

## **PERFORMANCE AUDIT REPORT**

**Reviewing Reasons for Recent Increases  
In the Number of Former Inmates  
Returned to Kansas Prisons**

### ***Executive Summary*** *with Conclusions*

**A Report to the Legislative Post Audit Committee  
By the Legislative Division of Post Audit  
State of Kansas  
August 1997**

# **Legislative Post Audit Committee**

---

## **Legislative Division of Post Audit**

**THE LEGISLATIVE POST** Audit Committee and its audit agency, the Legislative Division of Post Audit, are the audit arm of Kansas government. The programs and activities of State government now cost about \$7 billion a year. As legislators and administrators try increasingly to allocate tax dollars effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by Legislative Post Audit helps provide that information.

We conduct our audit work in accordance with applicable government auditing standards set forth by the U.S. General Accounting Office. These standards pertain to the auditor's professional qualifications, the quality of the audit work, and the characteristics of professional and meaningful reports. The standards also have been endorsed by the American Institute of Certified Public Accountants and adopted by the Legislative Post Audit Committee.

The Legislative Post Audit Committee is a bipartisan committee comprising five senators and five representatives. Of the Senate members, three are appointed by the President of the Senate and two are appointed by the Senate Minority Leader. Of the Representatives, three are appointed by the Speaker of the House and two are appointed by the Minority Leader.

Audits are performed at the direction of the Legislative Post Audit Committee. Legislators or

committees should make their requests for performance audits through the Chairman or any other member of the Committee. Copies of all completed performance audits are available from the Division's office.

### **LEGISLATIVE POST AUDIT COMMITTEE**

Representative Eugene Shore, Chair  
Representative Richard Alldritt  
Representative Doug Mays  
Representative Ed McKechnie  
Representative Dennis Wilson

Senator Lana Oleen, Vice-Chair  
Senator Anthony Hensley  
Senator Pat Ranson  
Senator Chris Steineger  
Senator Ben Vidricksen

### **LEGISLATIVE DIVISION OF POST AUDIT**

800 SW Jackson  
Suite 1200  
Topeka, Kansas 66612-2212  
Telephone (785) 296-3792  
FAX (785) 296-4482  
E-mail: [LPA@mail.ksleg.state.ks.us](mailto:LPA@mail.ksleg.state.ks.us)

The Legislative Division of Post Audit supports full access to the services of State government for all citizens. Upon request, Legislative Post Audit can provide its audit reports in large print, audio, or other appropriate alternative format to accommodate persons with visual impairments. Persons with hearing or speech disabilities may reach us through the Kansas Relay Center at 1-800-766-3777. Our office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.



LEGISLATURE OF KANSAS  
**LEGISLATIVE DIVISION OF POST AUDIT**

MERCANTILE BANK TOWER  
800 SOUTHWEST JACKSON STREET, SUITE 1200  
TOPEKA, KANSAS 66612-2212  
TELEPHONE (913) 296-3792  
FAX (913) 296-4482  
E-MAIL: LPA@postaudit.ksleg.state.ks.us

August 11, 1997

To: Members of the Kansas Legislature

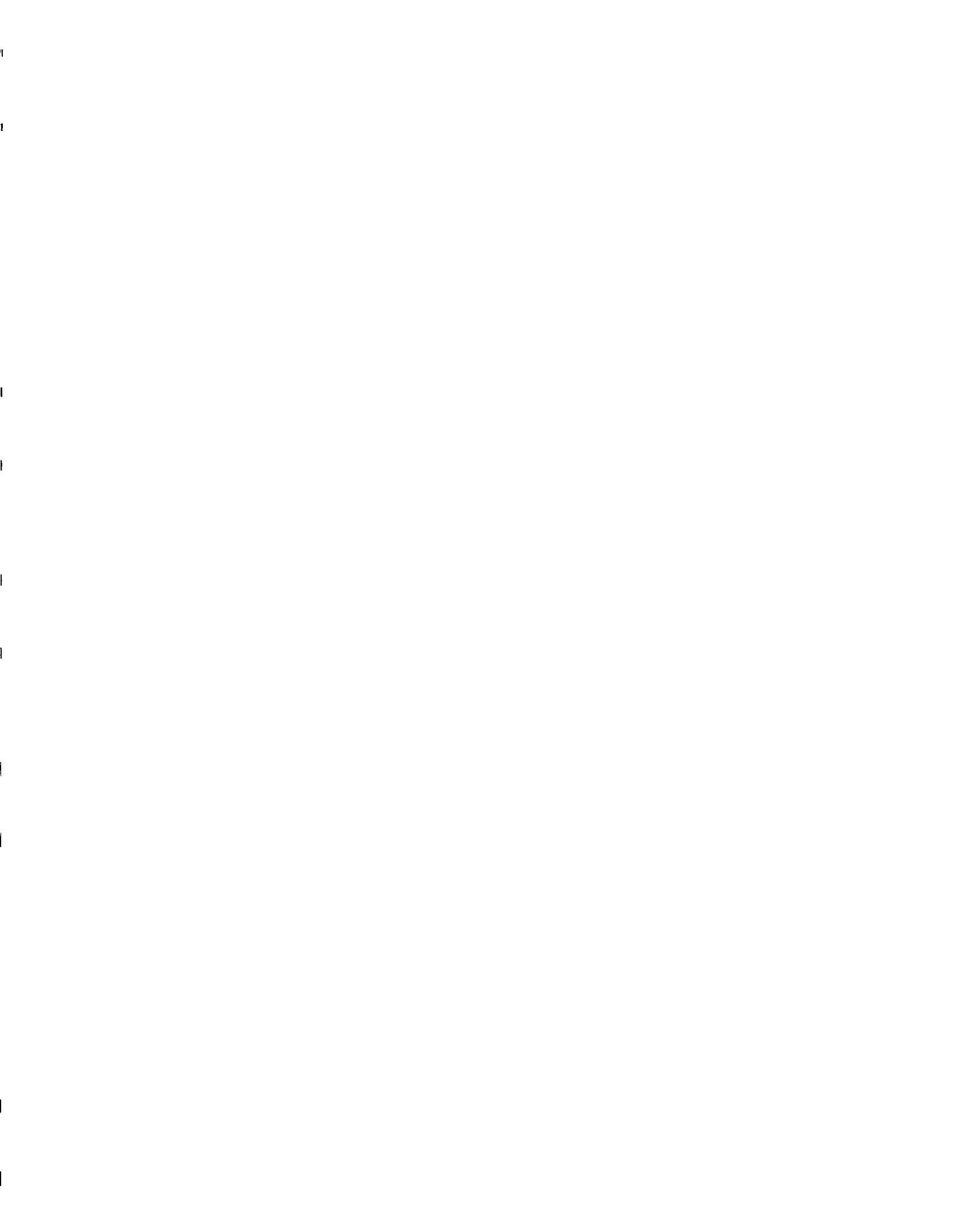
This executive summary contains the findings, conclusions, and the agency response from our completed performance audit, *Reviewing Reasons for Recent Increases in the Number of Former Inmates Returned to Kansas Prisons*.

We would be happy to discuss the findings presented in this report with any legislative committees, individual legislators, or other State officials. These findings are supported by a wealth of data, not all of which could be included in this report because of space considerations. These data may allow us to answer additional questions about the audit findings or to further clarify the issues raised in the report.

If you would like a copy of the full audit report, please call our office and we will send you one right away. We would be happy to discuss any items in the report with you at your convenience.

A handwritten signature in black ink that reads "Barbara J. Hinton". The signature is written in a cursive, flowing style.

Barbara J. Hinton  
Legislative Post Auditor



**Reviewing Reasons for Recent Increases in the Number of  
Former Inmates Returned to Kansas Prisons**

**EXECUTIVE SUMMARY**

LEGISLATIVE DIVISION OF POST AUDIT

**Question 1: What Factors Have Contributed to the Recent Increase in the  
Number of Former Inmates Being Returned to Kansas Prisons?**

The number of parole violators being returned to prison increased substantially in fiscal year 1994, before declining in fiscal years 1995 and 1996 and then rising again in fiscal year 1997. During the past five fiscal years, total annual admissions to Kansas prisons increased about 14%, from 4,306 to 4,913. During that same time period, the number of parole violators returned to prisons increased about 22%, from 1,397 to 1,703. Although the parole violators make up a relatively large percentage of the number of people admitted to prison, their impact on prison populations isn't as large because they are returned for a relatively short period of time—usually from 90-180 days. .... page 7

The Department's implementation of a parole grid in fiscal year 1996 apparently caused a significant drop in the number of parole violators returned to prison that year. The parole grid outlines the options a parole officer can use to discipline a parolee when he or she violates the conditions of parole. The options are based on the parolee's level of supervision and type or severity of the parole violation. The grid was implemented in October 1995 to ensure that parole officers were treating parole violators uniformly. Parole officers we spoke with said some officers misinterpreted the Department's directive to "make the grid work," to mean "don't revoke anybody's parole except in extreme circumstances." As a result, the number of parole violators returned to prison in the months immediately following implementation of the grid may have been unusually low. .... page 9

A slightly higher parole revocation rate in fiscal year 1997 accounted for about 90% of the increase in the number of parole violators being returned to prison. The rate at which parole was revoked increased from 2.2% in fiscal year 1996 to 2.6% in fiscal year 1997. The increase in the revocation rate likely was caused by several things: ..... page 10

- The Department changed its parole grid in fiscal year 1997 to require automatic revocation for certain offenses such as resisting or eluding an officer, or confirmed usage of PCP. It also made failure to successfully complete an inpatient treatment program an "aggravated" offense on the parole grid, which gives parole officers the option of recommending parole revocation.
- The Department increased the number of "contacts" and the number of drug screens required of parolees—to provide greater assurance that parolees were following the conditions of their parole. With more field contacts being made and more drug tests being administered, parolees have more "chances" of being caught violating the

*conditions of their parole, which can lead to special conditions or sanctions being imposed, or recommendations to revoke parole.*

*About 9% of the increase in the number of parole violators returned to prison can be attributed to an increase in the total number of people on parole.*

*The passage of Senate Bill 360 in April 1995 increased the number of days parole violators stay in prison from 90 to 180. Department officials said they requested this change to provide greater incentive for parolees to comply with the conditions of their parole. This change could deter some parolees from violating their parole and the number of revocations could drop. At the same time, however, the number of available prison bedspaces could decline because the parole violators being returned to prison could be there for a longer period of time. The bedspaces won't turnover as frequently, which could have a negative impact on prison capacity.*

**Question 1 Conclusion:** *As of June 30, 1997, Kansas prisons housed nearly 1,200 parole violators, which accounted for about 15% of the prison population. Parole violators also accounted for all the increase in new admissions to prison that year. The Department of Corrections did "crack down" somewhat on parole violators in 1997 by emphasizing more frequent drug testing and contacts with parole officers, and by making certain violations more likely to result in parole revocations. However, we didn't see anything to suggest parole officers were recommending revocation without good reason. On the contrary, we often saw that parolees repeatedly were caught using drugs, skipping out on required treatment programs, failing to report to their parole officers, and disappearing for a time or altogether, before their parole officers recommend revocation.* ..... page 16

---

**Question 2: Has the Department Used Sanctions Such as Community Corrections Before Bringing Parole Violators Back Into Prison?**

---

**More than half the parole violators in our sample were returned to prison even though other disciplinary options were allowed.** ..... page 17  
*In reviewing a sample of 120 parole violators who had been returned to Kansas prisons during October-December 1995 and 1996, we found that 41 parole violators, or about 34% of our sample, had committed an offense that automatically required the parole officer to recommend parole revocation under the Department's parole grid. A total of 67 parole violators, or 56% of our sample, had their paroles revoked and were returned to prison even though other options were allowed under the Department's parole grid. The remaining 12 parole violators, or 10% of our sample, had been returned from other states.*

*Of the 67 parole violators who were returned to prison even though other disciplinary options were allowed, nearly three-fourths had committed three or more violations of their parole conditions, usually failing to report to their parole officer or testing positive for alcohol or drugs. We also found*

that nearly three-fourths of these violators had special conditions or sanctions imposed on them for previous violations— sometimes multiple times—before they committed the violation for which their parole was revoked.

There were 19 cases where parole officers didn't use alternative disciplinary actions even though they could have. While we can't say that alternatives to revocation should have been used for this group, we didn't find any indications that the things they did were worse than the other 48 cases where sanctions were used. However, the violations that they committed were enough to convince members of the Parole Board that parole should be revoked.

**In total, more than one-fourth of the parole violators in our sample had been referred at some point to community corrections programs.** Community corrections is one of several options parole officers have available to try to address parolees' problems and get them to abide by the terms of their parole agreements. The Department of Corrections had contracted with all 29 community corrections programs across the State to give all parole officers access to the services offered by these programs.

..... page 23

We found that parole officers made referrals to community corrections programs in 31 of the 120 cases we reviewed, or about 26% of the time, most often for substance abuse counseling and intensive supervision. Parole officers told us they occasionally have used housing programs provided through community corrections, but such housing options are limited to only a few programs, and most available bedspaces are used by courts for probationers. The Department hasn't used community corrections' electronic monitoring programs very often, again, because the services are filled up by the courts with offenders who have been placed on probation. However, the Department has contracted with a private company to provide electronic monitoring services for up to 35 people at a time.

**Question 2 Conclusion:** For the majority of the cases we reviewed where parolees were returned to prison even though other options were allowed, parole officers tried some type of alternative method to get parolees to comply with the conditions of their parole before recommending that parole be revoked. However these alternatives don't always work. For example, many of the people in our sample committed crimes while under the influence of drugs. When they used drugs while on parole, the officers tried to get them to stop by recommending drug treatment programs and requiring more frequent drug testing. Sometimes neither effort stopped parolees from using drugs. Ultimately, parole officers need some alternative with more teeth to get parolees to take the conditions of their parole seriously. Unfortunately, in many cases nothing seems to work, and the parolees are returned to prison. Community corrections is an alternative being used by parole officers in about one in four cases we reviewed. Unfortunately, some community corrections programs have limited space available, may not accept certain types of offenders, and don't have the type of housing alternatives that would substitute for a return to prison.

..... page 25

The Department generally concurred with the report's findings.

**APPENDIX A: Condition Violation Alternative Grid Adopted by the** ..... page 27  
*Department of Corrections*

**APPENDIX B: Prison Population versus Capacity** ..... page 31

**APPENDIX C: Agency Response** ..... page 33

This audit was conducted by Trish Pfannenstiel, Tracey Elmore, and John McIntyre. If you need any additional information about the audit's findings, please contact Ms. Pfannenstiel at the Division's offices. Our address is: Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas 66612. You also may call (785) 296-3792, or contact us via the Internet at: [LPA@mail.ksleg.state.ks.us](mailto:LPA@mail.ksleg.state.ks.us).



