision. In other words, why is there a difference.
- P3. On a scale of 1 to 7 (1 = No Different / 7 = Entirely Different), are the adjustment difficulties offenders encounter upon release from prison different for those released under the "new law" as compared to those released under the "old law."

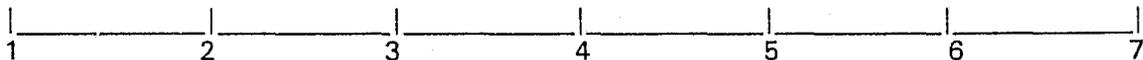
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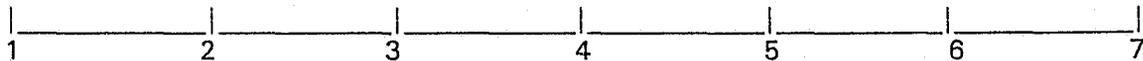
- P4. If the adjustment difficulties differ, describe the difference.
- P5. On a scale of 1 to 7 (1 = Same / 7 = Much Different), describe the supervisory approach(es) that staff of this region take relative to condition violators and their return to prison since implementation of the Sentencing Guidelines Act.



- P6. If the supervisory approach(es) is (are) not described as the "Same," how and why are they different?
- P7. On a scale of 1 to 7 (1 = Significantly Impaired / 7 = Unimpaired), what best characterizes a parole officer's ability to properly supervise offenders prior to implementation of the Sentencing Guidelines Act.



- P8. If the ability to properly supervise offenders was impaired prior to implementation, in what way(s) was it impaired?
- P9. On a scale of 1 to 7 (1 = Significantly Impaired / 7 = Unimpaired), what best characterizes a parole officer's ability to properly supervise offenders since implementation of the Sentencing Guidelines Act?



- P10. If the ability to properly supervise offenders has been impaired since implementation, in what ways has it been impaired?
- P11. How have the problems resulting from these impairments been addressed within this parole region?
- P12. Given the option to either "Return the Offender to Prison" or "Keep the Offender Under Post Incarceration Supervision," what action should be taken if the offender is:

- a) less than 120 but more than 90 days from final discharge     Return     Keep
- b) less than 90 but more than 60 days from final discharge     Return     Keep
- c) less than 60 but more than 30 days from final discharge     Return     Keep
- d) less than 30 days from final discharge     Return     Keep

- P13. On a scale of 1 to 7 (1 = No Importance / 7 = Great Importance), rate the importance that should be given to each of the following considerations when recommending the return of a condition violator to prison.

A) PROTECTION OF THE PUBLIC

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|\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||

1                    2                    3                    4                    5                    6                    7

B) AVOIDANCE OF PUBLIC CRITICISM FOR NOT RETURNING (BETTER TO BE SAFE THAN SORRY)

|\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||

1                    2                    3                    4                    5                    6                    7

C) MAINTAIN THE INTEGRITY OF THE CONDITIONS OF SUPERVISION

|\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||

1                    2                    3                    4                    5                    6                    7

D) MAKE A POINT TO THE OFFENDER

|\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||

1                    2                    3                    4                    5                    6                    7

E) MAKE A POINT TO OTHER OFFENDERS ON THE CASELOAD

|\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||

1                    2                    3                    4                    5                    6                    7

F) ASSERT CONTROL OR AUTHORITY

|\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||

1                    2                    3                    4                    5                    6                    7

G) CONTROL SIZE OF CASELOAD

|\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||\_\_\_\_\_||

1                    2                    3                    4                    5                    6                    7

P14. Some feel that a percentage of condition violators are returned to prison unnecessarily for minor infractions. From a staff point of view, has the seriousness of the behavior that results in an offender's return to prison increased, decreased, or stayed about the same over the past twelve months?

\_\_\_ INCREASED    \_\_\_ DECREASED    \_\_\_ STAYED ABOUT THE SAME  
 P15. If the response to #P14 indicates an INCREASE or a DECREASE, to what do you attribute the INCREASE or DECREASE?

P16. COMMENTS (Please feel free to include any comments or suggestions you have with regard to the 90 Day Revocation Period. You may attach additional pages, as necessary)

Questions F1 through F15 are for Facility Groups only. Regional Parole Groups stop here.

F1. With respect to the behavior of offenders awaiting release to post incarceration supervision, are there differences in the behavior of those being released pursuant to the Sentencing Guidelines Act (i.e., "new law") and those being released pursuant to the "old law?"

YES  NO

F2. If the response to #F1 is YES, what differences in behavior have been observed?

F3. On a scale of 1 to 7 (1 = Easy To Work With / 7 Difficult), rate the degree of difficulty in supervising the following types of offenders:

A) INMATES SERVING AN INDETERMINATE SENTENCE (i.e., those eligible for parole consideration)

1 | 2 | 3 | 4 | 5 | 6 | 7

B) INMATES SERVING TO THEIR CONDITIONAL RELEASE DATES

1 | 2 | 3 | 4 | 5 | 6 | 7

C) INMATES SERVING TO THEIR MAXIMUM RELEASE DATES

1 | 2 | 3 | 4 | 5 | 6 | 7

D) INMATES SERVING TO THEIR "CONVERTED" GUIDELINES RELEASE DATES (i.e., awaiting release pursuant to the retroactivity provisions of the Sentencing Guidelines Act)

1 | 2 | 3 | 4 | 5 | 6 | 7

E) INMATES SERVING AN ORIGINAL DETERMINATE SENTENCE

1 | 2 | 3 | 4 | 5 | 6 | 7

F4. On a scale of 1 to 7 (1 = Greatly Dislike / 7 Like Greatly), do inmates generally like or dislike Sentencing Guidelines (even though some may not be eligible to receive its benefits)?

1 | 2 | 3 | 4 | 5 | 6 | 7

F5. On a scale of 1 to 7 (1 = Much Less Concern than Before Guidelines / 7 = Much More Concern than Before Guidelines), rate the extent to which staff at your facility are concerned for their safety since implementation of Sentencing Guidelines.

1 | 2 | 3 | 4 | 5 | 6 | 7

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F6. Has your facility experienced an increase in the number of physical or verbal assaults by inmates directed toward staff or other inmates since implementation of the Sentencing Guidelines Act?

- a) Physical (toward staff)            \_\_\_ YES            \_\_\_ NO
- b) Verbal (toward staff)            \_\_\_ YES            \_\_\_ NO
- c) Physical (toward other inmates)   \_\_\_ YES            \_\_\_ NO
- d) Verbal (toward other inmates)   \_\_\_ YES            \_\_\_ NO

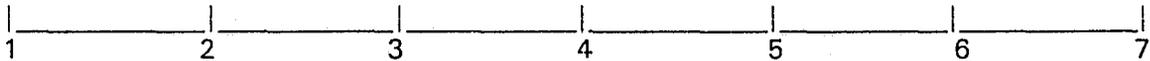
F7. Apart from the response to #F6, have those offenders released under a guidelines sentence and subsequently returned as a condition violator presented any other unusual management problems at this facility?

\_\_\_ YES            \_\_\_ NO

F8. If the response to #F7 was YES, what problems have been exhibited?

F9. If the response to #F6 and/or #F7 was YES, what approaches and strategies have been employed by staff to address the problems?

F10. On a scale of 1 to 7 (1 = Less Important / 7 = More Important), what is the importance of pre-release planning under determinate sentencing (i.e. "new law") as compared to the indeterminate sentencing (i.e., "old law")?



F11. Why is pre-release planning more important or less important for determinate sentence releases than for indeterminate sentence releases?

F12. Some feel that a percentage of condition violators are returned to prison unnecessarily for minor infractions. From a staff point of view, has the seriousness of the behavior that results in an offender's return to prison increased, decreased, or stayed about the same over the past twelve months?

\_\_\_ INCREASED            \_\_\_ DECREASED            \_\_\_ STAYED ABOUT THE SAME

F13. If the response to #F12 indicates an INCREASE or a DECREASE, to what do you attribute the INCREASE or DECREASE?

F14. COMMENTS (Please feel free to include any comments or suggestions you have with regard to the 90 Day Revocation Period. You may attach additional pages, as necessary)

Appendix B

Evaluation of the "90 Day Revocation Period"  
Offender Interview Questions

The following information will be recorded by the interviewer for ALL interviews (i.e., parolee and inmate)

A. Interview Location:

Northern Parole Region     Southern Parole Region     Eastern Parole Region  
 Ellsworth Corr. Facility     Topeka Corr. Facility

B. Demographic Information:

Male                       Female  
 White                       Black                       Native American                       Asian

(Age Group)

15-19     20-24     25-29     30-34     35-39     40+

Refused to provide age information.

The following questions will be asked of all offenders (i.e., inmates and those on post incarceration supervision)

1. What was your status with regard to the Kansas Department of Corrections on July 1, 1993? That is, were you:

In Prison                       On Parole                       Not Under KDOC jurisdiction

2. What events (e.g., incarceration, parole, parole revocation etc.) have taken place since then?

3. When (approximately) were you last released from a Kansas prison?

4. Was your last release the result of:

a decision by the Kansas Parole Board?     Conditional Release?  
 the Sentencing Guidelines Act?                       Other(specify below)

5. Since that release, have you been returned to prison as a condition (i.e., technical) violator?

YES                       NO

6. How many times have you been returned as a condition violator from:

A. A release granted by the Kansas Parole Board? N =

(Continued on the Reverse Side)

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- B. Conditional Release? N = \_\_\_
- C. A release resulting from the Sentencing Guidelines Act? N = \_\_\_
7. If your return was from a grant by the Kansas Parole Board or Conditional Release, was your return "intentional" so as to take advantage of the provisions of the Sentencing Guidelines Act?
- A. \_\_\_ YES \_\_\_ NO
- B. If the answer to 7A was YES, what aspect of the Sentencing Guidelines Act were you wanting to take advantage of?
8. Are you aware of anyone who has intentionally violated the conditions of their release so as to take advantage of the provisions of the Sentencing Guidelines Act?
- A. \_\_\_ YES \_\_\_ NO
- B. If the answer to 8A was YES, what aspect of the Sentencing Guidelines Act were they wanting to take advantage of?
9. What were the reasons for the revocation of your last parole or period of post release supervision?
10. Based on these violations, do you feel that it was necessary to return you to prison?
11. What other action might have been taken short of return to prison?
12. Why do you think your parole officer decided to have you returned to prison instead of using another option?
13. On a scale of 1 to 7 (1 = Like / 7 = Dislike), how do you feel about the Sentencing Guidelines Act that was enacted more than a year ago?
- 1 | 2 | 3 | 4 | 5 | 6 | 7 |
14. Why do you feel that way?
15. On a scale of 1 to 7 (1 = Likes / 7 = Does Not Like), what would you consider your parole officer's opinion to be with regard to the Sentencing Guidelines Act?
- 1 | 2 | 3 | 4 | 5 | 6 | 7 |
16. On what do you base that opinion?
17. At the time of your last release:
- A. Did you have a job? \_\_\_ YES \_\_\_ NO
- (1) If YES, how long did you work at THAT job?
- \_\_\_ Did not ever work that job \_\_\_ Less than 1 month \_\_\_ 1 - 3 Months

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3 - 6 Months       6 - 12 Months       More than 1 Year

B. Did you have a place to live?     YES       NO

(1) If YES, what type of living arrangement was it?

Independent       With Spouse or Significant Other       With Relatives (Other than Spouse)  
 Halfway House       Residential Treatment Center       Other (Specify in Comments)

C. Not counting your gate money, how much money did you have?

Less than \$100       More than \$100 but less than \$300       More than \$300 but less than \$500  
 More than \$500 but less than \$1000       More than \$1000 but less than \$2000       More than \$2000

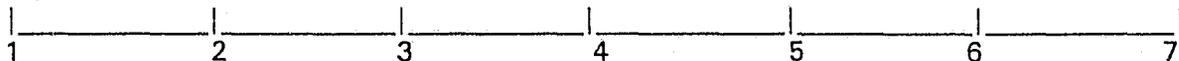
D. Did you have any money (i.e., in addition to your "gate money")?     YES       NO

(1) What was the PRIMARY source of the money?

Family       Savings Prior to Incarceration       Savings while Incarcerated (e.g., includes work release earnings etc.)  
 Income tax Refund       Insurance Payment etc.       Other (Specify in Comments)

E. Did you have family or friends upon whom you could rely for support and assistance at the time of your release?     YES       NO

18. On a scale of 1 to 7 (1 = Strong Positive Support and Assistance / 7 = No Support or Assistance at all) how would you rate the support and assistance you received from family and/or friends when you were released?



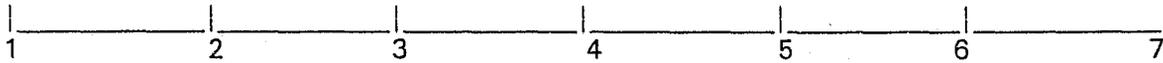
19. Would you consider the planning for your release as:

Adequate?      OR       Inadequate?

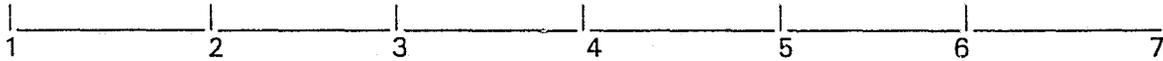
20. If inadequate, do you feel this contributed to your return to prison for violating the conditions of post release supervision?

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21. What programs or resources might have made a difference had they been available to you?
22. On a scale of 1 to 7 (1 = Provided Support And Assistance / 7 = Did Not Provide Support & Assistance), how would you characterize your parole officer's level of support and assistance?



23. On a scale of 1 to 7 (1 = Strong Enforcement Of Conditions / 7 = Minimal Enforcement Of Conditions), how would you rate your parole officer's enforcement of release conditions?



24. How do you feel about the 90 day period of confinement for post releasees returned as condition violators?
25. Is the 90 day time period:
- A. \_\_\_ too long? \_\_\_ too short? \_\_\_ about right?
- B. On what do you base that judgement?
26. What will the 90 day period accomplish as far as you are concerned?
27. It has been reported that some offenders have stated that they can "Do the 90 days standing on their head." What do you think about that statement in terms of:
- A. the accuracy of the statement?
- B. the number of inmates making the statement?
- C. the possibility that such a statement is some kind of "macho" statement to "save face" with other inmates and/or correctional staff?
28. Have you been involved with the parole revocation program at the Ellsworth Correctional Facility? \_\_\_ YES \_\_\_ NO
29. If YES, what is your opinion of the program provided there for condition (technical) violators?
30. Did your involvement in the parole violator program at Ellsworth Correctional Facility make any difference as far as you are concerned as it relates to your ability to be successful on post incarceration supervision?
31. What parts of the program were helpful to you?
32. What parts of the program were not helpful to you?