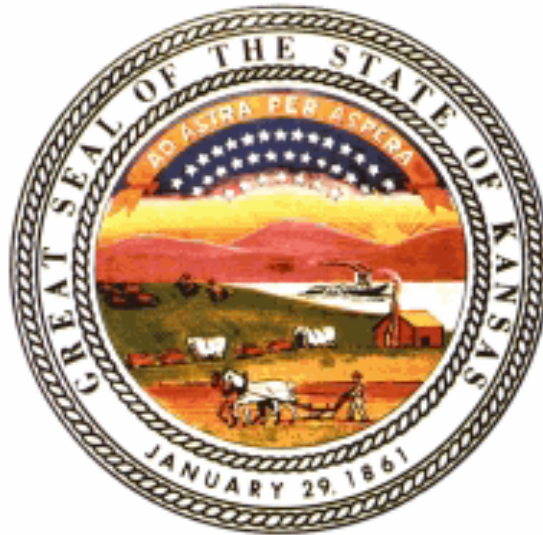


KANSAS PAROLE BOARD

FISCAL YEAR 2010

ANNUAL REPORT



AGENCY VISION

The Kansas Parole Board contributes to protecting the safety of citizens of the state of Kansas by the exercise of sound, rational decision making.

AGENCY MISSION

Consistent with the principles of evidence based practices, parole privilege shall be 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 re-victimization is minimized and rehabilitation and successful reentry are maximized; similarly, parole suitability shall be rescinded in cases where an offender demonstrates increasing risk in the community.

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PURPOSE AND COMPOSITION

Purpose of the Annual Report:

This Annual Report is published by the Kansas Parole Board in accordance with K.S.A. 22-3710 and is designed to provide both general and specific information to the Governor, the State Legislature, the Judiciary, other criminal justice agencies, and the public.

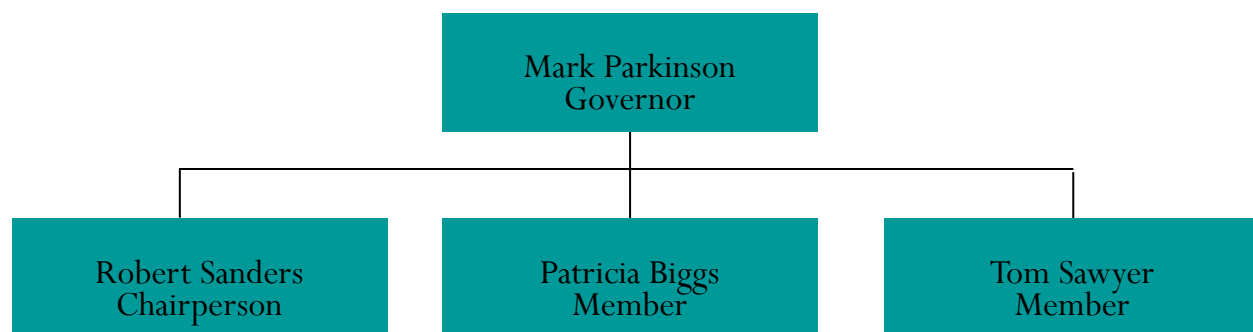
Historical Overview of the Kansas Parole Board

The Kansas Parole Board's history may be traced to as early as 1864 when it focused its work strictly on commutations and in 1885 it was titled "Board of Pardons." In 1903 it was called the "Prison Board," and in 1957 it was called the "Board of Probation and Parole." The "Kansas Adult Authority" was its title beginning in 1974 and by 1986, it was named the "Kansas Parole Board."

The Board varied in size and required constitution ranging most often between 3 and 5 members, most typically with no more than a one-seat majority held by any political party, sometimes even requiring membership inclusive of specific occupations such as ministers, farmers, or attorneys.

Composition of the Kansas Parole Board

The Kansas Parole Board consisted of three full-time members in FY2010. Administrative, technological, clerical and support services are provided by employees of the Kansas Department of Corrections (K.S.A. 22-3713 (b)). Members are appointed by the Governor with confirmation provided by the Senate. No more than two members may belong to the same political party. Members serve staggered four-year terms and represent diverse backgrounds, professional training, and expertise. Today's Board uses the best technology at hand to deliver fair and rational decisions, to do so from the most informed research-based perspective possible, and to contribute to the safety of the citizens of the State of Kansas.



	Initial Appointment	Current Expiration
Robert Sanders	September 2004	January 2012
Patricia Biggs	September 2006	January 2014
Tom Sawyer	September 2009	January 2011

MEMBER BIOGRAPHIES

Robert Sanders, Chairperson



Robert Sanders was appointed to the Kansas Parole Board on September 23, 2004. Mr. Sanders was employed by the Kansas Department of Corrections for 27 years and began his career with the Department of Corrections in July 1977 as a Corrections Officer at the Hutchinson Correctional Facility. Mr. Sanders also held a variety of positions with the department including, Corrections Counselor I, Corrections Counselor II, Community Program Consultant, and State Director of Community Corrections. In May 2000, he was appointed to the position of Deputy Secretary for Community and Field Services. Mr. Sanders graduated from Bethany College with a Bachelor of Arts degree in May 1977 and completed the requirements for the Certified Public Manager Program from the University of Kansas in December 1997. Additionally, Mr. Sanders completed the Correctional Leadership Program sponsored by the National Institute of Corrections in 1997. He is past president of the Kansas Correctional Association, member of the American Correctional Association, member of the American Probation and Parole Association, member of the Diversity Committee for the American Probation and Parole Association, and member of the Association of Paroling Authorities International.

Patricia Biggs, Member



Patricia Biggs was appointed to the Kansas Parole Board on August 12, 2006. Prior to her position with the Parole Board, Ms. Biggs was Executive Director for the Kansas Sentencing Commission for three years and was with the Kansas Department of Corrections for over seven years where she served as the Director of Research and Planning and as Special Assistant to the Secretary of Corrections. Prior to that, Ms. Biggs was an economist in Washington, D.C., a financial analyst in Pennsylvania, an instructor at the University of Connecticut, and an adjunct professor at Washburn University and Friends University. She has consulted for the National Institute of Corrections and for Harvard Business School. Ms. Biggs holds a Bachelor of Science from West Chester University of Pennsylvania, a Master of Arts from George Mason University in Fairfax, Virginia, and is A.B.D. (all but dissertation) in the Ph.D. program at The University of Connecticut. She has held memberships in the National Association of Sentencing Commissions, the American Probation and Parole Association, Association of Paroling Authorities, International, and the Justice Research and Statistics Association.

Tom Sawyer, Member



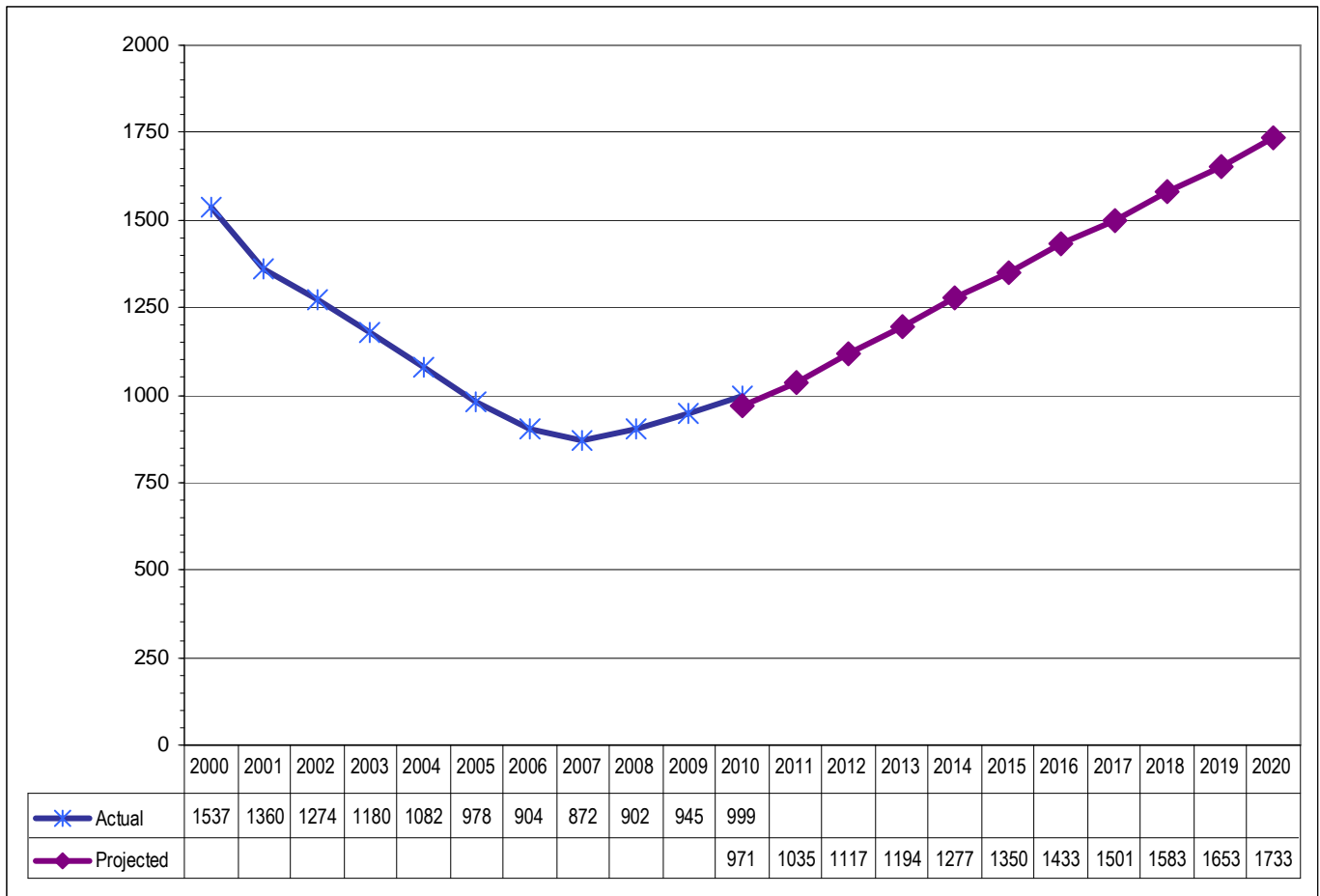
Tom Sawyer was appointed to the Kansas Parole Board in September 2009. Prior to his position with the Parole Board, Mr. Sawyer served in the Kansas House of Representatives where he represented the 95th House District which includes portions of central Wichita. Mr. Sawyer demonstrated strong leadership skills during his tenure in the House of Representatives. In 1990 he was elected the House Minority Whip and Chairman of the House Ethics and Elections Committee. In 1991-1992 he was elected to the position of House Majority Leader, the only Wichitan selected to serve in that position since 1969. From 1993 to 1998 he served as the House Minority Party Leader. In 2005 he was elected to serve as the Chairman of the Sedgwick County Legislative Delegation. Mr. Sawyer has also served as the Chair of the Kansas Democratic Party and ran for Governor in 1998. As a long-time resident of Wichita, Mr. Sawyer has been highly active in the local community. He walked 20 miles in the CROP walk, helped build 20 houses in a week as part of Habitat for Humanity's blitz in Wichita during 1995. He has also served on the legislative committee for the American Diabetes Association, been involved in youth mentoring at his local church and served on the Visioning Wichita Committee Task Force. Mr. Sawyer attended Wichita State University where he obtained a Bachelor of Administration in Accounting.

PRISON POPULATION TRENDS—OFF GRID FOCUS

The number of offenders with prison releases subject to parole suitability hearings by the Kansas Parole Board will not extinguish as offenders continue to be admitted to prison under the Sentencing Guidelines with Off-Grid sentences. Indeed, by 2012, the number of offenders subject to release by the Kansas Parole Board is projected to reach levels equivalent to those experienced when the Parole Board membership was reduced to three in 2004.

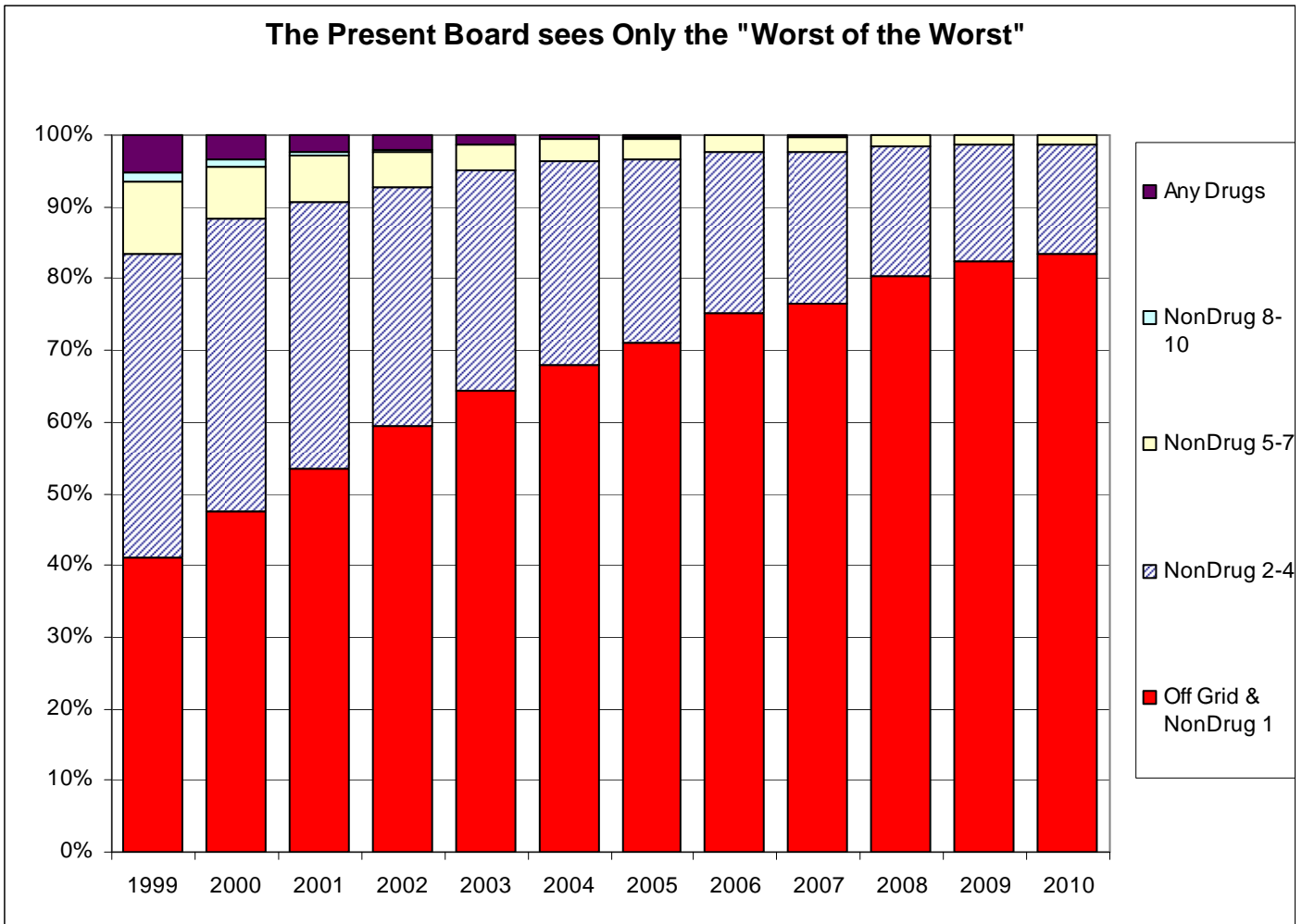
Actual and Projected Offender Population Subject to Parole Suitability Hearings

Source: KSC Prison Population Projection Reports FY 2000 - FY 2011 Off Grid Focus



POPULATION CHARACTERISTICS

The cases considered by the Parole Board are more serious and heinous and are dominated substantially by person crimes and person-sex crimes where the degree of harm experienced by the victim(s) is tremendous. These cases require more time in research and deliberation than property or drug crimes. These cases also require substantially more time in preparation for the interview and more time during the interview as the duration of activity and behaviors under consideration is extensive.



PAROLE SUITABILITY HEARINGS

Parole hearings are required for all adult felony offenders with an offense date prior to July 1, 1993 and those sentenced pursuant to sentencing guidelines to off-grid terms. Off-grid crimes include capital murder, murder in the first degree, treason and certain sex offenses committed after July 1, 2006 when the victim's age is less than 14 and the offender's age is greater than 18. Intentional second degree murder, if between July 1, 1993 and July 1, 1999, is also considered an off-grid crime.

Parole eligibility dates are determined by the sentence imposed by the court. By statute, the Kansas Parole Board conducts parole suitability hearings with offenders the month prior to this date. These hearings are conducted at each of the nine Kansas state prison facilities and may occur in person or through video conference technology (K.S.A. 22-3717 (j)). Each hearing affords parole eligible offenders a face-to-face opportunity with Board members to discuss matters pertinent to his or her potential release, identify programs which have contributed to lowering risk and identify a plan for reentry into the community.

The 2008 Kansas Legislature increased the scope of factors the Board considers when making determinations of parole suitability by amending K.S.A. 22-3717 (h). These ten factors, as of July 1, 2008, are as follows:

1. Circumstances of the offense
2. Previous criminal record and social history of the inmate
3. Programs and program participation
4. Conduct, employment, attitude, disciplinary history during incarceration
5. Reports of physical/mental examinations, including but not limited to risk factors revealed by any risk assessment
6. Comments from public officials, victims or their family, offender family or friends, or any other interested member of the general public
7. Capacity of the state correctional institutions
8. Input from staff where offender is housed
9. Proportionality of time served to the sentence that would have been received under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration
10. Presentence report

PAROLE DECISIONS

Decisions of the Parole Board regarding an offender's suitability for parole may result in decisions of:

Parole Granted : When parole is granted to an offender, the Board also sets special conditions under which the offender will be supervised once released to the community. The date of release is determined by the Board.

Parole Denied : When parole suitability is deemed not to have been achieved, the Board denies parole by issuance of a **"Pass"**. The duration of the pass decision may vary in length based on the categorization of the offenses for which the offender has been convicted.

- *A, B or Off-Grid Felonies : The Board is required by statute to hold another hearing regarding parole suitability within three (3) years unless compelling reasons exist that would make parole suitability unlikely within this time period at which point an extended pass may be issued for up to ten (10) years if reasons for the extended pass are provided in the decision. (K.S.A. 22-3717 (j)).*
- *C,D and E Felonies: The Board is required by statute to hold another hearing regarding parole suitability within one (1) year unless compelling reasons exist that would make parole suitability unlikely within this time period at which point an extended pass may be issued for up to three (3) years if reasons for the extended pass are provided in the decision (K.S.A. 22-3717 (j)).*

Decision Continued: The Board may continue a case if additional information or deliberation is required.

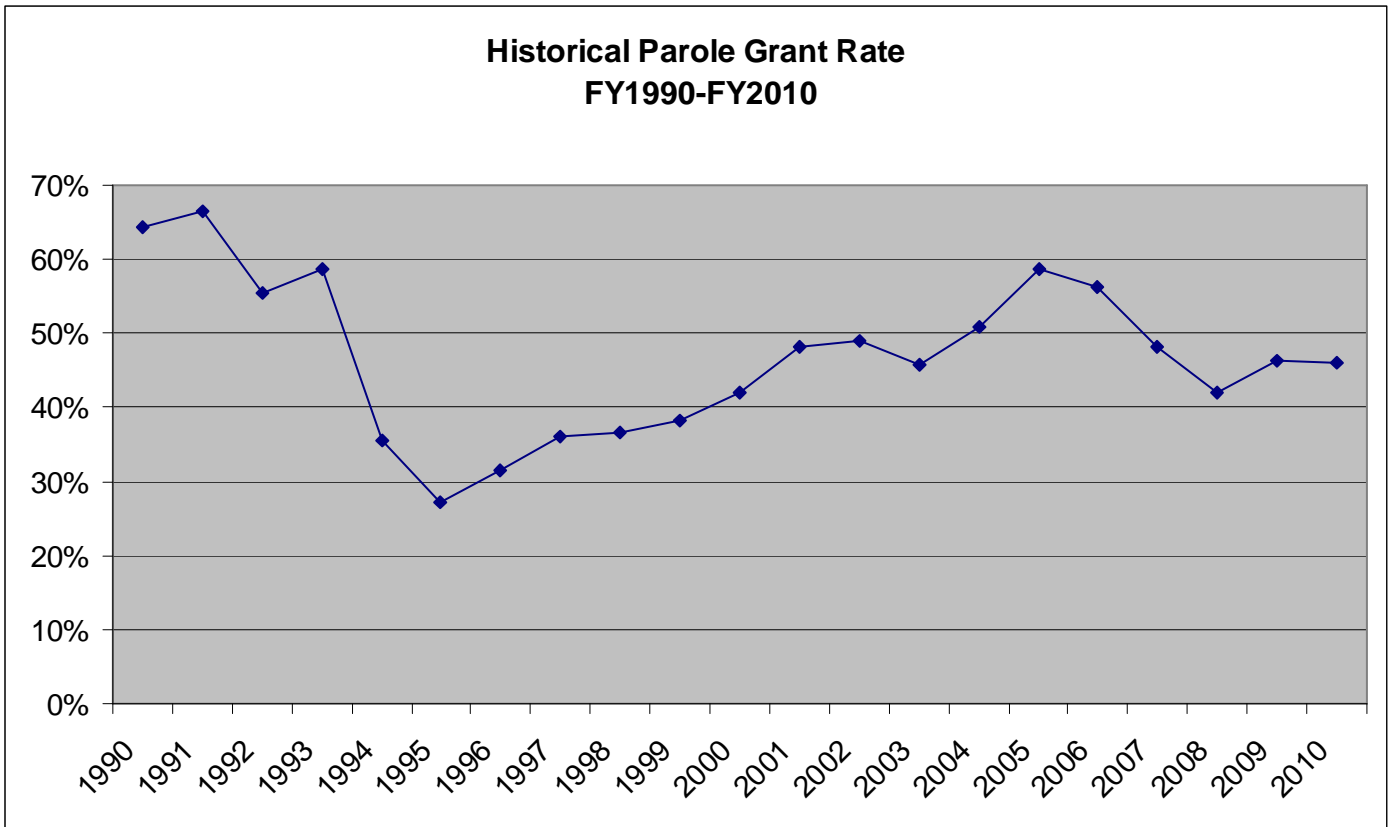
KPB Decisions Rendered on Parole Eligible Offenders			
	FY 2008	FY 2009	FY 2010 ^a
Parole Granted	166	173	123
Parole Denied: "Pass"	289	230	179
Continued	165	214	175
Serve to Mandatory Release Date (*)	42	25	30
TOTAL	662	642	507

(*) Serve to Mandatory Release Date includes both Serve to Conditional Release and Serve to Sentence Maximum Dates.

(a) FY 2010 numbers and associated rates are suppressed due to budgetary constrictions which impacted directly and significantly the Board's ability to attain actuarially valid risk assessments related to the safe release of violent offenders to community supervision.

PAROLE GRANT RATE

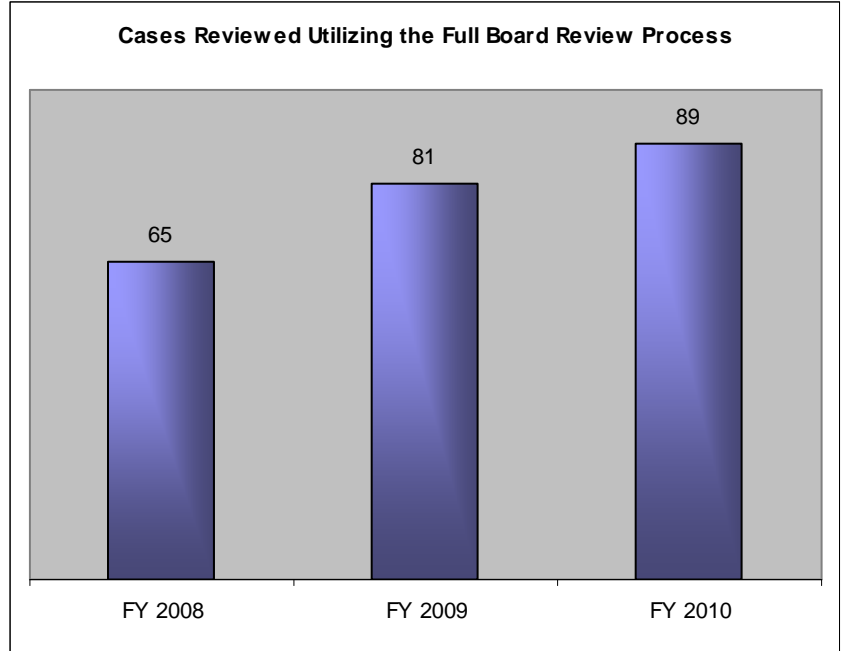
In FY10, the number of decisions rendered for parole eligible indeterminate offenders was 507 compared to 642 in FY09. Of these 507 decisions, 123 offenders were granted parole and 30 were served to a mandatory release date. This represents a parole grant rate¹ of 45.9%.



¹Parole Grant Rate is calculated by: $(\# \text{ of serve to mandatory decisions}) + (\# \text{ of parole granted decisions}) / ((\# \text{ of parole granted decisions}) + (\# \text{ of parole denied decisions}) + (\# \text{ of serve to mandatory release date decisions}))$.

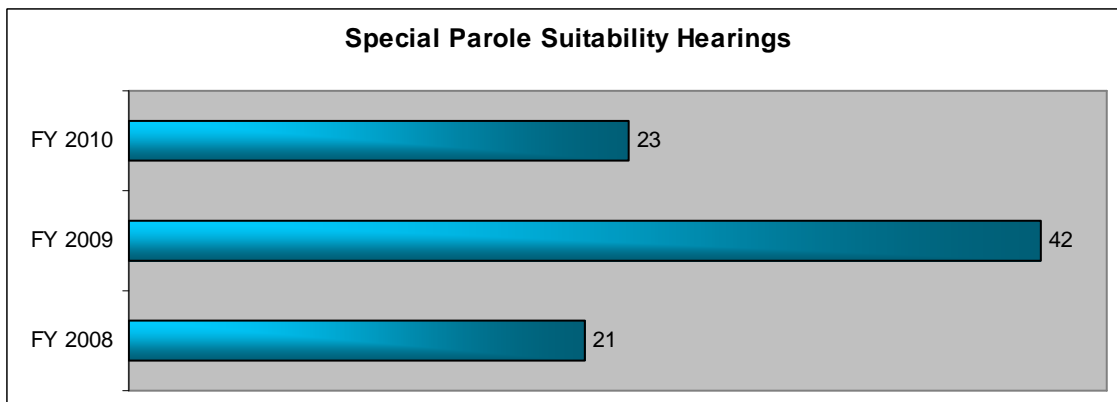
FULL BOARD REVIEWS

Often, offenders do not receive a decision immediately following their hearing because the Board has continued their case for a Full Board Review. Full Board Review is a group-based problem solving approach utilized by the Board to present a comprehensive overview of a case to all Board members. The Board utilizes the Full Board Review process for offenders with life sentences under possible consideration for parole or for the purpose of long-term planning, any high profile case which has strong opposition or media interest, sex offenders with the potential to be reviewed for civil commitment as a sexually violent predator, all extended passes where there is dissent between Board members, and any other case requiring problem-solving perspective.

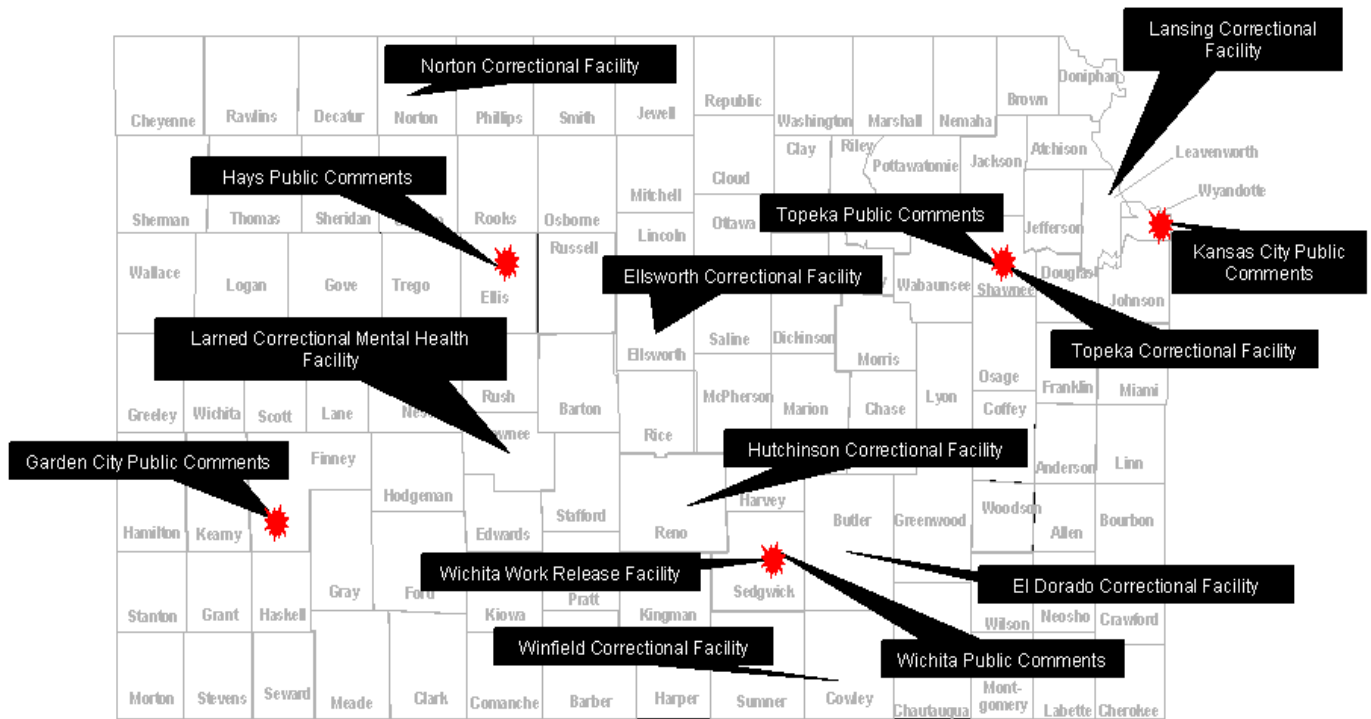


SPECIAL HEARINGS

An offender has the right to request reconsideration of a parole decision under authority of K.A.R. 45-200-2 when he/she can present “new evidence that was unavailable at the prior hearing.” Each request for reconsideration must be made in writing. Special Hearings may be held to examine new information that could affect, positively or negatively, a prior decision. The presence of the inmate shall not be required when the matter is reconsidered. In cases where new information is presented that could result in a change in a prior decision, the Board conducts a hearing only after providing the public and victims of the crime an opportunity to comment on parole suitability. The following data only represents hearings with the offender present. Other reconsiderations have been made based on file reviews.



PUBLIC COMMENT SESSIONS



The Kansas Parole Board seeks comments from victims, family, friends, public officials, or any other member of the community relative to the potential parole of eligible offenders. Public Comment Sessions occurred at five locations across the state including Kansas City, Topeka, Wichita, Garden City, and Hays. These sessions provide an open forum for the public to access the Board for input into decisions and conditions for certain offenders. Public Comment Sessions are also utilized by parole officers to facilitate specific areas of case management with a particular offender on parole or post-release supervision. A third and increasingly popular use of Public Comment Sessions occurs as offenders who request early discharge from parole are encouraged to meet with the Board for a formal interview to assist the Board in making informed decisions regarding such requests. A structured interview template is utilized by Board members when an offender requests early discharge from parole at a Public Comment Session.

Any individual may submit an electronic comment regarding an offender’s parole suitability by accessing the Kansas Department of Corrections website at www.dc.state.ks.us and clicking on the Kansas Parole Board link.

Number of Public Comment Sessions and Labor Hours Spent On This Duty

	FY2009	FY 2010	FY2011 * (projected)	FY2012 * (projected)
Number of sessions	40	39	40	40
Labor Hours documented (travel + meeting)	663.5	928	1004	1004

(*) May be impacted by budget constraints.

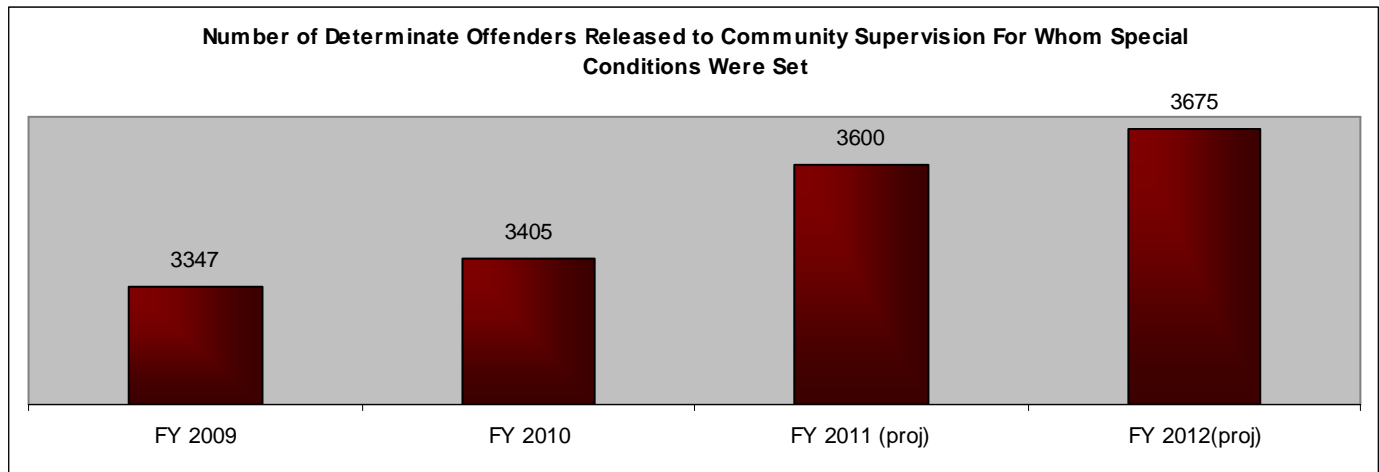
SPECIAL CONDITIONS

The Kansas Parole Board has the responsibility, as described in K.S.A. 22-3717 (i), to review the reentry plan of all releasing offenders and assign conditions of post-incarceration supervision. Currently, all offenders have twelve (12) standard conditions of community supervision with which they must abide. Additionally, case-specific special conditions are set in an effort to support the agency mission by maximizing successful community reentry and minimizing future re-victimization. These special conditions must be followed for the duration of an offender's community supervision unless deemed no longer beneficial in case management.

Offenders sentenced under the determinate sentencing structure are not released under the Board's discretion, therefore, rarely meet with the Board prior to release from a prison setting. The Board must conduct a file review and assess the offender's risk areas, needs, programmatic accomplishments, institutional behavior, pattern of crime, and victim input prior to establishing appropriate conditions. This is consistent with Evidence Based Practices. This process may be revisited as new or amended information becomes available. The Board also imposes special conditions of supervision for indeterminate sentenced offenders for whom a parole suitability determination is made.

The emphasis on reentry and successful reintegration has made this task qualitatively more challenging, involving more file reviews, and thus, more time. Furthermore, as the philosophy continues shifting toward more individualized conditions tailored to the individual and his/her criminality, more thoughtful consideration must be given to the assignment of special conditions. This is what we know from Evidence Based Practices.

In addition, the Board continually seeks additional opportunities to become more educated in cutting-edge effective programming that follows the principles of responsibility to address areas of individual risk and needs.



FINAL VIOLATION HEARINGS

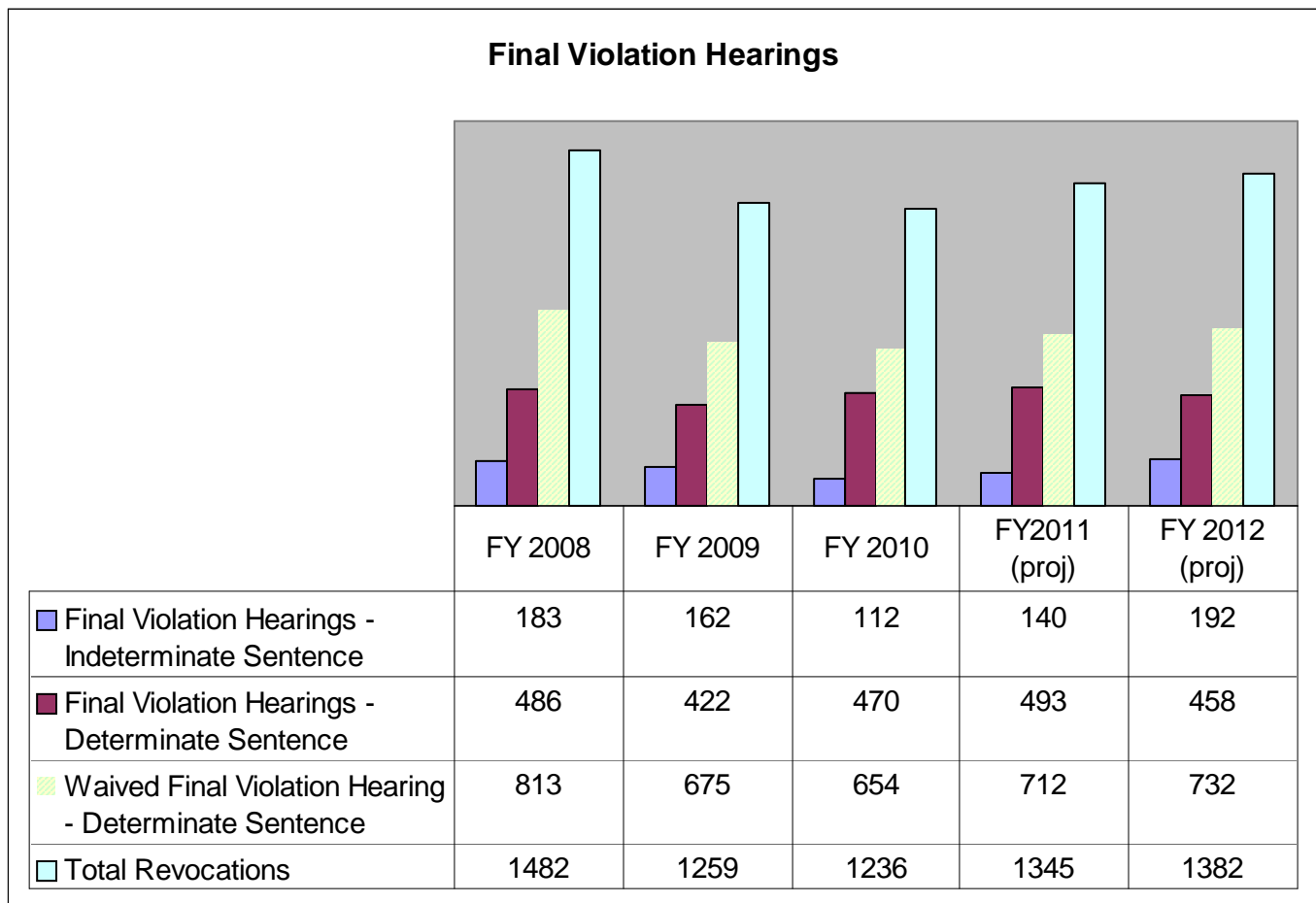
Final Violation Hearings are held monthly at each Kansas Department of Corrections facility and are the second tier in a two-tiered process that also includes a preliminary hearing conducted by parole staff to establish probable cause.

The Kansas Parole Board is charged with the quasi-judicial responsibility of determining, by a preponderance of the evidence, the likelihood that an offender has committed the violations of parole or post-release supervision conditions as alleged by his/her supervising parole officer. The Kansas Parole Board ensures that each offender is provided due process in this hearing which has the potential to restrict liberty.

If an offender sentenced to an indeterminate term of incarceration violates parole after being granted such privilege by the Board, the term of revocation is made at the Board's discretion, within the boundaries of the sentence imposed by the court.

If an offender sentenced under the determinate sentencing guideline is found to have violated post-incarceration supervision, the Board may impose revocation terms of either three (3) or six (6) months unless the offender has acquired new convictions. In these cases, the offender may be ordered to serve up to his/her sentence discharge date in a correctional facility (K.S.A. 75-5217).

Determinate sentenced offenders who meet the criteria to waive their right to a Final Violation Hearing may do so by admitting guilt on all alleged violations.



EARLY DISCHARGE REQUESTS

Offenders sentenced to an indeterminate term must remain on supervision until the expiration of his/her maximum sentence, however, the Kansas Parole Board may consider applications for early termination from sentence. Application for early discharge is authorized by K.S.A. 22-3717 and K.S.A. 22-3722. Parolees interested in early discharge may appear at public comment sessions for an interview with the Board members. In cases where discharge from sentence appears favorable, the Kansas Parole Board works closely with the Kansas Department of Corrections Office of Victim Services to facilitate notification services to registered victims. Comments received from victims following notification are considered prior to making a final decision.

Offenders sentenced under the determinate sentencing guidelines, for whom the judge issued a departure from the presumptive period of post-release supervision may petition the Parole Board for early discharge. The parole board may provide for early discharge from the post release supervision period upon completion of court ordered programs and completion of the presumptive post release supervision period, as determined by the crime of conviction, pursuant to subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from post release supervision is at the discretion of the parole board.

In FY10, 75 requests for early discharge from sentence were reviewed by the Board. The Board approved 35 requests for a grant rate of 55.5%.

PARDONS AND COMMUTATIONS

Historically far-reaching is the Board's duty, as described in K.S.A. 22-3701, to review and prepare recommendations to the Governor upon receipt of applications for pardon or commutation of sentence (this is often referred to as "Clemency"). Pardons and commutations are an extraordinary method of relief and are not regarded as a substitute for parole. An offender who believes he/she has a deserving case for pardon or commutation may request the necessary application from designated prison facility staff. Additionally, necessary forms and instructions are available to the public on the agency's Internet website.

As required by law, a notice of the offender's application is forwarded to the official county newspaper in the county of conviction so that interested parties may submit comments. In the event that the offender does not have sufficient funds for the cost of this publication, the Department of Corrections assumes the cost. Comments are also solicited from public officials including the district attorney, judge, sheriff, police chief, and any registered victims of the offense.

In FY10, the Board reviewed and forwarded 40 applications with recommendations to the Governor for final decision.

FUNCTIONAL INCAPACITATION RELEASES

K.S.A. 22-3728 sets forth the process by which the Board considers an inmate, who is functionally incapacitated, for release. Applications are submitted to the Department of Corrections and subsequently referred to the Board. The application shall not be approved unless the Board determines that the person is functionally incapacitated and does not pose a risk to public safety.

During FY10, the Board received three applications for functionally incapacitated release. Upon review and deliberation, the Board approved one application. Two applications were determined not to meet the requirements for release under the provisions of K.S.A. 22-3728.

KDOC SEX OFFENDER OVERRIDE PANEL

The Kansas Parole Board has been designated as a voting member of the Kansas Department of Corrections (KDOC) Sex Offender Override Panel. Each month, one member of the Board is designated as a representative to serve on this panel. Thorough file reviews must be conducted for each offender being reviewed to determine if criteria outlined in the Kansas Department of Corrections policy warrants management as a sex offender. Varying degrees of override requests are reviewed ranging from full to partial relief of one's management as a sex offender in addition to requests identifying offender's with no documented criminal sexual offense yet behaviors that would warrant sex offender management.

In FY10, the Kansas Parole Board participated in 12 meetings and reviewed a total of 399 override requests compared to 414 in FY09. Of the 399 requests reviewed, 242 were approved, 141 were denied and 16 decisions remained pending at the end of fiscal year 2010.

VICTIM SERVICES

The Kansas Parole Board works closely with the Kansas Department of Corrections Office of Victim Services to facilitate notification processes, enhance confidential communication of victims' concerns, implement conditions to promote victim safety, and continuously identify opportunities that improve policies and procedures to include the victims in the parole process.

Requests for additional information or notification services should be directed to:

Victim Notification Officer
Kansas Department of Corrections
Landon State Office Building
900 SW Jackson, Suite 400
Topeka, Kansas 66612

Or call 1-866-404-6372

Information may also be obtained on the Kansas Department of Corrections website at www.dc.state.ks.us

All victims shall be assured that notification information is kept confidential.

PARTNERING AND COLLABORATION

The Kansas Parole Board, through its work with state and national committees, councils and professional organizations, continually strives to improve and perfect its practices surrounding effective offender risk reduction, reentry strategies, and risk assessments. Below is a non-exhaustive listing of such activities.

Committee/Council	Frequency	KPB Member(s) Assigned
Community Accountability Panels	As Needed	Robert Sanders
Conditions of Community Risk Reduction	Monthly	Robert Sanders, Patricia Biggs, Tom Sawyer
Kansas Reentry Policy Council	Quarterly	Robert Sanders
Kansas Reentry Policy Steering Committee	Monthly or As Needed	Robert Sanders
Kansas State Council for the Interstate Adult Offender Supervision Compact	As Needed	Robert Sanders, Chair
LSI-R© Validation, Quality Assurance, and Evaluation Project	As Needed	Patricia Biggs
LSI-R© Subcommittee for Statewide Implementation	On Hold	Patricia Biggs, Chair
Parole Management Team	Quarterly	Robert Sanders
Proportionality Subcommittee	Monthly	Patricia Biggs
Sentencing Commission (<i>K.S.A. 74-9101</i>)	Monthly	Patricia Biggs
Sex Offender Override Panel	Monthly	Rotates between KPB members
Victim Advisory Council	As Needed	Robert Sanders
Community Corrections Technology Work Group	Semi-Annual	Robert Sanders
Community Supervision Subcommittee Of the Sentencing Commission	Monthly	Patricia Biggs, Chair

Professional Organization Memberships

Association of Paroling Authorities International (APAI)

American Probation and Parole Association (APPA)

American Correctional Association (ACA)

Kansas Correctional Association (KCA)

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