

UNIVERSITY OF MINNESOTA

**KANSAS PRISONER
REVIEW BOARD:**
**Parole and Post-Release
Supervision and
Revocation**

Technical Assistance Report





KANSAS PRISONER REVIEW BOARD: Parole and Post-Release Supervision and Revocation

Technical Assistance Report

A publication by the Robina Institute of Criminal Law and Criminal Justice

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Suggested citation: Julia A. Laskorunsky, Ebony L. Ruhland, and Edward E. Rhine, Robina Inst. of Crim. Law & Crim. Just., Kansas Prisoner Review Board: Parole and Post-Release Supervision and Revocation Technical Assistance Report (2018).

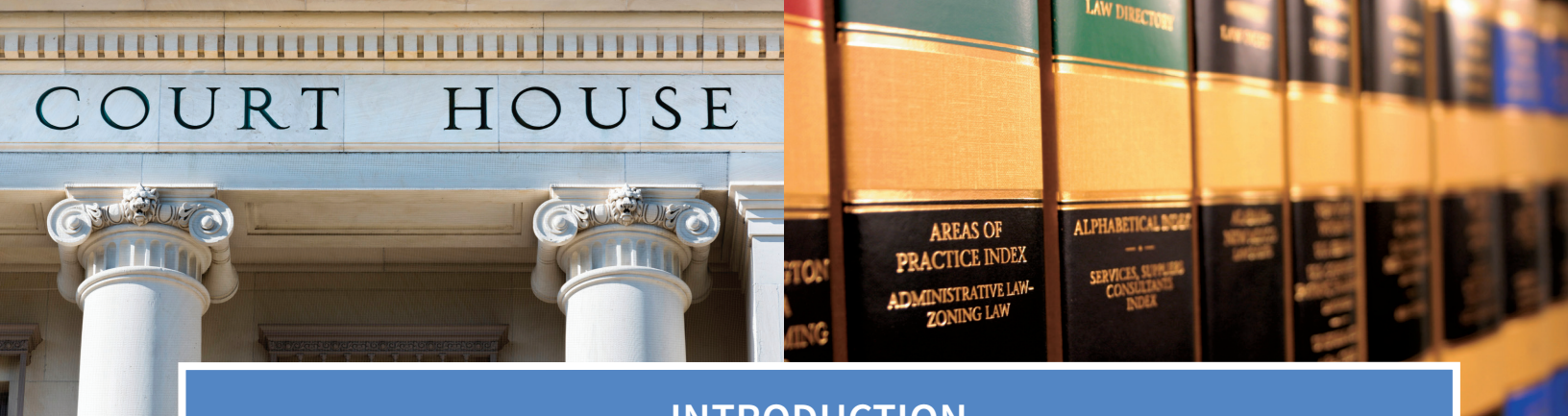
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INTRODUCTION

In February 2017, the Kansas Prisoner Review Board (“Board”) answered a Request for Proposals (RFP) for technical assistance from the Robina Institute on Criminal Law and Criminal Justice (“Institute”). The Board requested assistance with improving its parole and post-release supervision revocation process in two main areas. First, the Board sought to reduce the number of offenders who are revoked each year by identifying those requiring revocation due to the seriousness of their violation. Second, it sought to streamline the processing time between initial and final revocation to reduce the amount of time revoked offenders spend incarcerated. This report provides an account of the technical assistance request, a description of the research findings, and a summary of procedural and policy recommendations for the Board’s consideration.

The overall project is designed to address a broad set of issues targeting multiple dimensions associated with the decision to revoke post-release supervision. First, Institute staff interviewed Board members and parole agency staff to develop an understanding of the revocation process and to help explain how Board members decide to revoke post-release supervision. Second, online survey data were collected from 87 parole officers focusing on their supervision practices, particularly those related to the decision to recommend post-release supervision revocation. Third, Institute staff reviewed available administrative data, agency reports, and policy and practice manuals providing a statistical snapshot of the revocation process in the state. What follows summarizes the results of these combined efforts, supplemented by a series of recommendations designed to address the issues raised by the Board, as well as those identified during the project.

The Board

The Kansas Prisoner Review Board is an agency within the Kansas Department of Corrections. The Board consists of three members who must be employees of the Department of Corrections. The members and the Board Chairperson are appointed by the Secretary of Corrections and serve at will.

The Board has three main functions: to review cases of offenders eligible for conditional release, to set supervision conditions for those granted release, and to review revocation recommendations for offenders serving a period of post-release supervision.¹ Kansas removed conditional parole release for most offenders and replaced it with post-release supervision in July 1993. However, the Board is still the releasing authority for offenders sentenced prior to July 1993 and those who fall under the Kansas Sentencing Guidelines Act.²

Post-Release Supervision and Revocation

In 1993, the Kansas Legislature adopted state-wide sentencing guidelines and imposed a determinate sentencing structure. Both the inmate’s period of incarceration and their time on post-release supervision is determined at sentencing. Upon serving the maximum sentence – less good time credit – offenders are eligible for post-release supervision. The lengths of post-release supervision are 12, 24, and 36 months, and depend on offense severity as outlined in the Kansas Sentencing Guidelines Grid. Any good time credit earned during the original sentence is not applied to the period of post-release supervision, so as not to affect the total sentence length.

Post-release supervision can be revoked if a violation has been established, or if the offender is charged with a new crime. This action is initiated by the offender's parole officer and reviewed by the Board. Parole officers generally have wide latitude in regards to which offenders they recommend for revocation. They are required, however, to recommend revocation for offenders who have committed a new crime. Parole officers may recommend revocation for offenders who are not following their conditions of supervision and for those individuals they feel are a threat to the community.

When an offender is exhibiting behavior that is putting them at risk for revocation, their case is "staffed" with a parole supervisor who reviews the violation(s) and parole officer response. If an officer recommends revocation, the recommendation must be approved by the parole supervisor and then sent to one of two regional parole directors for further review. Once the parole director approves the recommendation for revocation, a preliminary hearing is held in which an impartial officer must find probable cause that an offender violated the conditions of supervision. If probable cause is found, the Secretary of Corrections may issue a warrant to return the offender to the Department of Correction's custody. Usually, at this point, the offender is already being held in jail.

The Board then holds a final revocation hearing with the offender. If a preponderance of evidence is found that a violation has occurred, the Board may revoke post-release supervision or take other appropriate measures. The Board is limited by statute in the time it can impose for a supervision revocation. For offenders who violate conditions of post-release supervision incarceration time for a revocation, by law, is set at 6 months. For offenders whose violation stems from a new misdemeanor or felony conviction, the Board has the discretion to require that an offender serve a revocation period up to the date of sentence discharge.

Offenders who do not have pending charges may waive both their preliminary and final hearing before the Board by admitting guilt.³ This process starts their time served for revocation immediately, instead of after the hearing in front of the Board. Offenders may further reduce time served by up to three months with good conduct, work, and program participation upon reincarceration.

Statement of the Problem

Offenders on post-release supervision can be revoked for violating their conditions of community supervision, as well as for committing a new crime. Those revoked for violating conditions of supervision accounted for 20% of new prison admissions in FY 2016.⁴ Furthermore, between FY 2012 and FY 2016, there has been a 29.5% growth in offenders returned to prison for condition violations. The Board is interested in lowering the number of offenders returned for such violations by focusing on revoking only the most serious violators and those who are a danger to the community.

As noted, revocation for post-release supervision violations represents a multi-step process culminating in a final hearing before the Board. Currently, the Board approves approximately 99% of all recommendations it reviews.⁵ The Board is seeking to enhance its capacity to determine which violations and behaviors are serious enough to warrant removal from the community, as well as to improve the decision-making process for revocation at every level of the agency. The Board is open to accomplishing this task by changing the policies and practices affecting who is recommended for revocation and through modifying its review procedures and decision outcomes during the final hearing.

The Board is also interested in reducing the amount of time revoked offenders spend incarcerated. These offenders serve an average of 128 days (FY 2016) in prison prior to being automatically released back to supervision. The legislature has established by statute that the period of revocation shall be for six months. While offenders may be confined up to six months, they generally serve three months with good time credit. However, time served does not start until the Board hears the case and approves revocation – which can take between one and two months after the initial revocation recommendation. Offenders who waive their preliminary and/or final hearing start serving their sentence immediately. The Board would like to streamline the process time between the initial revocation recommendation and the final revocation.

Between FY 2012 and FY 2016,
there has been a **29.5% growth**
in offenders returned to prison
for condition violations.

SURVEY OF PAROLE OFFICERS

Survey Methodology

In October 2017, a 30-question electronic survey was distributed to all parole officers in the Kansas Department of Corrections (KDOC) who directly provided supervision to clients. The purpose of the survey was to explore parole officers' views on violations and revocations. The questions focused on how violations are handled, their opinions on sanctions and incentives, when they file revocations, and the availability of community-based resources. The survey included a mix of closed and open-ended questions. Responses were collected over a two-week period. The rate of response varied across questions, but a total of 87 out of 106 officers completed the survey for an 82% response rate.

Institute researchers designed this survey specifically for the Kansas technical assistance project. Some of the questions were adapted from prior surveys used in other Institute parole and probation-related projects. Other questions were created based on specific project needs. Broadly, the goals of the survey were to gain a better understanding of how parole officers manage clients under their supervision and to identify major decision points that affect the revocation process. The survey was divided into five sections. Section 1: Supervision; Section 2: Responding to Violations and Revocations; Section 3: Sanctions and Incentives; Section 4: Open-Ended Questions; Section 5: Demographics. Prior to piloting the survey, Institute researchers conducted an in-person debriefing with three parole officers in Kansas and had the survey reviewed by parole office staff and one Board member.

The following sections present findings from this survey.

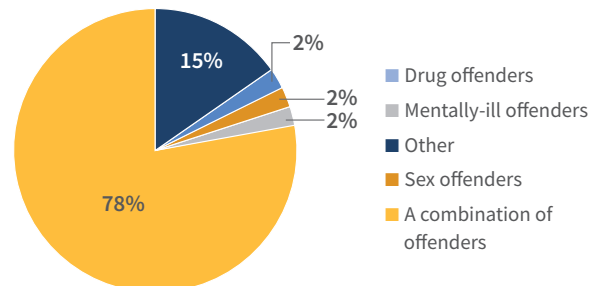
The average caseload size was 60 cases per officer. However, it ranged from a very small number of cases up to, in some instances, 300 cases.

Parole Officer Survey Findings

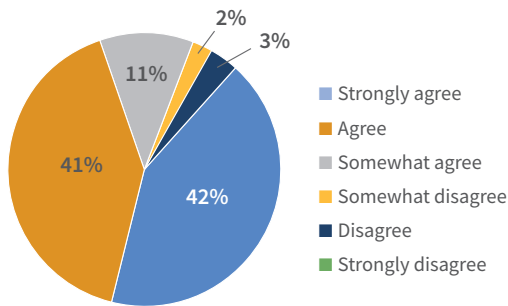
Parole Officer Background

Many parole officers have several years of experience. The mean number of years working as a parole officer was 8.38 years; with the range of time being just a few months to 30 years. The average caseload size was 60 cases per officer. However, it ranged from a very small number of cases up to, in some instances, 300 cases. The majority of parole officers supervised a combination of offenders. Sixty-eight officers (78%) recorded they supervised a combination of offenders; 13 officers (15%) marked they supervised other types of parolees. For those who checked the other three respondents wrote they supervised gang members. Another officer wrote they supervised violent offenders. Chart 1 illustrates the type of offenders the officers reported supervising.

CHART 1. PAROLE OFFICER CASELOAD BY OFFENDER TYPE



The majority of the parole officers strongly agreed or somewhat agreed they supervised clients differently based on their risk level. No officers strongly disagreed with this statement, but 5% said they somewhat disagreed or disagreed (Chart 2).

**CHART 2. I SUPERVISE CLIENTS
DIFFERENTLY BASED ON RISK LEVEL**

Parole officers frequently utilized the Internal Management Policies and Procedures (IMPP) to inform their supervision practices. Respondents either reported using IMPP all of the time (29.4%), almost all the time (61.1%), or some of the time (8.4%). No one said almost none of the time or never. Also, no one marked that they did not know what the IMPP was.

Use of Sanctions and Incentives

Parole officers provided their opinions on the use and types of sanctions and incentives they employed (Table 1). Several of the more notable highlights are noted below.

- A majority of officers (92%) agreed to using sanctions in order to gain compliance. Only six officers did not agree that they used sanctioning as a tool.
- A sizable number of parole officers (87%) surveyed believed recommending revocation should be used as a last resort after all other sanctions have been used. However, 13% disagreed with this (of these, 10% somewhat disagreed, while the others disagreed, or strongly disagreed).
- Split responses were seen on whether it was a good alternative to hold parolees in jail as a punishment. The majority, but under half (47%), said they somewhat agree with this whereas the other responses were split between agreement and disagreement.

Table 1. Use of Sanctions and Incentives

	Strongly Agree	Agree	Somewhat Agree	Somewhat Disagree	Disagree	Strongly Disagree
I regularly use sanctions as a tool to bring offenders into compliance	11 (14.47%)	49 (64.47%)	10 (13.16%)	5 (6.58%)	1 (1.32%)	0 (0.0%)
The use of sanctions reduces recidivism	5 (6.49%)	25 (32.47%)	32 (41.56%)	10 (12.99%)	5 (6.49%)	0 (0.0%)
Even the smallest violation should receive a sanction	4 (5.19%)	21 (27.27%)	16 (20.78%)	21 (27.27%)	11 (14.29%)	4 (5.19%)
Verbal sanctions/reprimands have a positive impact on my clients	3 (3.95%)	20 (26.32%)	38 (50.0%)	7 (9.21%)	7 (9.21%)	1 (1.32%)
When responding to violations, decisions should be based upon a progressive sanctions grid	8 (10.53%)	25 (32.89%)	26 (34.21%)	10 (13.61%)	5 (6.58%)	2 (2.63%)
Sanctions are generally more effective than incentives	2 (2.60%)	9 (11.69%)	32 (41.56%)	26 (33.77%)	5 (6.49%)	3 (3.90%)
For most violations, recommending revocation should be a last resort, after all other sanctions have been used	15 (19.48%)	34 (44.16%)	18 (23.88%)	8 (10.39%)	1 (1.30%)	1 (1.30%)
Holding a parolee in jail is generally a good alternative punishment to revocation	6 (7.89%)	9 (11.84%)	36 (47.37%)	14 (18.42%)	9 (11.84%)	2 (2.63%)
I generally have enough corrective options and sanctions available to bring clients into compliance before recommending revocation	3 (3.95%)	22 (28.95%)	28 (36.84%)	14 (18.42%)	5 (6.58%)	4 (5.26%)
Before recommending revocation, I usually reach out for help from community partners (e.g., victim advocates, criminal justice groups, resource centers, advocacy groups, social organizations)	15 (19.74%)	29 (38.16%)	21 (27.63%)	9 (11.84%)	0 (0.0%)	2 (2.63%)
I regularly use incentives as a tool to keep offenders in compliance	5 (6.58%)	26 (34.21%)	26 (34.21%)	7 (9.21%)	10 (13.16%)	2 (2.63%)
Small incentives positively impact my clients	5 (6.58%)	6 (7.89%)	6 (7.89%)	6 (7.89%)	6 (7.89%)	0 (0.0%)
The use of incentives reduces recidivism	7 (9.09%)	18 (23.38%)	34 (44.16%)	12 (15.58%)	5 (6.49%)	1 (1.30%)
Providing incentives to clients for compliance with conditions is a good use of a parole officer's time	6 (7.79%)	29 (37.66%)	29 (37.66%)	8 (10.39%)	5 (6.49%)	0 (0.0%)

Parole officers deployed a variety of sanctions to bring offenders into compliance. An increase in in-person reporting, an increase in the frequency of drug-testing, placement in programs, as well as verbal reprimands were commonly used sanctions. Only one parole officer mentioned using a day reporting center. Chart 3 illustrates the types of sanctions used.

Parole officers also relied on several sanctions not included on the survey list. These included attendance or participation at community support meetings, or job clubs, increased job searches, handbook quizzes, GPS monitoring, cognitive behavioral groups, and increased unscheduled home visits.

Parole officers were asked the following question – “Are there additional sanctions that could be used before recommending revocation that you currently do not have access to – or the department does not utilize – but you think would be effective?” Several of the officers said they could not think of anything else or they had all sanctions that were needed available to them. One individual said, “I feel like we have literally all options available to us at this time.”

A few officers, however, did suggest additional sanctions that would be helpful. One officer wanted the ability to jail individuals beyond the 2-day limit, whereas another wanted to have a weekend and weeklong jail

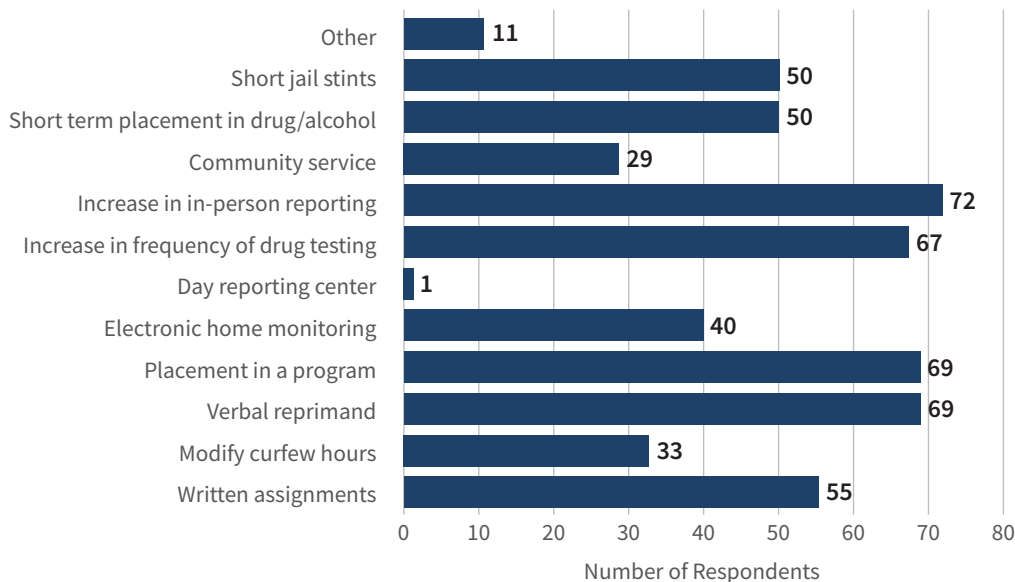
sanction. There also seemed to be a theme associated with recommending more incarceration or stricter supervision options outside prison or jail. One person identified more GPS monitoring, while another mentioned this, but included more cost-effective GPS monitoring options. Residential facilities, including treatment programs, halfway houses, and transitional living environments were identified as needs. More availability of day reporting centers was also mentioned. Some officers wanted to pursue more revocations and/or for revocation to occur more quickly. As one officer stated:

“We need to quit allowing people to use methamphetamine and cocaine and let them keep running around as they keep doing new crimes. The vast majority of our homicides in this state are meth-related, but no one wants to talk about that. They are what is driving our crime rate up. We do not have an opiate problem we have a meth problem, and it is out of control. Sending people on meth or crack for a 30 or 90-day dip will not work. These people need to be locked up.”

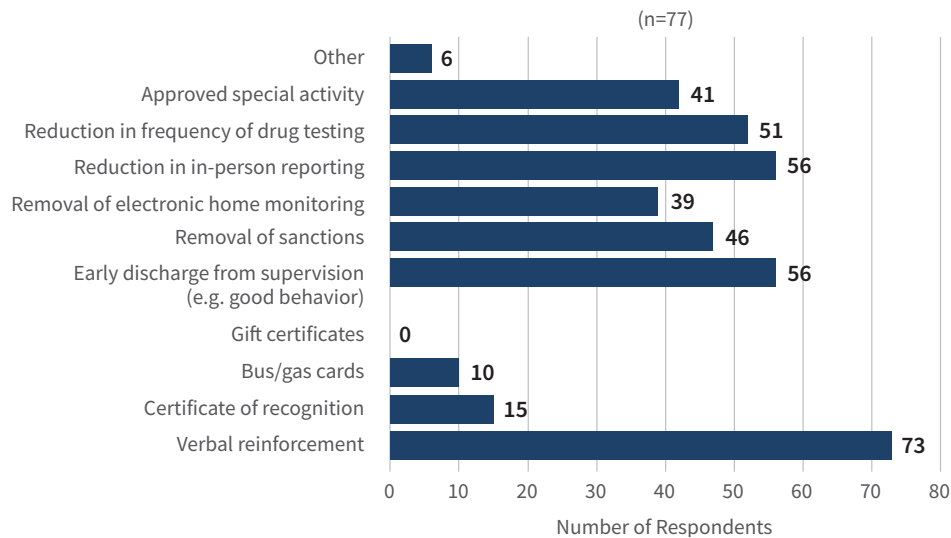
This officer went on to write offenders should be immediately revoked if they violate a condition. Another officer wrote, “We don’t revoke enough, and when we do revoke, the PRB [Prison Review Board] does not keep them as long as they should.”

CHART 3. SANCTIONS USED BY PAROLE OFFICERS TO GAIN COMPLIANCE

(n=77)



“The vast majority of our homicides in this state are meth-related, but no one wants to talk about that. They are what is driving our crime rate up. We do not have an opiate problem we have a meth problem, and it is out of control.”

CHART 4. TYPES OF INCENTIVES USED BY PAROLE OFFICERS

While several officers sought more revocations, there were also some who desired to make greater use of incentives. One officer wanted more cognitive based tools implemented. These individuals felt there was a lack of positive reinforcement and supervision planning happening among the parole officers. One respondent did not seem to think it was about using sanctions (or incentives), rather this officer felt behavior change only happens within the individual:

“The prior questions regarding sanctions and incentives do not reflect the actual use and the outcome of them. Sanctions and incentives only work on those who have started to make the connection that criminal behavior is the reason they are not succeeding in life. Sanctions for the most part bring people back into compliance for a short period of time, but only those who are ready to change make the decision to stop that behavior. In my experience of working with people in the criminal field and the mental health field, true change only happens when the person has decided there is value changing. That does not come from sanctions or incentives, it comes from inside the person.”

As was the case for sanctions, parole officers also reported using a variety of incentives (Chart 4). Verbal reinforcements were frequently used as well as reductions in in-person meetings, early discharge, and a decrease in the frequency of drug testing. Gifts cards were not used by any parole officer.

For parole officers who marked “other” for types of incentives used, their responses included the removal of curfew conditions, maintaining a solid relationship with the offender, community service hour credits, and increased out-of-state passes.

Community-Based Resources

Parole officers were asked to check if there were specific resources in their community for parolees. Tables 2 and 3 below show respectively, the number of respondents who selected there was enough of the specified service and those who marked there were insufficient services.

Table 2. My community has enough of the following resources for parolees (n=65)

Resource	# of Respondents
Employment training	35
Employment opportunities/ job placement	41
Drug or alcohol treatment	43
Educational classes	30
Sex offender treatment	44
Anger/Domestic Violence (DV) programming	37
Mental health counseling	41
Other	4

Table 3. My community *does not* have enough of the following resources for parolees (n=62)

Resource	# of Respondents
Employment training	33
Employment opportunities/ job placement	34
Drug or alcohol treatment	31
Educational classes	39
Sex offender treatment	29
Anger/Domestic Violence (DV) programming	36
Mental health counseling	34
Other	16

For this question, it is helpful to note the comments parole officers offered when filling-in the “other” category relative to not having enough services. Several officers mentioned needing more housing options; some specified housing needs for special needs populations, including sex offenders and individuals with mental health challenges. An inpatient treatment facility for sex offenders was also mentioned as a needed resource. Other parole officers mentioned wanting more mental health services, counseling, and cognitive groups. Gender-specific resources were recommended with one parole officer calling for greater services for women while another recognized the need for male reintegration housing. Finally, a parole officer stated that the clients on their caseload had very limited resources. The clientele was located in a small community that had only one drug and alcohol treatment agency and one mental health treatment facility. If the clients had a negative experience at one of these places or did not have the money to pay for the services, there were no other options.

Underserved Clients

Parole officers were asked an open-ended question on which groups of clients were under-served in their community. For the most part, their responses were similar as reported above. 22 officers said low-income and/or parolees who were homeless were currently underserved. Some expanded upon their answers by saying there were not many “free services in our area.” Another parole officer said, “low-income offenders have a very difficult time on parole with the large amount of fees and programs that require payment.” Two officers specified more services were needed for homeless veterans. The lack of affordable housing was also mentioned several times.

More services for sex offenders was also reported as a need 19 different times in response to this question. Most officers responded by just writing “sex offender” without expanding on the types of services they felt were required. However, one officer wrote that sex offenders “have issues with housing...and most of the organizations that can help with this will not work with sex offenders.” Another officer said, “sex offenders are excluded from a lot of different services.”

The next highest category, identified by 13 respondents, mentioned mental illness and mental health needs. Again, most responses were not expanded upon, but two officers noted the need for more housing options for this group of parolees.

Nine officers mentioned needing more community services specifically for women. Four respondents wrote more services were required addressing domestic violence while four others called for more substance abuse services. The lack of transportation for parolees in general, as well as the lack of public transportation, was recorded by several officers. The distance to travel for services was also commented upon. One parole officer wrote:

“Our community does not have many resources that our clients can access. They must travel 30 minutes to 1.5 hours to access most resources. Transportation provided by parole would greatly help the clients in this community to access resources and attend treatments as required by parole. The lack of transportation, in my opinion, causes some revocations when the clients are unsuccessfully discharged from treatment due to lack of attendance.”

There was a single reference to the need for services to address elderly populations, single parents, and individuals with poor health. Finally, one parole officer thought there will always be a need for more services, but ultimately some parolees will still fail.

“There will always be those who are considered to be under-served, but is it the community not having the resources or the offender not wanting to obtain and maintain employment to improve their life? There are a number of reasons offenders do not succeed, most of the time it is their unwillingness to walk to appointments, search for employment and to abstain from using drugs. The community can have all the resources needed and certain people will continue to fail due to not wanting to live a conventional lifestyle and having the attitude of being entitled to everything life has to offer without them putting any effort in to the process.”

Several parole officers took time to provide more in-depth detail on how to better meet the needs of parolees. Their responses are shared in Appendix A: Under-Served Groups.

Factors Considered by the Board During the Revocation Decision

The survey likewise asked parole officers to mark which factors they thought were considered and important to Board members during the decision to revoke parole. The majority of parole officers believed the nature and seriousness of the alleged parole violation was considered and important to the Board. Fewer officers felt the Board considered the length of the original sentence

for which the individual was paroled and most thought that this factor was either not important or only somewhat important to Board members. The consideration of risk assessment and criminogenic needs assessment results had split responses. Parole officers thought the risk of recidivism was considered slightly more important than needs by Board members. Table 4 shows the full survey responses regarding this question.

Table 4. Factors Considered and Important to the Board During the Revocation Decision

	Not Considered at All	Considered but Not Important	Considered and Somewhat Important	Considered and Important	Considered and Very Important
Nature and seriousness of the alleged parole violation	1 (1.28%)	1 (1.28%)	7 (8.97%)	30 (38.46%)	39 (50.0%)
Nature and severity of original felony	4 (5.13%)	7 (8.97%)	22 (28.21%)	24 (30.77%)	21 (26.92%)
Length of the original sentence for which the inmate was paroled	12 (5.13%)	26 (33.33%)	24 (30.77%)	8 (10.26%)	8 (10.26%)
Length of time on parole prior to alleged violation	3 (3.85%)	15 (19.23%)	29 (37.18%)	16 (20.51%)	15 (19.23%)
Risk of recidivism as assessed by a risk assessment instrument	7 (8.97%)	14 (17.95%)	17 (27.79%)	24 (30.77%)	16 (20.51%)
Criminogenic needs assessed by a risk/need assessment instrument	4 (5.19%)	17 (22.08%)	27 (35.06%)	22 (28.57%)	7 (9.09%)
Potential risk to previous victims	2 (2.60%)	3 (3.90%)	8 (10.39%)	18 (23.38%)	46 (59.74%)
Current home placement	7 (9.09%)	21 (27.27%)	24 (31.17%)	17 (22.08%)	8 (10.39%)
Current job placement	11 (14.47%)	24 (31.58%)	22 (28.95%)	14 (18.42%)	5 (6.58%)
A person who suffers from a mental disability (if the violation(s) are related to that disability)	4 (5.26%)	10 (13.16%)	17 (22.37%)	27 (35.53%)	18 (23.68%)
Number of prior paroles	14 (17.95%)	19 (24.36%)	18 (23.08%)	17 (21.79%)	10 (12.82%)
Number of prior probations	16 (20.78%)	19 (24.68%)	22 (28.57%)	13 (16.88%)	7 (9.09%)
Success during prior supervision	13 (16.67%)	8 (10.26%)	26 (33.33%)	20 (25.64%)	11 (14.10%)
Community opinion/response to offense	12 (15.58%)	13 (16.88%)	16 (20.78%)	24 (31.17%)	12 (15.58%)

Table 5. Handling Revocations

	Strongly Agree	Agree	Somewhat Agree	Somewhat Disagree	Disagree	Strongly Disagree
When responding to violations, the decision to petition for revocation should be based on the discretion of the parole officer	18 (23.08%)	33 (24.31%)	17 (21.79%)	4 (5.13%)	1 (1.28%)	0 (0.0%)
When responding to violations, decisions about the appropriate response should be based upon the parole officer's personal judgment and experiences	10 (12.82%)	17 (21.79%)	32 (41.03%)	9 (11.54%)	8 (10.26%)	2 (2.56%)
It is important to listen to the parolee's side of the story before filing a revocation	4 (5.19%)	40 (51.95%)	25 (32.47%)	5 (6.49%)	1 (1.30%)	2 (2.60%)
It is important to enforce conditions consistently across my caseload	32 (41.03%)	31 (39.74%)	8 (10.26%)	3 (3.85%)	1 (1.30%)	2 (2.60%)
I would be less likely to recommend revoking the parole of a person who suffers from a mental disability, if his/her violations are related to that disability	4 (5.19%)	19 (24.68%)	36 (46.75%)	9 (11.69%)	7 (9.09%)	2 (2.60%)
I would be less likely to recommend revoking the parole of a person with a history of substance abuse, if he/she has shown a willingness to receive treatment	9 (11.69%)	31 (40.26%)	24 (31.17%)	7 (9.09%)	4 (5.19%)	2 (2.60%)
I would be less likely to recommend revoking the parole of a person who is gainfully employed and would lose their employment if incarcerated	1 (1.30%)	13 (16.88%)	37 (48.05%)	15 (19.48%)	8 (10.39%)	3 (3.90%)
I would be less likely to recommend revoking the parole of a person who has support from stable family members	1 (1.30%)	7 (9.09%)	31 (40.26%)	23 (29.87%)	13 (16.88%)	2 (2.60%)

Parole Officers' Views on the Revocation Process

This section focuses on how parole officers supervise their parolees and respond to violations (Table 5). The officers were also asked how they think the supervision process should work and which factors would affect their decision to recommend revocation.

Parole officers were asked to give a percentage of how often they felt the Prisoner Review Board agreed with their recommendations. Percentages ranged from 0 percent of the time to 100 percent of the time. On average, parole officers felt that the parole board agreed with their recommendation 84% of the time. This is a high rate of agreement. However, it is far below the actual 99% approval rate of revocations by the Board. This means that while the Board agrees with the recommendation to revoke in almost every instance, parole officers feel that they disagree with the recommendations more often than what the data show. Since parole officers do not receive feedback from the Board after the final hearing process, some may assume that the Board is in disagreement with their recommendation, when in fact the Board agreed to revoke supervision.

The Perception of Variation in Parole Officer Supervision

Parole officers were asked if there were significant variations in how other officers supervised clients. There were 10 responses in which the respondents said they saw no variations or differences between officers. There were approximately 25 responses where parole officers said they either observed such variation and/or specifically named occasions where they saw differences among officers. Some stated they witnessed huge variations while others said there were only minor variations. One aspect mentioned several times was how parole officers interacted with parolees. Some officers commented on other officers being too harsh in their tone and/or their communication with parolees. Several officers made reference to differences in the degree to which their colleagues sought to build relationships with parolees. The comments below reveal some of the variation under discussion.

- “Some officers are mean and disrespectful to their parolees, they treat them like 2nd class citizens.”

- “Other officers see their offenders for 10 minutes, collect a UA [urinalysis], and let them go. They do not spend any time with the offender to determine what is really going on with them, don’t help them get job, etc.”
- “Many officer[s] seem to be content being on the computer all day rather than looking up and speaking to their clients.”
- “Good cop/bad cop. Some act like they are their best friends and others act like they hate the parolees.”

There was also a concern among several parole officers regarding the inconsistency they observed in how violations were handled by other officers.

- “Some [officers] throw the book at offenders no matter how they act.”
- “Officers don’t spend enough time having face-to-face contact with their offenders. Additionally, other officers don’t address violations consistently enough.”
- “Some officers document every single possible violation while others may excuse violations such as failing to report if the offender at least calls or reports late. Some are more likely to submit referrals to programs and others do not do anything because they do not believe in them. Some officers are more familiar with community resources and use them to respond to violations while the less familiar use more cookie cutter approaches or do nothing.”

One or two officers who wrote they saw no variations felt this way because everyone was trained in Effective Practices in Community Supervision (EPICS). However, other officers mentioned even with EPICS implemented organization-wide there was still variation in its use, as well as concerns it was not fully implemented as designed. Here is one such response.

- “The KDOC has started using “EPICS” and I have found that a lot of officers do the ‘process’ with their offenders, but have no idea what they are actually doing/dealing with. For instance, one officer had the offender complete a thinking report on their marijuana usage. The only problem was that the officer did not challenge the offender’s ‘thinking’ processes that supported his continued drug use. Overall, the EPICS tasks are being done without knowing what the officer needs to be working on.”

Another officer wrote in response to this issue: “Extremes. Punishment oriented versus EPICS orientated.”

Some officers provided reasons explaining why these variations are found. Several indicated it was due to parole officers being new. One officer noted that some new hires came from prison backgrounds and did not understand parole, going on to say: “Another trend is that the new hires who come from the prison setting are not adapting to the community environment and appear to have the faulty belief that they are still in a position to ‘control’ the offender.”

Several officers mentioned that the variations were due to the different personalities of the officers. One said, “Although we have the same standards to meet, I believe our offenders are supervised differently by different officers. It all comes down to the officer’s personality and how they handle the parolees.” Similarly, a different officer thought it was due to personality and other factors such as training and past experiences.

- “Each officer has their own way of dealing with offenders. This is due to personality, past training and experience, and education backgrounds. I have found that while we all have different techniques and approaches my unit does a good job of sharing these with other parole officers and use what others are doing if it is found to work.”

There are many more detailed responses to this question. To see the other responses, go to Appendix B: Reported Variation Among Parole Officers.

Parole Officer Role: Social Worker versus Law Enforcement

The officers were asked to share if they had more of a law enforcement or a social worker approach and what role they thought was more important. A number of parole officers felt both roles were important and relied on both in interacting with parolees.

- “They both are important and should be balanced.”
- “It’s all important. You wear many hats in this profession.”

- “I personally believe to be effective, you need to have an equal mix of both roles. I feel that one of my strongest characteristics is being able to turn both roles off and on when needed. If you are only a social worker then you will get run over, but if you are only a law enforcer then you won’t be able to help change thinking.”
- “I believe our roles are equally important and you must know and understand when it is appropriate to act as the social worker and the law enforcer. It is a delicate balance. If you are too much into your social work role you can miss public safety issues that would be better suited for revocation or jail sanctions, and if you are too much into your law enforcement role, then you are not able to best help the client with what they need to succeed in the community.”

“I believe our roles are equally important and you must know and understand when it is appropriate to act as the social worker and the law enforcer.”

There were others who felt a social work role was more important and tended to take on that role. The following comments reflect this viewpoint.

- “I believe social worker is more important in what we do as we are working with the offender to change their way of thinking cognitively rather than “make” them do what they are supposed to and be done with it.”
- “Social worker is more important because research indicates that incarceration does not reduce recidivism. I am more of a social worker.”
- “Social worker is more important. The parole officer is the person that has front line communication with our product (the offender). We are attempting to turn them into becoming a conventional community member. As case manager or social worker it is our duty to assure they have every opportunity to achieve this through referrals, and enforcement of positive or negative behaviors. And also to provide opportunities to practice self-advocacy. Social worker is the role I carry out.”

One officer who felt the social work role was more important tended nonetheless to take on more of a law enforcer role.

- “I feel the social worker role is more important because our clients have needs/concerns that have been unaddressed in their lives a long time before they ever come to KDOC custody. This role is important because... if you never address their social needs then you can never work on their criminal recidivism. I tend to carry more of the law enforcer role because of a high case load and the fact that every client has to have so much documentation completed that it makes it extremely difficult to find time to help them address their social needs.”

Several other officers felt the law enforcement role was more important, but still tended to be more social work oriented.

- “The law enforcer should be the most important role but we are more social workers. I tend to do more social work since I am limited on jail sanctions and revocations.”
- “I tend to carry out the social worker role. But the Law Enforcer role is more important in PAROLE. There are social workers to do social work. Let me focus on making sure they follow the rules.”

Others felt parole was more social work minded, but did not necessarily agree with that direction. As one officer noted:

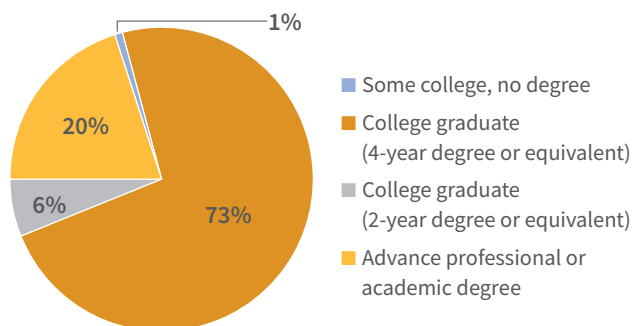
- “The direction of KDOC is going towards shows that the role of social worker is the way that movement is happening. However, I feel that the role of law enforcer is a very valid role within parole, and at times more of this type of presence needs to be felt with our offenders. Personally, dealing with offenders... and trying to have them do homework or worksheets doesn’t work all that well, but that attempt is still going to be made as that is what the expectation is.”

Understanding which orientation an officer leans towards is important to understanding how they respond to violations. Most of the parole officers tended to see a value and the need for the integration of both orientations. However, there were a handful of officers who leaned to one-side over the other.

Demographics

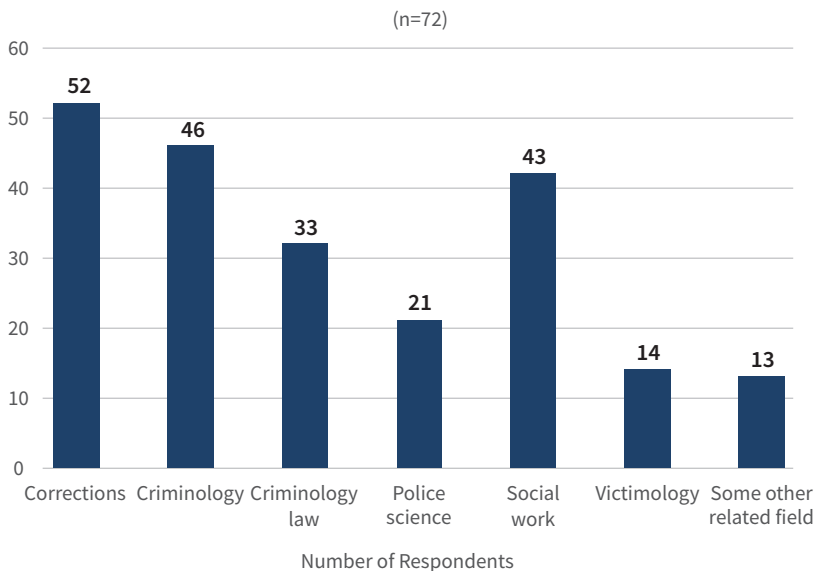
Of the parole officers responding to the survey, a majority reported having a 4-year college degree (54; 72.9%). Of those remaining, the next largest group at 15 (20.2%) reported having a graduate or advanced professional or academic degree (Chart 5).

CHART 5: EDUCATIONAL BACKGROUND OF PAROLE OFFICERS



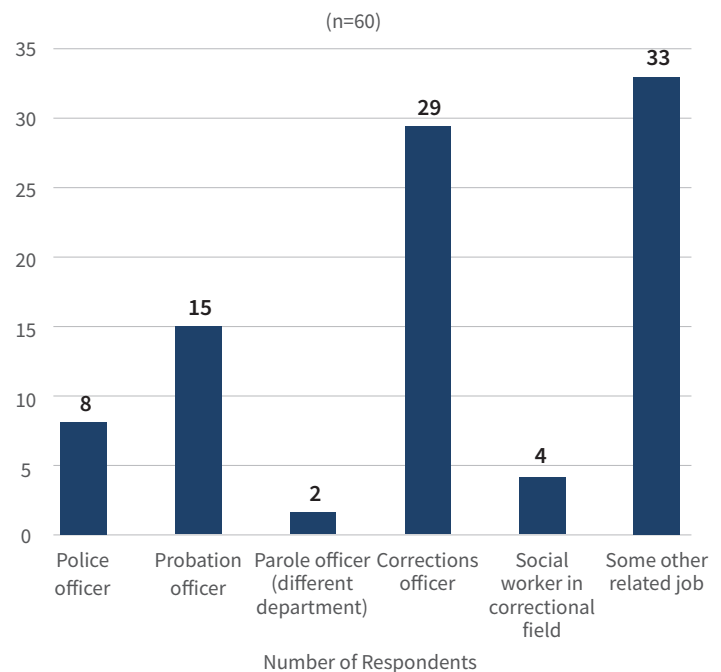
Many of the parole officers had course or internship experience in corrections (52), criminology (46), and social work (43). Chart 6 below illustrates the additional courses taken by the parole officers. The “other” category included courses in psychology (mentioned five times), substance abuse (mentioned twice), education (twice-mentioned), counseling, cognitive behavior therapy, family studies, and women’s studies.

CHART 6: PAST EDUCATIONAL COURSES TAKEN BY PAROLE OFFICERS



Twenty-nine parole officers reported formerly working as corrections officers, 15 were former probation officers, and 33 parole officers marked “other” regarding professional experience. Examples of other employment included experience as a corrections counselor, case manager, court service officer, program coordinator or in management. Others mentioned prior experience in the military, as well as jobs outside of the criminal justice and corrections arena. None of the officers recorded prior careers as a judge, prosecutor, or criminal lawyer (Chart 7).

CHART 7: PAST PROFESSIONAL EXPERIENCES OF PAROLE OFFICERS



Of the parole officers responding to the survey, a majority reported having a **4-year college degree (54; 72.9%)**. The next largest group at **15 (20.2%)** reported having a graduate or advanced professional or academic degree.

INTERVIEWS WITH PRISONER REVIEW BOARD AND PAROLE OFFICE STAFF

Qualitative Methodology

The next section offers a snapshot of the Board members' and parole agency managers' views of the revocation process. Two Institute representatives interviewed three board members and two parole agency supervisors in September 2017. Four interviews were conducted at the Board's office in Olathe, Kansas and one additional interview was conducted via video conference. The interviews with each Board member lasted for roughly an hour, with agency supervisors being interviewed for 30-45 minutes each. The respondents consented to the recording, and were advised that their answers would be reported on in aggregate throughout the report.

The interviews were recorded and transcriptions provided to Institute staff working on this report. In some instances, individual Board member quotes have been slightly modified to facilitate their readability, however, the majority of the quotes are verbatim. Where changes occur, every effort was made to ensure the meaning was not altered.

The interview format consisted of asking each of the three Board members a series of fixed questions about the current revocation process and their ideas on how to improve it. Similar, but slightly modified, questions were asked of parole managers. On occasions when the answers to one question overlapped with another, the interviewer departed from the question order. Also, slightly different follow-up questions were asked based on the interviewees' response in order to clarify answers. These questions were developed by Institute staff specifically for the Kansas Board and parole managers. The questions were aimed at understanding the decision-making process behind revocation, as well as to identify major decision points that affect the process.

Following the transcription process, project staff reviewed the comments and identified major themes repeated throughout the interviews. The following section introduces each theme and topic and provides

supporting quotes from the interviews. The comments contextualize and reinforce how the theme is viewed within the framework of the decision-making process for the Board members and parole agency managers.

Qualitative Findings

Revocation Hearing

The final revocation hearing (following the preliminary hearing) is conducted at each correctional facility once a month. At the point of the final hearing, offenders have already been transferred over to the prison in which they will serve their revocation sentence. The three Board members are either present in person or through video conferencing. The offender is present at the hearing and is allowed to have legal representation present, as well as witnesses. Most, however, do not have such representation due to cost. The Board members review the revocation packet which is submitted by the parole officer. This consists of the violation report describing the violations that have occurred, and the closing summary, which outlines the offender's performance on supervision and the steps taken by the parole officer to attempt to bring the offender back into compliance.

Board members outlined several changes to the revocation hearing process that they felt would be beneficial to their decision-making. For example, parole officers were not present at the hearings, mostly due to geographical limitations, yet Board members expressed an interest in hearing directly from them.

A lot of it is the paperwork that they give us, the violation report, the closing summary, and we just read off of that...So I think it'd be beneficial to have parole officers present or available to talk about either the violations, or how they were doing overall since they've been out, versus just reading it on paper. Sometimes you don't really get to the extent or the idea of what was really going on without having that opportunity to have that conversation with them.

Two Decisions

One way to reduce the number of offenders revoked on parole is for Board members to simply deny more revocation requests. The current revocation hearing system allows for bifurcated decision-making. In the first part of the final hearing, Board members decide whether a violation has occurred (i.e., a finding of guilt based on a preponderance of evidence) and in the second part of the hearing, they decide whether to revoke parole. Board members could find that an offender has violated parole, yet choose not to revoke. However, as it stands Board members approve almost all (99%) revocations they review. This occurs for two reasons – first, Board members agree that revocation is appropriate in the majority of cases.

I don't want to give the impression that we do rubber stamp revocations. I think that there has been some of that historically, but because I think by the time if does come to the revocation process, for the vast majority of those cases, it really is warranted.

Second, the Board rarely denies revocation recommendations because, historically, the decision to revoke has been closely tied to the finding of guilt from the first part of the final hearing.

What has happened traditionally, and even with this board, is that if they have violated those conditions, although they are technical, we revoke.

**Board members approve
almost all (99%)
revocations they review.**

Board members also expressed a desire to scrutinize more of the revocation recommendations that come before the Board. In the second stage of the hearing, Board members looked at the interventions that have been taken to correct the offender, what the available resources are, and whether the offender is a public safety risk. In this way, they examine the behavior of the offender and the parole officer's response to make a final revocation decision.

OK, now we know he used (marijuana). What has been done prior to that? What are the treatment options? What things should we do moving forward? Is it a public safety risk? Have they exhausted all available resources to address that need?

Board members agreed with the violation findings in almost every case, but they were more likely to disagree with the recommendation to revoke supervision.

I say 90 percent or more that I might agree with the violation, but....only about 70 percent of the time I might say that this person needs to be removed from the community.

About 25% of the time I would say that, "Well you could have done something else." Because they've all dealt with offenders who - they're just knuckleheads. They don't report when they should, they might be using marijuana occasionally, they don't have a job, and they're a pain to supervise, and officers get frustrated. They're trying to do this, but they keep not reporting, they're not doing what they're supposed to be, they get irritated, frustrated. They don't have any real teeth to get them to comply. They feel, "Revocation's the only thing I've got to make them understand that this is serious," and so they move forward with revocation from there.

While Board members relayed the importance of keeping the violation decision and the revocation decision separate, it was difficult to diverge from historical precedent: to follow a finding of guilt with an automatic revocation. Board members also expressed concern for disagreeing with the recommendations of the parole officer and agency staff.

It's a little nerve-wracking. Now you're asked to take risks, because parole officers see, when we don't revoke, (they say) - "Well, what did I do wrong?" (and our response is) "It's not about you. It's about what opportunities do we have to make this person right."

"They don't have any real teeth to get them to comply. They feel [that] 'Revocation [is] the only thing I've got to make them understand that this is serious.'"

Revocation Decision

Officers are told to bring forward a revocation recommendation when they think the offender is a risk to the community or when they have exhausted all available reasonable interventions to deal with them. Unlike the presumptive revocation for pending charges – parole officers, supervisors, and Board members must rely on their discretion to decide whether offender behavior is a public safety risk, or if they have run out of options for bringing problematic behavior in line. For Board members, public safety risk was paramount in their decisions to revoke supervision, yet they were also sympathetic to revocation recommendations due to continued non-compliance.

They might not pose a specific public safety risk, but the officer's done everything they can possibly do if the offender continues to violate, continues to cause problems, and continues to not comply. And so at that point I'm going to say, yeah, revocation is still appropriate. It might not be a public safety risk, but we've exhausted everything we can possibly do for them.

Board member's opinions on this issue landed on a spectrum — with some pushing to emphasize the public safety aspect before agreeing to revocation.

So it's a new train of thought. So if they're not a risk, why would we revoke them?

Board members generally agreed that certain offender behavior produced a strong justification for revocation, because it indicated the offender was a risk to the community. In particular, violating the personal conduct supervision condition⁶ almost always resulted in a revocation.

Any time there is violence involved or a personal conduct type of violation. That's obviously an overt public safety issue, and there isn't a whole lot of tolerance for that. If there's weapons involved, firearms. That's a sure thing that – I'm not going to look at that too kindly. Certain things that increase the risk of a victim being created, like for sex offenders, having contact with minors. That's going to be a huge thing for me. Somebody who has a history of domestic violence having some issue with their new partner.

Abuse or threats of abuse, I think that warrants removal from the community, because you are a threat to someone else personally at the time.

There was significant overlap between what the Board members and the parole officer found to be revocation worthy behavior. As one parole manager explains:

So, for (parole) right now, obviously any new felony charge. That is a given. That gets staffed for revocation. Absconding generally gets staffed for revocation. Acts of violence, so it could be...domestic violence, even if it's a misdemeanor charge...certain drug behavior...for example, like with synthetic drug use, K2, because it's so out of control.

“Revocation is still appropriate. It might not be a public safety risk, but we’ve exhausted everything we can possibly do for them.”

Board members viewed other violations as less problematic, leaving the door open to addressing them without revoking supervision.

Other things, use of drugs, well that's something we can address. Not maintaining employment, okay well we can address that. Other things are conditional violations, which are important, but not necessarily a public safety risk.

So, like not reporting on travel, a missed report date. Until there is an established consistent pattern of that behavior, or there have been multiple interventions that have not worked–(or) drug use–I would want to see that there have been interventions regarding that use, and that there's been opportunities to engage that offender in some type of treatment, whether it be outpatient placement, or an inpatient bed.

However, even minor violations were treated as more serious by both the Board and the parole officer depending on the type of offender.

I think there is less tolerance for negative behavior from someone that is supervised under our gang unit. Sex offenders, definitely, absolutely low tolerance for negative behavior.

Risk Aversion

Risk aversion is a major research theme in criminal justice decision making. When faced with uncertainty, criminal justice actors generally attempt to lower that uncertainty by making a decision that carries the least risk. Within Parole Boards, this can exhibit itself as a low release rate or a high revocation rate. Similarly, parole officers practice risk aversion by choosing to formally recommend revocation rather than continue to engage an offender who has violated the conditions of supervision. A decision to take or keep an offender off the street means the offender will not be at risk for committing a new crime, but it can also conflict with achieving a successful supervision outcome. The Kansas Board members, staff, and parole officers often pointed to this conflict as they spoke about their decision-making and broader goals of the agency.

Part of being on the Board is you have to take risks sometimes. And you have to give people opportunities, but you have to see those opportunities, and not revoke individuals.

Moving away from the status quo of how decisions have historically been made within the agency often means taking on an element of risk. The result could be securing more outcomes that speak to positive offender reintegration, but it can also leave Board members and staff in a position of having to defend their decisions should something go wrong. One Board member acknowledged the challenge in upending historical precedent, but also sought to center best-practices in decision-making.

And I tell people...“Why do we do it that way?” “Well we’ve always done it that way.” It’s not the answer for me, so I think our decisions, and direction we should go, should be focused on research and proven theories, not just because we’ve always done it that way.

“A lot of times they [the hearing officers] may feel, “Oh he violated, so yeah, we’re just going to find probable cause, and let the Board make a decision.”

Parole officers also exhibited hesitation about keeping an offender who was not in compliance on the street. If an offender commits a crime while under supervision, the parole officer’s actions could be subject to outside scrutiny and legal consequences. As one parole manager frames it,

They worry about the offender that’s going to do something, right? And “Did I do everything right? Am I going to be covered?” and even though I’m saying, “Legally, you’re within policy, right? You’re right while you made the decision, you explained why you did it, and our lawyers are there for you, right?”

However, as parole supervision has evolved to move away from taking on a strictly punitive response to violations, parole officers have become more empowered to rely on their discretion to keep an offender on the street.

At one point our revocations...was about 180 per month statewide...and we got that down to 95 to 100 (per month)... So we’ve - they’ve done a tremendous amount of work to change the mindset of the parole officer from being a strict, ‘trail ‘em, nail ‘em, jail ‘em’ type of mentality to, “What can we do to reduce the risk?” From risk containment to risk management.

Board members felt that the hearing officers at the preliminary hearing also exhibited risk-averse behavior by relying on the Board to decide to allow the offender to remain in the community.

A lot of times they may feel, “Oh he violated, so yeah, we’re just going to find probable cause, and let the Board make a decision”. They kind of just push it through the process, and I don’t know if that’s because of pressure from other officers, or what that comes from, but I think we’re trying to emphasize that they need to make independent decisions.

Steps Taken by Parole Officers Prior to Revocation Recommendation

Another way to reduce the number of revocations is to allow offenders who violate to stay on supervision while addressing the behavior through sanctions, interventions, or through the use of incentives. Sanctions can include a verbal reprimand or new conditions that

put restrictions on the offender. Interventions are generally more encompassing and are meant to provide structure and address specific risks rather than simply punish the offender. Board members agreed that parole officers generally took a number of corrective steps prior to recommending revocation for a parolee. These interventions are recorded in the final summary of the revocation recommendation and are reviewed by a parole supervisor and regional director before reaching the Board.

Most of the time the parole officers make an attempt, if it's substance abuse issues, they try to take steps to get that person into treatment. They actually meet one on one and they do increase reporting. In some instances, they might do GPS, or they've done just a lot of restrictions for the offender.

However, Board members had concerns that in some cases not enough interventions were employed or the right approach was not taken. For example, one Board member said that some revocation recommendations come through without any recorded interventions or that effective interventions, such as using cognitive techniques, were ignored. Board members and parole managers had suggestions for the type of approach and interventions they would like to see more of.

Meet the offender where they're at, and kind of set some benchmarks or some small goals, achievable goals...pairing them up with a mentor, somebody that's been successful, or just one-on-one conversations, and just really putting a detailed case plan together.

I think they just kind of need to slow down... I mean just the thought process of, have we really done everything that we can do? Is this person truly a danger to society if we keep them in the community? Because what we occasionally see, is that nuisance offender who's just a pain to everybody, and he's not really a danger. And so just to kind of – to slow that down and say, are they a danger to let them remain in the community?

Other suggestions included having the Board members intervene prior to a revocation recommendation to assist the parole officer.

Well, one of the things that we have talked about doing is if while the offender is on supervision, parole is struggling, just maybe having us talk with that offender and do an intervention in the community, whether just talking to him by phone, or maybe going out and meeting with him in person...I would be open to the parole officer contacting us and saying, "I've done these things. I've exhausted a lot of the options that I have. Can you think of any other options that I might try, or would you be willing to come out, and sit down and meet with the offender, and visit with them?"

“Most of the time the parole officers make an attempt, if it's substance abuse issues, they try to take steps to get that person into treatment.”

Using Incentives to Bring Offender Behavior into Compliance

Parole officers have wide discretion to use corrective behavior or sanctions for offenders who are violating their conditions of supervision. They are also encouraged to use incentives to either reinforce positive behavior or to incentivize offenders to come back into compliance. These run a spectrum from verbal praise to a recommendation for early discharge. While the use of incentives is encouraged, they are often not employed by parole officers prior to revocation.

That's something that we kind of lack in doing, is research those positive reinforcements in five to one ratio. Four to one (or) five to one ratio is very effective, but officers are really struggling with, "Well how do I praise an offender?"

So we're trying to come up with ways that really get them to comply with supervision. That's the hard part. What's really going to motivate them to do well and comply, and not exhibit these behaviors that might lead to revocation? That's where parole officers really get stuck, on how to really motivate them.

Board members feel that the culture of the Community and Field Services division has shifted in the right direction to embrace more discretion on the part of the parole officer. These changes have allowed for a less punitive response to violations and opened the door to the use of incentives.

I think parole has (tried) to make some changes in the past couple of years. Ways to increase incentives for them to comply. They are eligible to earn good time out in the community, and at one point, it was very strict. If you tested positive for drugs once, you'd lose 100 percent of your good time. So if they came in the first week, and they're like, "Yeah I celebrated and used pot with my friends." Well, you lost 100 percent good time. Well that lost all the incentive for them to comply. We've modified that so they only took like 25 percent, so they still have some incentives to comply, and there's certain ways that they can earn good time back that they might have lost.

Utilizing Community Resources

When a parolee starts exhibiting anti-social behavior, such as drug use or missing appointments, parole officers are encouraged to utilize community resources to address any underlying needs. This can include inpatient and outpatient care for mental health and substance abuse issues, as well short jail stays. These interventions are designed to bring a parolee into compliance without the need to revoke supervision. However, the requisite resources are not always available, either because bed space is full or because geographic issues prevent access. Cost is also a barrier to utilizing some interventions.

They try to engage them in community resources as much as possible, whether it's drug treatment, mental health treatment, sex offender treatment, some type of treatment to deal with whatever behavior is going on. That can be limited, because community resources are limited in and of themselves. We as a department don't have a whole lot of our own resources, our own programs.

In the large metropolitan areas, we see more resources available than we do in the outlying rural areas, and for our offenders who live there, there just simply sometimes isn't a resource available to keep them in the community.

We also have jail days if they need to just be in jail for a couple days, just to get things situated again, and settle down. They do that as well, but that becomes a money issue as well. We don't want to spend a whole lot of jail per diem that we pay the county jails to house offenders.

Many offenders are required to participate in mental health or drug treatment as a special condition of supervision. However, getting offenders into treatment, and keeping them in compliance, relies on the availability of these services.

I think what's frustrating for officers is maybe seeing these conditions, but not having the resources to really deal with them, especially about mental health. Mental health is a huge concern, because they keep reducing their budgets, and the local community and health centers, so we might see that as a need, but it's just not out there in the community to properly deal with that need.

The lack of availability of transitional housing also serves to increase the chances of a violation occurring for certain offenders. Many offenders are homeless upon release from prison and others are not allowed to live with their family due to residence restrictions.

Finding sufficient places, obviously affordable places, or just a transition. Some people need the extra structure. That initial 90 days (after release) is so important to them, to have that kind of stability, and when that kind of goes down, then they fall back on old habits, old friends, old playgrounds – which are typically not prosocial.

Staffing

Once an offender exhibits problematic actions, a parole officer will generally "staff" the case by reporting the behavior to their supervisor. The supervisor and the parole officer then work together to address the behavior and decide whether and when a revocation recommendation becomes necessary. This is a major decision point in the system because it is the final point at which sanctions or interventions can be employed with the goal of avoiding a revocation. If these interventions fail, the pursuit of revocation becomes the next step. One parole managers notes:

I know from a supervision standpoint, there are missed opportunities, and we'll work on that. I do believe that once we get to staffing for revocation, very rarely do I think that it's not appropriate, but...then I go back and look, and I think, "Oh, but there were so many missed opportunities back here, but their behavior now requires revocation." I mean, it really is to a point, "So how do we intervene before?"

"We don't want to spend a whole lot of jail per diem that we pay the county jails to house offenders."

Conditions of Supervision

Setting Conditions of Supervision

A Kansas statutory provision authorizes 12 standard conditions of post-release supervision, such as avoiding narcotics and reporting their place of employment and residence. The Board and parole officers can also choose to impose special conditions that are specific to each parolee. In setting special conditions, Board members considered several assessments and other sources of information, such as the results of the LSI-R and correctional release plans, input from victim services, and reasons for any prior revocations.

The Level of Service Inventory, the LSI-R, is our main assessment, but we look at that to see – especially when we're assigning special conditions – things that we feel they might need to focus on if they are high on the alcohol and drug domain, or the emotional or mental health domain. We look at that, and see if we need to help the officer focus on certain areas that are higher need than others.

The offender's criminal history and gender also dictate whether and what type of special condition(s) to impose.

(For sex offenders) there are at least three that we impose on a pretty regular basis. No contact with minors, participate in a sex offender treatment program, and by statute, a no pornography condition... For our female population, along with the LSI-R, they have a separate gender specific assessment that they

do, so we can look at that to see if there's any – it's much more specific than the LSI-R. It really breaks down their history and their behaviors, so we can refer to that if we need additional information as well.

Board members feel that the 12 standard conditions are too burdensome and create unnecessary opportunities for violations to occur. For example, not drinking alcohol and making progress toward a secondary educational degree fall under the standard conditions.

Twelve is, I think, is way too many, and not realistic. To put a condition on someone that they can't drink alcohol when there's no alcohol in their case...Most do. They just don't get caught.

We have a lot...like, education for example. We're usually dealing with (offenders) having a place to live, not being strung out on drugs. Very rarely do people actually deal with (getting an education), right? And...I think that's the only one that's required by statute. My belief is that probably somewhere along the line, somebody thought education would solve everything, and had to put it in the law.

Board members desire to receive more detailed information from the correctional institution releasing the offenders in order to assist them with setting special conditions of supervision. They believe correctional officials do not want to be held accountable for putting details in the offender's release plan, and so only provide generic information. This makes it difficult to assess the offender's unique risks which might be informed by their institutional conduct, participation in programs, or the display of prosocial conduct.

So we'll see a (release) plan that was open a year ago, comments were made, and that was the last time. So did this person change over the year, or not?

Violating Conditions of Supervision

According to the Board, the most common infractions at revocation hearings are for violating conditions having to do with substance abuse, travel restrictions, reporting requirements, and personal conduct. Personal conduct violations, that is, violence or threats of violence, almost always result in a revocation because it is indicative of a public safety risk. Other types of violations require a more nuanced approach.

Not addressing substance abuse issues and having a positive drug test present the most common reasons associated with a violation during supervision. Addressing substance abuse issues is also a condition that Board members feel offers the biggest opportunity to reduce the volume of revocations. Parole officers generally have wide latitude on how to interpret the condition to address substance abuse issues. For the officers, it might mean ordering an offender into treatment, but it could also mean meeting with the parole officer for one-on-one sessions. However, it is often interpreted as requiring treatment by risk averse parole officers.

I think mostly as a parole officer, if the Board put on a condition (of addressing substance abuse issues), and the Board had given me discretion, the easiest way for me to cover myself, is to recommend treatment.

Parole officers and managers use their discretion to decide whether certain violations, such as drug use, are revocation worthy. Much of this depends on the risk level of the offender and prior history.

Drug use, for example, could result in a wide range of options, which might be different for each offender, based on their current circumstances, and their offense history. And [we ask] is it something that we think increases the risk significantly?

Violations of reporting requirements are common and sometimes difficult to deal with because they do not always indicate a public safety risk. Yet, other than revocation, parole officers had few resources to deal with chronic non-reporting. One parole manager explains:

Basically they stop reporting, right? We all know they live, right over there, and they're using, and we know they're using, and they know we know they're using, and they stop reporting, and so we send a letter, we knock on the door, they won't come in, we issue a warrant, they get arrested, we interview them, we return them to supervision, very often, right? And they do the same thing.

“[I]f the Board put on a condition (of addressing substance abuse issues), and the Board had given me discretion, the easiest way for me to cover myself, is to recommend treatment.”

Statutes Governing Post-Release Supervision

New Offenses

A number of parole revocation decisions are governed by Kansas statutes, which restrict the options available to both Board members and parole officers in managing offenders. For example, getting a new felony, misdemeanor, or municipal violation charge while on supervision means presumptive revocation. These make up 30-40% of the revocations in a given year. When an offender has pending charges, they are not allowed to waive the hearing process with the Board.⁷ This means that these offenders are incarcerated for days or weeks awaiting the hearing, prior to starting their 6-month sentence.

If an offender comes back to us with a pending criminal charge, they aren't able to waive that hearing process with us. And so we have talked about, if the offender has a pending charge, but it has not yet risen to the level of a conviction, going ahead and allowing the parole officer to allow them to waive that 90 days. So again, that would shorten that process.⁸

Revocation Time and Place

The Board members are also highly restricted in the amount of time they can sentence an offender for violating parole. Unless offenders have a new charge, the statutory sentence is 6 months in state prison. Barring any disciplinary action, offenders serve 3 months of that sentence and are automatically released. Board members and parole staff expressed a desire to make this statute more flexible on both the front end – being able to sentence to less than 6 months – and also the back end – with discretionary release.

Simply let the board make a determination on how long someone should serve, and if they fall into that determinate sentence category, it cannot be over that six-month period, if they don't have a new conviction.

I think that's something that we would like to present to the legislature to change, because not everyone needs to be revoked for 180 days. Maybe they need a quick 30-day treatment or something, and then back out into the community.

The offender knows, "I'm going in for 90 days. I can hold my breath for 90 days. It doesn't matter." And their behavior in the facility is horrific, and they come out it's horrific.

Along with the revocation sentence, the Kansas statute also states that offenders must serve out their time in state prison. Board members believe that revocation could be more effective if others options were available, such as structured living or inpatient drug treatment programs.

It would be nice if we had something other than prison, but if you revoke you go back to, or you just continue time in prison. If there's some other location to send them where they can be engaged in programming, I think that'd be much more beneficial, because currently, even if they serve our 90-day standard revocation time, they're not placed in any programming. That's reserved for other long term offenders. So that's just a 90-day timeout of sitting there doing nothing, and then we reengage them back in the community.

I've dealt with offenders who we say, "Hey, we're going to put you in this drug treatment program. It's 180 days." And they're like "Just send me back to prison. I'll do my 90, come back out," and so they understand— now if they don't do whatever condition, they'll just do 90 days.

Kansas statute also governs the start time for revocation sentences. Once a parole officer recommends revocation, the offender is usually placed in jail to await their preliminary hearing, then transferred to prison to await their final hearing. For those who do not waive either hearing, it can take up to 45 days to be seen by the Board, and the offender receives no credit for time served. Because of this, offenders who serve 3 months of their 6-month sentence are incarcerated for an average of 128 days (FY 2016).

What happens many times now is from the date that they have that hearing with us is when that revocation time starts. So if we impose a six-month sanction, they can earn half of that back in good time, and get[it] so they're eligible for what we call a 90-day. It's really not 90 days at all. It's really much longer than that. I think our average is somewhere around 123 days, because by the time that they have sat in county jail, and then sent back at the facility waiting to get placed on our docket, or maybe waiting for the parole officer to submit the revocation packet to us, it greatly extends that time frame. And I often feel like we don't need to have that long of a revocation period.

Offenders have the option to waive either one or both of their hearings, which starts their 6-month term immediately. This produces a strong incentive for offenders to admit guilt and waive the hearings. For example, in FY2017, 53% of offenders waived their final hearing.⁹ The Board has started to take a second look at cases in which offenders waive their final hearing, by reviewing the revocation packet without holding a formal hearing.

Historically it's been, if those come to us, and the offender has already admitted guilt, they waived and they say, "I want to start that 90-day revocation period right away," we have just kind of rubber stamped it. And so now, even with those, we're taking a step back and saying, "Okay, the offender has admitted guilt. The finding is guilty, but again, does it warrant removing the offender from the community?"

Discharge from Supervision

Kansas statutory law allows for early discharge from supervision; however, this option is underutilized because of both a very low application rate and a notably low approval rate. The offender may petition for early discharge 12 months after the start of supervision. The parole officer, parole supervisor and regional director have to make a recommendation for early discharge for it to be reviewed by the Board. Last year, only 13 petitions were filed and only 2 were approved by the Board.

The Kansas statute also regulates who serves on post-release supervision and for how long. For example, sex offenders convicted after 2006 serve a lifetime of post-release supervision and cannot apply for or be discharged from supervision. If they are revoked for a violation, their next release becomes discretionary. The Board can choose not to release them for a period of up to 10 years. Board members expressed frustration with this statutory restriction because it precludes the opportunity for supervision discharge, regardless of risk to the community.

We have that authority for somebody who's out on murder. We can get them early discharged, but somehow these lifetime sex offenders, they're on forever, and that can be a daunting idea for somebody who just got released. "Hey, you're on supervision for the rest of your life." Okay, well there's— there's nothing really to shoot for. There's no incentive to continue to perform well if there's no light at the end of that proverbial tunnel, if you will.

RECOMMENDATIONS

The purpose of this technical assistance request was to assist the Kansas Parole Board with reducing the number of offenders revoked from post-release supervision and with streamlining the revocation process so that offenders spend less time incarcerated. The recommendations below are made for the purpose of assisting the Board with the aforementioned tasks. In suggesting ways the Parole Board may achieve these two objectives, we draw upon current research and best practices in the field community corrections, as well as the project teams' collective experience working with supervising agencies. We provide these suggestions after a thorough review of the interviews conducted with the Board and parole managers, survey responses to the parole officer survey, and a review of the statutes, and internal policy and procedure manuals used by the Kansas parole agency. The recommendations are presented as a series of suggestions with the understanding that the Board members and parole field staff are in the best position to decide which suggestions are feasible and most beneficial to adopt.

Prisoner Review Board

The following suggestions are focused on the actions of the Board as it sets conditions of supervision and reviews revocation cases. Members of the Board are the final arbiters on which cases result in a revocation, and thus have the ability to significantly affect the rate of revocation. Throughout the interviews, all members of the Board expressed a desire to lower rates of revocation and there was agreement that not every finding of guilt should result in a revocation.

1. Setting Conditions of Supervision

- a. The Board should work with field staff and the Kansas Legislature to reduce the number of standard conditions of supervision. Conditions of supervision should be directly tied to the offender's risk/needs assessment and correctional release plan. The Board and the supervising parole officers should assign the minimum number of conditions needed to achieve the objectives of supervision (Program in Criminal Justice Policy and Management, 2017).
 - b. The Board should work with corrections officials to improve the utility of the release plan in order to better assist Board members and parole officers in setting conditions of post-release supervision.
 - c. If addressing substance abuse issues is set as a special condition, the Board should provide more detail for how this condition can be addressed by the offender and emphasize that in-patient treatment is not a necessary component of compliance.
- #### 2. Revocation Decisions
- a. The Board should commit to decoupling the decision to revoke supervision from a finding of guilt. A finding of guilt and return to supervision can be accompanied by an explanation for the revocation denial, as well as the imposition of new sanctions (e.g., increase in reporting) and interventions (e.g., short-term community sanctions).
 - b. The Board should refocus its revocation decision on whether the offender is a public safety risk to the community. Cases in which low-risk offenders violate conditions should have clear documentation of attempted interventions and sanctions prior to a recommendation for revocation. This expectation should be shared with field staff.
 - c. The Board should consider adopting new administrative sanctions short of revocation for low-to-moderate-risk offenders who are conditional violators (i.e., not presenting public safety issues or personal conduct violations). Initially, this might include a community intervention meeting with a Board member, the parole officer and offender to address violation behavior and possible remedies. If condition violations continue, the Board might issue a formal reprimand to the offender, noting further non-compliance will result in revocation action.
 - d. The Board should provide some level of feedback to the parole officer after a revocation hearing on the final decision, such as the justification for the decision and any recommendations for future conduct.

3. Working with Parole Officers

- a. The Board should explore the use of video conferencing during the final revocation hearings to allow parole officers to be present to answer questions. Having all three parties in the room (parole officer, offender, Board member(s)) may help facilitate a solution other than a formal revocation.
- b. Board members should explore setting up a system in which parole officers can reach out to them for guidance prior to filing a revocation recommendation. This could provide opportunities to address specific cases in which offenders are violating conditions, but are not a public safety risk.

4. Data Collection

- a. The Board would benefit from improving the collection of data related to the revocation process by collecting more detailed statistics about the primary reason(s) for revocation recommendations and the most common interventions taken prior to a revocation recommendation. Data should also allow for identifying offenders who have repeat revocations and revocation recommendations. In particular, the Board should monitor how many revocation petitions it receives due to violations that *do not* have a presumption of revocation, as this presents the largest opportunity to safely reduce the overall number of revocations.

Parole Officers and Parole Agency Staff

Parole officers and their supervisors serve as the gatekeepers of the parole revocation process. While the Board makes the final decision about revocation, many critical decisions are made prior to a case reaching the Board. Once a case gets to the Board, it is often too late to employ effective interventions that keep an offender on supervision. Thus, it is the work on the ground level - the day-to-day interactions between parole officers and offenders - that presents the largest opportunity for wide-scale operational change.

1. General Offender Supervision

- a. Parole officers should be trained on how to follow the internal supervision policies of the department (IMPP) with a special emphasis the use of incentives to keep and bring offenders into compliance.
- b. Parole supervisors should be trained on how to assist field staff with problematic cases prior to a revocation recommendation with the goal of taking alternative actions that avoid such a recommendation.
- c. Create a set of responses (e.g., rapid placement into treatment, a short jail stay, electronic monitoring) that POs can use without a hearing to respond to minor violations and repeat minor violations (i.e., swift and certain).
- d. As guidance, develop the use of a graduated or progressive sanctions grid to guide revocation decision-making in and out of custody.
- e. Continue ongoing training and the use of EP-ICS, which has been shown to increase the deployment of core correctional skills for officers (Labrecque and Smith, 2015).
- f. Lower the intensity of community supervision for low-risk offenders to free up more resources for medium to high-risk offenders. Research shows the lowering the supervision standards for low-risk offenders has no effect on their subsequent criminal behavior (Barnes, et al., 2010).
- g. Consider developing a plan to “front-load” services and supervision for offenders of all risk levels during the first six-months post-release. Offenders who are successful for six months post-release have a much lower likelihood of recidivating than the average offender and are good candidates for a reduction in supervision (Grattet, et al. 2009).

2. Supervising Offenders with Substance Abuse and Mental-Health Issues

- a. The Community and Field Services division should consider creating a special unit or training certain parole officers as specialists in supervising offenders with ongoing substance abuse issues or ongoing mental-health issues.
- b. Parole officers, particularly ones working in rural areas, should be trained on how to best supervise offenders with substance abuse issues or mental health issues when community treatment is not available or feasible.

- c. The parole agency may consider adopting a law similar to Minnesota's HF 2176, which required that parole and probation officers seek treatment before revoking non-violent offenders for violating conditions related to substance abuse.
 - d. The parole agency should explore adopting evidence-based community corrections programs and practices that have been shown to be effective in reducing recidivism amongst drug-addicted and mentally-ill parolees and probationers. We have included a list of several programs that might be a good fit for Kansas in Appendix D.
3. Community and Agency Resources
- a. Officers can be trained by parole managers or senior parole officers on how to use local community resources as interventions, as well as how to address issues when community resources are not available.
 - b. The department should increase the budget for gas cards and bus passes, which make it easier for offenders to stay in compliance with their conditions of supervision.
 - c. Create an agency plan for dealing with offenders who are non-reporting, but do not present a clear public safety risk. Research shows that absconders tend to be less risky and less dangerous than the average parolee, but are more likely to have an unstable housing and employment history, as well as previous parole failures and felony violations (Williams et al., 2000).
 - d. Work with the corrections officials to create mechanisms for revoked offenders to get access and participate in mental health and substance abuse treatment while serving their revocation incarceration penalty.
 - e. Explore piloting the use of pre-revocation facilities that act as day reporting centers or halfway-back programs for technical parole violators. For example New Jersey's Halfway Back program was shown to reduce reincarceration rates and time to reincarceration (Ostermann, 2009).
 - f. Improve the collection of statistics related to petitions for revocation (e.g., track the reasons for staffing, petitioning, the use of interventions)

4. Early Release

- a. In order to incentivize progress, parole officers should encourage offenders who are performing well on supervision to petition for early discharge (Program in Criminal Justice Policy and Management, 2017).
- b. The parole agency and the Board should develop agreed upon criteria to evaluate offender eligibility for early discharge to streamline the discharge process, and greatly increase the number of early release recommendations that are approved by the Board.

Legislative Policy Recommendations

Many of the actions of the Board and the parole services operation in responding to offender behavior are constrained by specific statutes. Petitioning for statutory changes can be a complicated and sometimes unpredictable process; however, it is pivotal to making long-term changes in the Board's operations. We hope the research and recommendations in this report can help make a case for changing some of the statutory language around revocation.

1. Supervision Length and Place

- a. The Legislature should consider changing the way post-release supervision sentences are structured. Instead of assigning preset post-release supervision terms, offenders can be assigned terms based on an assessment of their risk and needs upon release.
- b. The Kansas DOC might consider identifying a category of low-level, low-risk sex offenders whom the Legislature can exempt from lifetime supervision requirements.

2. Revocation

- a. The Legislature should consider modifying the statutory language pertaining to the six month flat violation sanction and permitting the Board discretion to sentence up to six months for offenders without pending charges. Statutory language should also be modified to allow the Board to sanction offenders to short-term stays in prison or jail, or home confinement through electronic monitoring.

- b. The Legislature should consider modifying the statutory language to permit back-end discretionary release for certain offenders during re-incarceration to incentivize successful institutional conduct.
 - c. The Legislature should consider allowing offenders to receive credit for time served prior to the revocation hearing to reduce state resources spent on revocations.
 - d. The Legislature should consider allowing offenders with pending or new charges to admit guilt in order to start their revocation penalty, *without* waiving the final hearing. The Board, with the understanding that a finding of guilt has already been established, can still hold a revocation hearing for these offenders.
 - e. The Legislature may consider allowing Kansas DOC to place offenders who have been revoked in restrictive housing, such as in-patient treatment or house arrest, instead of prison.
- 3. Community Resources
 - a. The Legislature should consider increasing the DOC budget to support improved access to long-term, in-patient treatment, and more structured housing, GPS monitoring, and transitional housing to reduce the risk of revocation. The lack of access to community resources that could assist parole officers in intervening with problematic offenders prior to revocation was a major issue in the survey and interviews.

CONCLUSION

Just over one year ago, the Kansas Prisoner Review Board took proactive steps to secure technical assistance through the Robina Institute of Criminal Law and Criminal Justice. It did so in conjunction with Parole Field Services under the Department of Corrections' Community and Field Services Division. Throughout this period, the focus of those in leadership positions has been on identifying the actions that might be taken to improve the violations and revocation process. This report illustrates the breadth of their interest and commitment. The findings show a measure of consensus, alongside variations in views and practices pertaining to the conditions governing offender supervision, the use of sanctions and community-based interventions, and the range of responses that are available to decision-makers as they consider the revocation of individuals under post-release jurisdiction. The recommendations proposed constitute an agenda for reform that will require interagency collaboration. In several instances, the changes and their implementation will need legislative approval. To emphasize a point made above, the recommendations are provided with the understanding that the Prisoner Review Board and its partners are best suited to determine the value, feasibility, and prospects for their adoption in the months ahead.

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APPENDIX A

Underserved Groups

- *Are there particular groups of clients who are currently left out or under-served by the resources/services in your community (e.g., sex offenders, DWI offenders, low-income individuals, racial minorities, women)?*
- Again, low income places barriers on our offenders when asked to do certain groups such as Sex Offender Treatment Programs (SOTP) and Batterer Intervention Program (BIP) . Both are offered from community partners and require payment.
- Substance Abuse (SA) Addicts
- Low income individuals
- Sex offenders
- Under educated individuals
- Impoverished mentally ill
- Sex offenders, DV offenders, low income
- Sex offenders, substance abusers, DV offenders
- BIP, women, mental health, drug/alcohol treatment, grants, shelters, homeless
- Sex offenders
- I see a large increase in the number of homeless offenders. We utilize shelters currently to address their needs, but most of the time the offenders are not happy there.
- Sex offenders, low income offenders, homeless
- Sex offenders, mental health offenders
- Low income offenders have a very difficult time while on parole with the large amount of fees and programs that require payment such as SOTP and BIP. Mental health offenders are also under served in our community as they are in most others as well.
- Sex offenders, DV offenders, women
- Sex offenders
- Those with significant mental health issues that do not meet the criteria of SPML.
- The mental health population not a wealth of affordable low income housing and the mental health facilities are sometimes not willing to see people who owe past bills and such.
- Women
- Sex offenders for most everything
- Women.
- Homeless veterans
- Women, homeless offenders
- Sex offenders, registered violent offenders, mentally ill offenders on supervision are denied transitional housing as offered through our local mental health because of their parole status.
- Homeless when it comes to absconding due to inability to get to the office.
- Mentally ill

- Low-income offenders
- Clients with Mental Health issues needing housing.
- BIP for parolee's without income
- Mental Health
- Sex offender, low income
- Elderly, Poor Health, Sex Offenders, People that want to stay with their family.....meaning, male parolee wants to have baby and baby mama live with him.
- Mentally ill offenders don't have enough resources
- Homeless and mental health Offenders
- Low income offenders
- Low income probably, since there [are not many] "free services" in our area.
- Low income. Single parents who are on supervision and trying to raise children alone, there needs to be more support for these folks. Some options for women but none for men.
- I believe that clients in our community are underserved in general. I would say that any parolee without a drivers license (most often unable to obtain one due to criminal actions) are underserved along with offender that are unemployed and unable to obtain their own transportation.
- Sex offenders struggle with finding employment or maintaining employment.
- I see a lack of services for women in BIP. This is a service provided at the parole office for males but not females. It does not cost the males to attend BIP but females pay for BIP in the community. Mental health & low-income (no income/homeless)
- Offender's dealing with substance abuse
- Sex offenders; we have issues with housing at times, and most of the organizations that can help with this will not work with sex offenders
- Sex offender, Drug and alcohol offenders, mental health
- Victims who need to access shelter and victims who are on parole themselves
- Definitely, Sex offenders are excluded from a lot of different services as noted above, as well as low income or no income offenders.
- There will always be those who are considered to be under served but is it do to the community not having the resources or the offender not wanting to obtain and maintain employment to improve their life? There are a number of reasons offenders do not succeed, most of the time it is their unwillingness to walk to appointments, search for employment and to abstain from using drugs. The community can have all the resources needed and certain people will continue to fail due to not wanting to live a conventional lifestyle and having the attitude of being entitled to everything life has to offer without them putting any effort in to the process.
- Women
- Sex offenders
- Low income
- Disabled not approved for disability or medical card
- Sex Offenders and inpatient substance abuse treatment, homeless, low-income and homeless
- Low-income
- Women
- Sex offenders

APPENDIX B

Reported Variations Among Parole Officers

- *From your perspective, are there significant variations in how your fellow officers supervise clients? What differences have you observed in supervision techniques?*
- Although we have the same standards to meet, I believe our offenders are supervised differently by different officers. It all comes down to the officer's personality and how they handle the parolees.
- Enormous differences. Just today we had an offender who transferred from a bigger officer, who told us that he wanted to let us know that we follow the mission statement better than any office he's been in, in that we really are here to help people change.
- Other offices see their offenders for 10 minutes, collect a UA, and let them go. They do not spend any time with the offender to determine what is really going on with them, don't help them get jobs, etc.
- Yes, how they are able to reason with offenders. People are placed on low too quickly. Not enough drug screening early in supervision especially for drug offenders who score low.
- I think that everyone is different and can require different tactics; some might be complacent, burnt out, too high case-loads, or just doesn't know what they should do
- Not really. Most of the practices being utilized are pretty consistent and don't vary much from caseload to caseload.
- I do believe there are large variations between officers. Some are very stringent and to the book regarding being just a few minutes late and feeling that is a violations whereas, some officers have let large violations go without any repercussions, which is not right either.
- We still deal with officers that think yelling at offenders is a useful way of supervising. With being in a rural area, officers think not complying with treatment one time should equal going back to prison.
- No. We all are for the most part on the same page.
- The KDOC has started using "EPICS" and I have found that a lot of officers do the 'process' with their offenders but have no idea what they are actually doing/dealing with. For instance, one officer had the offender complete a thinking report on their marijuana usage. The only problem was that the officer did not challenge the offender's 'thinking' processes that supported his continued drug use. Overall, the EPICS tasks are being done without knowing what the officer needs to be working on.
- Another trend is that the new hires, who come from the prison setting, are not adapting to the community environment, and appear to have the faulty belief that they are still in a position to "control" the offender.
- Some officers will use verbal reprimands for infractions. I use written reprimands and have the offender signed to acknowledge that he received the letter.
- Most of these new age parole officers are so naïve they have no clue what these people are up to, and they seem to be very gullible.
- There is a variation of styles when it comes to officers but there is a huge variation between supervisors. Not all of the supervisors feel the same when it comes to revoking individuals.
- Some will give chance after chance in the community all the while the individual is a risk to the community. The individual's history does need to be considered, and if their pattern of behavior is the same prior to incarceration than revocation [it] needs to be looked at more closely. This goes from the top to the bottom of the food chain but we will need to remember the community's safety is our number one priority.

- Some throw the book at offenders no matter how they act. Some just check the box and move on, all sorts.
- Yes I have seen major variations, including fellow officers who do not hold their clients to the same compliance.
- Standards that are necessary to ensure their success or keep the community safe as a whole.
- Yes--many newer officers fail to understand how to...resolve violations appropriately.
- Some are more law enforcement oriented.
- From not doing anything to over reacting to violations.
- Extremes. Punishment oriented versus EPICs oriented.
- I do not believe there are significant variations as we (our unit) try to use CHART with each client and give some type of homework, mainly a [cognitive] assignment.
- I believe some people hold to conditions where others are lax. It should be the same across the board.
- Yes, each office does routine tasks differently. Reason for issuing warrants, violations, good time.
- Good Cop / Bad Cop. Some act like they are their best friends and others act like they hate the Parolees.
- Other officers don't spend enough time having face to face contact with their offenders. Additionally, other officers don't address violations consistently enough.
- Our unit seems more proactive in getting into the field and contacting offenders. Also very proactive in finding resources than any other unit in the state.
- Everyone supervises differently; there is no consistency. People do what they want, and the supervisor doesn't hold them accountable.
- Parole officers are beginning to use more EPICS and Cognitive Behavioral skills with their caseloads, and it has shown to be more effective for those offenders wanting to make changes in their lives.
- Yes. Often times it is with tone of voice and how officers speak to parolees as well as how violations are dealt with.
- I believe you must look at all circumstances when dealing with a violation and determine what to do based on this and also the working relationship you have with the parolee. Most recently I met with a parolee who was transferred from another unit. He brought his wife to the appointment and stated that this was not allowed at previous visits with other units. I personally feel like having a spouse or other person that is involved in the parolee's life in the room can be a positive thing if handled correctly and this is something that I often allow.
- Everyone has their own style. It is reassuring that everyone follows and provides opportunity for every offender to participate in a graduated scale of both positive and negative reinforcements.
- Yes, some officers are very strict in having parolees provide regular UA's and some do not test often enough.
- Some officers are mean and disrespectful to their parolees; they treat them like 2nd class citizens.
- Not so much anymore. There are still hot heads and black and white thinkers. BUT we have all been trained in EPICS and motivational interviewing.
- The problem comes when you use those techniques and figure out the only one getting punished for not utilizing them is the Parole Officer.

- None of it means anything without some consequence. I am not talking about revocation. I am talking about a day in jail until you get your thinking assignment done, then you might get the message this MEANS something.
- But it is all about the MONEY that Kansas doesn't have. So we just pay that money out in the courts when they finally commit a new crime, and the process starts all over again.
- Each officer has their own way of dealing with offenders; this is due to personality, past training and experience and education backgrounds. I have found that while we all have different techniques and approaches, my unit does a good job of sharing these with other parole officers and use what others are doing, if it is found to work. I have often leant my advice, or received advice, unsolicited as it pertains to this, and we are all open to trying new things that work for others; or changing what does not work.
- Many officers seem to do the bare minimum. They seem content ignoring what they can see, law enforcement reports, or public sees to be clear indicators these individuals are committing crime and using drugs. They generally would rather maintain the standards of once a month supervision and let someone get to discharge date, only to come back to prison soon, since they did not want to spend some extra time and attention to deal with the issues when something could have been done.
- Many officers seem to be content being on the computer all day rather than looking up and speaking to their clients. I contend many officers spend far more time on a computer than actually speaking to their clients.
- Transition is not easy to manage. Communication and training about policy and supervision tools/techniques should be addressed quarterly with officers. There should be more one on one with supervisors of Parole officers to make sure that policy is being followed and officers are making the best choices for intervention with victim safety in regard.
- Fellow officers are facing the same challenges in this area.
- In our office clients are supervised in the same manner. There are small differences but for the most part offenders can expect the same type of supervision if they are moved to another officer. There will always be a few that are focus heavily on case management vs. condition management but for the most part all officers seem to work with the offenders as dictated by the Internal Management Policy and Procedure (IMPP).
- We have a number of staff that want to do the job the right way; however, caseload numbers often require staff to fall back to reacting to violations rather than working proactively. A huge problem in this area is the lack of experienced parole staff that have been doing the job for 5 years or more. The lack of pay raises has cost us a number of good case managers, which in turn means that new staff are not able to observe and emulate those skills.
- We continue to have staff that believe themselves to be law enforcement only, and for obvious reasons, they are unable to establish relationships with offenders, which is the first step in effecting positive offender change.
- A huge problem is that we have a number of staff who don't perform at a satisfactory level, and there is seemingly no consequence for that.
- Not all officers follow policy. This varies a lot from office to office even in the same region. A lot of officers are lazy and will take short cuts, so many new staff that they may not have been trained on how to do things the correct way and no one is monitoring to make sure they learn.
- Some officers document every single possible violation while others may excuse violations such as failing to report if the offender at least calls or reports late. Some are more likely to submit referrals to programs and others do not do anything because they do not believe in them. Some officers are more familiar with community resources and use them to respond to violations while the less familiar use more cookie cutter approaches or do nothing.
- Some officers are quicker to seek revocation than others. Some officers are overwhelmed and cannot properly supervise the large caseloads.

APPENDIX C

Evidence-Based Programs and Practices for Post-Release Supervision

Adapted from CrimeSolutions.gov

1. **Preventing Parolee Crime Program (PPCP):** A multidimensional, parole-based reintegration program that aims to reduce parolees' crime and reincarceration by providing them with services that can facilitate a successful reintegration into society following release from prison. PPCP consists of six networks of service providers that offer community- and residential-based drug abuse treatment, job training and placement services, math and literacy skill development, and housing. The program is rated Promising. Participants who met treatment goals had the lowest recidivism rates. In general, the longer the parolees stayed in a program, the less likely they were to return to prison.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=72>
2. **New Jersey Community Resource Centers:** Community Resource Centers (CRCs), also known as Day Reporting Centers, are nonresidential, multiservice centers that facilitate parolees' successful reintegration back into the community by offering a combination of services and supervision. They serve as community-based alternative sanctions for technical parole violators or as a condition of parole on release from prison. The program is rated Promising. Participants had lower reconviction rates than parolees who received no community supervision, did not participate in community programs, or participated in a Halfway Back program. Participants also had significantly lower rates than parolees who either did not receive either community programming or any community supervision.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=110>
3. **Community-based Residential Programs (Ohio):** The programs include halfway houses and community-based correctional facilities. The goal of the community-based correctional programs is to reduce recidivism by offering a wide range of programming related to chemical dependency, education, employment, and family relationships. The program is rated Promising. As implemented in Ohio, offenders in community-based residential programs were less likely to recidivate (measured by new arrests and re-incarcerations) than those not in the programs.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=454>
4. **Boston (Massachusetts) Reentry Initiative (BRI):** The Boston Reentry Initiative (BRI) is an interagency public safety initiative that helps adult offenders who pose the greatest risks of committing violent crime when released from jail transition back to their neighborhoods. The goal of BRI is to reduce recidivism among recently released high-risk violent offenders by providing mentoring services, case management, social service assistance, and vocational development to program participants. The program is rated Promising. The study found participants, relative to the control group, had significantly lower failure rates, arrests for violent crime, or arrests for any crime. The differences between the two groups narrowed somewhat over time.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=42>
5. **Auglaize County (Ohio) Transition (ACT) Program:** The Auglaize County Transition (ACT) Program is a jail re-entry program in a rural setting. The goal of the program is to reduce recidivism of jail inmates once they reenter the community, and thus the program addresses the numerous problems faced by inmates during reentry, such as medical and mental health issues, job placement, or drug and alcohol addiction. The ACT Program relies on case managers that link inmates to resources that can appropriately deal with these issues, both in the community and in jail. The program is rated Promising. The program was successful in reducing recidivism rates among participants.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=130>
6. **Reduced Probation Caseload in Evidence-Based Setting (Iowa):** The Reduced Probation Caseload in Evidence-Based Setting (Iowa) program aims to intensify the probation experience by reducing the caseloads of probation officers dealing with certain offenders—typically the more high-risk probationers. In conjunction with the use of other evidence-based tools and risk assessment techniques, the reduction in caseloads aims to reduce probationers' recidivism in high-risk cases by providing more hands-on monitoring and greater scrutiny of their rehabilitative efforts and treatment progress. The program is rated Effective. The treatment group subjects were arrested less than the control group.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=259>

APPENDIX D

Evidence-Based Programs and Practices for Parolees with Substance Abuse or Mental-Health Issues

1. **Social Support Treatment with Drug Testing (Maryland):** This program involves social support integrated with regular drug testing for recently paroled individuals who have a history of heroin and cocaine abuse. The program is rated Promising in the Crime Solutions database. Program participants had a statistically significant lower rate of reconviction, arrest, and incarceration, compared with the comparison group; however, there were no statistically significant effects on employment. Program participants also had a statistically significant higher positive drug-testing rate.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=552>
2. **Random Drug Testing with Immediate Results and Immediate Sanctions:** The experiment was conducted to examine the efficacy of alternative methods of instant drug testing, and determine how the different methods affected rates of relapse and recidivism of parolees with substance abuse issues. The program is rated Promising. The experimental group (that had random drug testing with immediate results and immediate sanctions) had lower rates of relapse and recidivism; however, they were less likely to be admitted to treatment; and recidivism effects were short-lived.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=428>
3. **Offender Reentry Community Safety Program:** Formerly called the Dangerous Mentally Ill Offender Program, this is a reentry-planning and service program aimed at reducing recidivism for dangerously mentally ill offenders in Washington State. The program is rated Promising. Program participants had significantly lower violent felony and overall felony recidivism rates compared with the matched control group four years following release from prison.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=438>
4. **Use of Naltrexone:** A medication used in the treatment of opioid addiction, which works by antagonizing opioid receptors and blocking the effects of opiates consumed by addicts (usually in the form of heroin). The program is rated Promising. In a study of Federal probationers, there was significantly less opioid use among the experimental group. The experimental group receiving naltrexone was significantly less likely to be reincarcerated.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=101>
5. **Mental Health Services Continuum Program:** The program targets parolees with mental health problems and provides services to enhance their level of individual functioning in the community. The overall goal is to reduce recidivism of mentally ill parolees and improve public safety. The program is rated Promising. In California, parolees who participated in the program and received a pre-release assessment or who had one or more contacts with the Parole Outpatient Clinic showed a significant reduction in the odds of being returned to custody.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=445>
6. **Intensive Outpatient Program (IOP) and Non-Hospital Residential (NHR) Program:** These are community-based, substance abuse treatment programs for recently paroled, substance-dependent individuals. The primary aim of the programs is to treat participants' substance abuse in the community while reducing their likelihood of reoffending. The program is rated Promising. Program participants were less likely to be convicted of a new crime, when compared with the community comparison group.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=565>
7. **Community and Law Enforcement Resources Together (ComALERT):** Community and Law Enforcement Resources Together (ComALERT) is a reentry program in Brooklyn, N.Y., that provides substance abuse treatment, employment, and housing services for parolees transitioning from prison back into the community. The goal of the program is to reduce recidivism of parolees by providing them with the tools and support they need to remain drug-free, crime-free, and employed. The program is rated Promising. Participants were less likely to be rearrested, reconvicted, or reincarcerated than the matched control group. They had a higher employment rate, but there was no statistical difference in reincarceration by parole violation, co-residence and contact with children, or drug and alcohol use.
For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=114>

8. **Mentally Ill Offender Community Transition Program (Washington):** The Mentally Ill Offender Community Transition Program (MIOCTP) was established by the Washington State legislature in 1998. The program is targeted at individuals whose mental illnesses are seen as instrumental in their offenses, and who are likely to qualify for and benefit from publicly supported treatment in the community. The overall goal is to reduce recidivism for these individuals. The program is rated Effective. Participants in the program were less likely to be convicted of any new offense and convicted of felony offenses, compared with the matched comparison group.

For more info: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=567>

Endnotes

- ¹ For brevity, this report will use the term post-release supervision to also include offenders sentenced prior to 1993 who are serving a period of parole supervision.
- ² These offenders are sentenced “off the grid” to life with a mandatory minimum term for serious, violent, or sex crimes.
- ³ In FY 2017 the majority of offenders (738 offenders out of 1,397 total revoked) waived their final hearing. The Board may still review these cases internally, but no hearing is held.
- ⁴ This number does not include offender on post-release supervision who are returned due to new or pending charges.
- ⁵ Interview with Jonathan Ogletree (2017).
- ⁶ Personal conduct condition: An offender will not engage in assaultive activities, violence, or threats of violence of any kind, threatening or intimidating behaviors, or lewd and lascivious behaviors.
- ⁷ If the pending charges are dropped, the offender once again becomes eligible to waive their final hearing. However, because violations of supervision conditions are often filed as a result of pending charges, these offenders are usually still revoked as conditional violators even if they are not given a new sentence.
- ⁸ The Board members have discussed letting offenders who have pending charges waive the hearing. However, they could not do so because of statutory constraints.
- ⁹ This number would have likely been higher if offenders who have pending charges were allowed to waive.



ABOUT THE PAROLE RELEASE AND REVOCATION PROJECT

The Parole Release and Revocation Project of the Robina Institute of Criminal Law and Criminal Justice is committed to engaging releasing authorities in both indeterminate and determinate sentencing states in examining all aspects of the discretionary parole release and post-release violations process. A central goal of this project is to contribute to the enhancement of decision-making at every stage. To accomplish this goal, the Parole Release and Revocation Project partners with select jurisdictions on issues related to parole release decision-making; researches and publishes legal and statutory state parole profiles; and publishes survey and other findings focusing on releasing authorities.

The Robina Institute of Criminal Law and Criminal Justice is located at the University of Minnesota Law School. The Robina Institute connects research and education with practice to create transformative change in sentencing laws and correctional policies.

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