

MINUTES

JOINT COMMITTEE ON PAROLE BOARD OVERSIGHT

November 2, 2009
Room 446-N—Statehouse

Members Present

Representative Pat Colloton, Chairperson
Senator David Haley
Senator Julia Lynn attended as substitute for Senator Thomas C. (Tim) Owens
Senator John Vratil
Representative Melody McCray-Miller
Representative Michael O'Neal

Staff Present

Jerry Donaldson, Kansas Legislative Research Department
Athena Andaya, Kansas Legislative Research Department
Sean Ostrow, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Pat Matzek, Committee Assistant

Others Attending

Patti Biggs, Kansas Parole Board Member
Robert Sanders, Kansas Parole Board Member
Tom Sawyer, Kansas Parole Board Member
Roger Werholtz, Secretary, Kansas Department of Corrections
Linden Appel, Chief Counsel, Kansas Department of Corrections
Liz Rice, Administrator, Secretary's Office, Kansas Department of Corrections
Teri Canfield, Office of the Attorney General/Kansas Parole Board
Marie McNeal, Kansas Parole Board
Tim Carpenter, Topeka Capital Journal
Rob Mealy, Kearney and Associates

Morning Session

A letter from The Honorable Ernest L. Johnson, Chairman, Kansas Sentencing Commission, in support of the continuation of the Kansas Parole Board, was distributed to members of the Committee (Attachment 1).

Chairperson Colloton wanted to briefly explain the statute that created the Joint Committee on Parole Board Oversight and requested Jason Thompson, Office of the Revisor of Statutes, give an explanation of the procedures for how the Committee should operate.

Joint Committee members are comprised of six members from the Senate Judiciary Committee and the House Committee on Corrections and Juvenile Justice. Mr. Thompson further stated the purpose of the Committee is to review documents, records, and reports from the Parole Board concerning factors and rationale used to determine the granting or denial of parole. Mr. Thompson advised the Committee will be reviewing 30 cases selected by the Secretary of Corrections in the afternoon closed session, as well as summary statements from the parole board involving factors and rationale used to determine the granting or denial of parole in each of those 30 cases. Copies were distributed of Release Procedures KSA 22-3717 (Attachment 2), which is the Parole Board's enabling statute covering procedures during reviews of inmates to determine what notices are to be given, hearings to be conducted, and the authority to adopt regulations.

At the conclusion of Mr. Thompson's procedural explanations, Chairperson Colloton recognized Chairman Sanders to give an overview of the Kansas Parole Board Process. Chairman Sanders requested Commissioner Biggs give the presentation (Attachment 3).

Kansas Parole Board Process Overview

- Vision—The vision of the Kansas Parole Board (KPB) is to contribute to protecting the safety of citizens of Kansas by the exercise of sound, rational decision making, consistent with evidence-based principles.
- Mission—Parole privilege is extended to those offenders who demonstrate suitability by having served incarceration time set forth by the courts and who have demonstrated a reduction in risk to re-offend such that revictimization is minimized and rehabilitation and successful re-entry are maximized.
- Evidence-Based Practice (EBP)—Refers to accumulated body of research results to make decisions where:
 - There is a definable outcome;
 - It is measurable; and
 - It is defined according to practical realities.
- Primary Work Areas
 - Area I—Parole Suitability Hearings

Parole Suitability is when certain conditions are fulfilled and the parole board is "...of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate."

- Area 2—Final Violation Hearings
 - After the offender is released to the community, s/he has liberty interest;
 - Withdrawal of liberty is guided by due process requirements;
 - Preliminary Hearing - Kansas Department of Corrections Parole; and
 - Final Hearing - KPB.

- Area 3—Special Hearings - A special hearing is:
 - A new Parole Suitability consideration before the previously established next parole eligibility date;
 - A special hearing following the same procedures as all parole eligibility hearings; and
 - A special hearing cannot be used to advance an initial parole eligibility.

- Area 4—Special Conditions of Post-Incarceration Supervision

All offenders who release to community supervision post-incarceration must comply with "standard" and "special" conditions of that supervision.

- Identified on Certificate of Release, signed by offender at facility release;
 - Standard conditions of supervision: N=12; and
 - Special conditions of supervision:
 - Imposed by KPB prior to release; and
 - Imposed by Parole Officer during supervision.
-
- Area 5—Other File Reviews
 - Sex offender override panel membership;
 - Early discharge from parole supervision;
 - Clemency application review and recommendations to the Governor;
 - Functional Incapacitation releases; and
 - Joint Committee on Parole Board Oversight.

 - Area 6—Partnering and Collaboration
 - "Effective paroling authorities must . . . know how to collaborate and cooperate with other systems"*

**Transition from Prison to Community Initiative, NIC/Proctor, 1994.*
 - "Collaboration requires an understanding and willingness to network, coordinate, and cooperate in structured and unstructured ways."**

*** Comprehensive Framework for Paroling Authorities, NIC/Campbell, 2008.*

The meeting adjourned for lunch.

Afternoon Session

The Committee meeting reconvened at 1:30 p.m.

Senator Vratil moved:

- *The open meeting of the Joint Committee on Parole Board Oversight be recessed for a closed, executive session pursuant to subsection (b)(5) of KSA 2009 Supp. 75-4319 and KSA 2009 Supp. 46-3801 for the purpose of discussing matters relating to actions adversely or favorably affecting a person as a resident of a public institution, specifically inmates of a correctional institution, to examine certain confidential records relating to specific inmates and to protect the privacy interest of each inmate who will be discussed;*
- *The motion will be recorded in the minutes of the Joint Committee on Parole Board Oversight and be maintained as part of the permanent records of the Joint Committee on Parole Board Oversight; and*
- *The Joint Committee on Parole Board Oversight would resume the open meeting in Room 446-N of the Statehouse at 4:00 p.m.*

Representative McCray-Miller seconded the motion. The motion carried.

The Committee reconvened open meeting at 4:55 p.m. for continued discussion, and promptly adjourned.

The next meeting of the Joint Committee on Parole Board Oversight is scheduled for November 10, 2009 at 10:00 a.m., in Room 446-N of the Statehouse.

Prepared by Pat Matzek
Edited by Jerry Donaldson

Approved by Committee on:

April 23, 2010

(Date)