

Notification Of Probation And Parole Violations



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Foreword

The 2013 General Assembly passed Senate Concurrent Resolution 123 that directed staff of the Legislative Research Commission to study the technology, resources, and procedures necessary to immediately notify the Division of Probation and Parole when a supervisee has been arrested.

Legislative Research Commission staff would like to acknowledge the assistance of persons with Kentucky's criminal justice agencies, in particular the Department of Corrections' Division of Probation and Parole, the Kentucky State Police, and the Administrative Office of the Courts.

Marcia Ford Seiler
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Notification Of Probation And Parole Violations

Summary

The 2013 General Assembly passed Senate Concurrent Resolution 123 that directed Legislative Research Commission staff to study the technology, resources, and procedures necessary to immediately notify the Division of Probation and Parole when a supervisee has been arrested. Several state government entities are responsible for collecting data on arrests and criminal charges. However, the challenge to immediate notification is that most of these separate databases do not interface. The criminal justice agencies responsible for collecting data on arrests and criminal charges are below.

- Department of Corrections, Division of Probation and Parole
- Kentucky State Police
- Detention Centers and Jails
- Administrative Office of the Courts

Some of these entities have developed in-house databases, and others have contracted with outside vendors to develop databases to collect arrest data. Some, though not all, of these databases interface with each other, which creates isolated pockets of information that are not shared across the entities responsible for aspects of probation and parole.

The Division of Probation and Parole, within the Department of Corrections in the Justice and Public Safety Cabinet, uses a case management system known as the Kentucky Offender Management System (KOMS). KOMS does not directly interface with any of the criminal justice data systems listed below to receive new arrest information and generate alerts to officers.

The Kentucky State Police is responsible for maintaining a centralized criminal history record system. This information is fed into the Federal Bureau of Investigation database. Probation and parole officers do not have access.

Detention Centers and Jails use LiveScan and provide booking information to the State Police criminal history database when an arrestee is processed at the jail.

The Department of Corrections contracts with the Appriss corporation for a commercial database, JusticeXchange, which aggregates Kentucky's LiveScan booking data with booking information from 30 other states. Probation and parole officers can manually check JusticeXchange, with some limited ability to set up automatic notifications.

The Administrative Office of the Courts (AOC) has two databases: KyCourts and CourtNet. AOC clerks enter charges into its in-house case management system, known as KyCourts. KyCourts data is made accessible to subscribers through a searchable web-based database called CourtNet. Probation and parole officers manually check court records through CourtNet.

Through AOC's pretrial services, interviews are conducted with most, but not all, people who are charged with a crime after an arrest. Information from pretrial interviews is entered into its in-house Pretrial Release Information Management. This system is proprietary, and due to confidentiality issues, this information is not electronically shared with other agencies.

Immediate notifications would require KOMS to directly interface with the above sources of arrest data. Although current procedures do not support instant arrest notifications, there are opportunities for creating an instant notification system. Criminal data is driven by digital record-keeping, and any system for instant arrest alerts would require live data connections between Division of Probation and Parole systems and the record-keeping systems of other criminal justice agencies.

Work to establish data connections among Kentucky's criminal justice agencies has been ongoing. This study discusses data systems of Kentucky's criminal justice agencies, proposed interfaces, and possible hurdles to instant electronic notification. The study also looks at measures some other states have taken to establish electronic notification systems.

For this study, staff referenced established policies from the Parole Board and the Division of Probation and Parole, regulations promulgated by the Kentucky State Police and the Department of Corrections, information from Appriss regarding their services, and information provided by staff members with the Administrative Office of the Courts, Kentucky State Police, and the Department of Corrections.

Parole And Probation Procedures

Parole is the supervised release of convicted felons prior to the full completion of their original prison sentences. For example, those convicted as violent offenders must serve 85 percent of their sentences before becoming eligible for parole. Those convicted as sex offenders cannot become eligible for parole until they have completed a sex offender treatment program while serving their sentences. The Kentucky Parole Board determines parole eligibility by statute and administrative regulation. The Kentucky Parole Board also reviews the files of eligible offenders and conducts hearings with offenders to determine if parole will be granted or denied. If parole is granted, there are general conditions of supervised release imposed on all parolees, such as obeying all laws, obtaining employment, avoiding possession of firearms, and paying supervision and restitution fees. The board also may impose special conditions of release to protect public safety, such as driving restrictions, treatment requirements, or prohibitions on entering certain counties where crime victims reside. The Division of Probation and Parole within the Kentucky Department of Corrections provides each offender with a written notice of parole conditions and supervises compliance. The intensity of supervision varies based on each offender's needs and risk of reoffending as determined by the Department of Corrections. At the end of the offender's original sentence, the parole board will issue a final discharge from parole as long as the offender has fully paid any court-ordered restitution.

Probation is a conditional, supervised release granted in lieu of jail, or in addition to a jail sentence of less than 1 year, to those who plead guilty or are convicted of crimes. In Kentucky,

certain offenders are ineligible for probation by statute, such as those sentenced to death, repeat drunk driving offenders, persistent felony offenders, violent offenders, and those convicted of sexual offenses against minors. Beyond the exceptions set out in statutes, the trial judge has discretion to grant probation, unless the judge finds imprisonment is necessary to protect the public. The maximum period of probation may not exceed 5 years for a felony conviction or 2 years for a misdemeanor conviction. As a general condition of probation, offenders risk having probation revoked if they fail to obey any laws. Additional specific conditions of probation may be imposed by judges, and compliance is supervised by the Division of Probation and Parole. Supervisees are notified in writing of all conditions of supervision.

Since the 2011 passage of House Bill 463's penal code reforms, the frequency and type of contact between probation and parole officers and the offenders under supervision depend on the Risk and Needs Assessment prepared for each offender by the Department of Corrections. Risk and Needs Assessments are instruments used to determine an offender's risk of recidivism, and offenders are reassessed throughout their incarceration and periods of probation or parole. The results are used to determine conditions of supervision and to plan graduated responses to noncompliant offender behavior.

There are five levels of supervision that require varying amounts of contact between the supervisee and the probation or parole officer. For very high supervision, an officer must have contact in person with the supervisee once per month, with two additional monthly contacts with the supervisee or a supervisee's family or employer. For high supervision, two contacts per month are required, with one being in-person contact. Medium supervision requires only one in-person contact per month. A low level of supervision requires an in-person contact every 3 months. At the administrative level of supervision, no contact is required, but an officer conducts quarterly reviews a supervisee's court records.

Division of Probation and Parole policies state that if a supervisee has served the minimum supervision period specified for that type of offender, has not had a "recent arrest," is not under indictment, and has met all conditions of supervision, the supervisee should be moved to "inactive supervision." Inactive supervision means that no contact between the officer and supervisee is required.

Arrests While Under Probation And Parole Supervision

As a general condition of probation and parole, the Division of Probation and Parole requires supervisees to notify their parole or probation officers within 72 hours if they are arrested, cited, questioned by law enforcement, or served with a court order. Those persons who have been released from active supervision to inactive supervision status also must notify the Division of Probation and Parole of a citation or an arrest. Probation and parole officers must advise supervisees on how to contact them during an emergency or during off-duty hours.

Probation and parole officers also must use the Administrative Office of the Courts (AOC) record system, known as CourtNet, to perform periodic checks for criminal charges, citations, arrest warrants, or other court orders for supervisees. Court clerks use AOC's in-house case

management software, KyCourts, to enter information on court cases. CourtNet is the web-based interface developed by AOC that makes data from KyCourts available to registered users who must be members of the criminal justice community, such as members of the Kentucky Bar Association and all law enforcement. Probation and parole officers must conduct CourtNet checks once per month for supervisees on very high, high, or medium levels of supervision. The checks must occur once per quarter for supervisees on low or administrative supervision. For those who have moved to inactive supervision, no record checks are required.

In addition to mandatory periodic record checks of CourtNet, probation and parole officers may choose to track some offenders through JusticeXchange. JusticeXchange is a commercial, for-profit, web-based database of jail bookings developed by Appriss. When a person is arrested and booked in any Kentucky detention center that can house arrestees, jail staff input electronic data regarding the booking, including arrest details, mug shots, and digital fingerprint scans using software called LiveScan. The JusticeXchange software aggregates Kentucky's LiveScan booking data with that of 30 other states that use JusticeXchange. Only government agencies may pay licensing fees to search JusticeXchange data online. The Department of Corrections has used JusticeXchange since 2005, with the 2013 fiscal year expenditure on JusticeXchange at nearly \$400,000.¹

JusticeXchange users, including Kentucky's probation and parole officers, can manually search the database for supervisees and can also enter "watch lists" for up to 100 individuals. If the officer's watch list criterion matches a new booking entry, the officer will receive an email alert. Division of Probation and Parole procedures do not mandate the use of watch lists.

Once a new arrest is discovered, either through self-reporting by a supervisee, through periodic record checks, through manual checks for individuals in JusticeXchange, or through JusticeXchange watch lists, officers have 10 working days to submit a supervision report to the court that probated the sentence or to the Kentucky Parole Board. If the supervisee alerts his or her officer to an arrest, the officer will schedule an office visit with the supervisee to review the case and apply graduated sanctions, ranging from a verbal warning to revocation of probation or parole. If the officer discovers an arrest through court record checks, the officer will attempt to contact the supervisee. If contact cannot be made, the officer requests a warrant.

Failure to report a citation or arrest is a minor violation of probation or parole. All violations carry varying sanctions as spelled out in 501 KAR 6:250, depending on the Risk and Needs Assessment for that supervisee and the number and severity of any current or previous violations.

When a probationer is arrested and the probation officer submits a supervision report to the releasing court, the officer makes recommendations of appropriate graduated sanctions based on 501 KAR 6:250. This administrative regulation allows some sanctions to be imposed directly by the probation officer, but serious violations such as new convictions are sanctioned by the releasing court. Any decision to revoke probation is made after a hearing conducted by the releasing court.

When a parolee is arrested, the parole officer reports the arrest to the parole board and also reviews the conditions that the board had previously imposed. If the arrest is a clear violation of those conditions, the parole officer may arrest the parolee and seek revocation of parole from the board. For an arrest that is not a clear violation, the officer may choose to add appropriate graduated sanctions.

Problems With Instant Arrest Notification Among Current Procedures

Limitations Of Self-Reporting Of Contact With Law Enforcement

All supervisees are required to self-report to their probation and parole officers any arrests or other contact with law enforcement. By administrative regulation, supervisees in Kentucky have up to 72 hours in which to report this activity. Across the United States, self-reporting of arrests is a mandatory condition of supervision, with the self-report period varying from “the next working day” in Kansas, 48 hours in Texas, 24 hours in Ohio, to “immediately” in New York.²

If Kentucky’s reporting period were shortened to require supervisees to contact officers immediately, there still would be a delay while the arrested person was transported to a jail, processed, and booked into the jail. The length of this delay would vary based on the conditions of arrest, travel time to the jail, and the number of suspects in each jail awaiting processing. The arrest process prior to booking could include a search of the supervisee, blood testing, or a medical check.

Limitations On Scheduled Checks Of CourtNet For Arrest Information

Court clerks enter new case information into KyCourts when criminal charges are made. Charges are not made until after an arrestee has been booked and prosecutors have decided what charges, if any, will be filed. Depending on the complexity of the charges and the availability of prosecutors, charges may not be entered for several hours after arrest and booking. The KyCourts entries are downloaded overnight to its subscriber-accessible web portal, CourtNet, and then CourtNet can be used by probation and parole officers to search for supervisees. This means that even if more frequent checks of CourtNet were mandated, there still would be a 1-day delay in access to data regarding new charges against a supervisee.

Procedures require probation and parole officers to perform periodic checks of CourtNet for criminal charges, citations, arrest warrants, or court orders involving offenders on active supervision. Whether the checks of CourtNet are done monthly or quarterly depends on the intensity of supervision for each offender.

KyCourts/CourtNet uses name, date of birth, and Social Security numbers to identify cases. State and local law enforcement officers and the Department of Corrections use one identification number generated by the Kentucky State Police that is tied to fingerprint identification. The Department of Corrections staff voiced concern that the KyCourts/CourtNet identifiers are sometimes misreported, falsified by the arrestee, or entered incorrectly through human error,

which can result in a failure to identify a supervisee who has been criminally charged, regardless of the method used to check CourtNet.

Limitations On JusticeXchange Watch Lists For Supervisees

Probation and parole officers can use JusticeXchange to create “watch lists” for up to 100 of their supervisees. If a supervisee on the watch list is matched to a new booking, JusticeXchange automatically generates an email to the officer. JusticeXchange data is updated continuously and is available to users approximately 4 minutes after booking data is entered.

While the watch list alert system is faster and more automated than the other methods of detecting arrests, there are limitations: the delay between when a suspect is initially arrested and booked and the number of offenders each officer supervises. At the end of October 2013, Kentucky had 552 probation and parole officers who were actively supervising 45,610 offenders.³ The number of persons on active supervision varies throughout the course of a year. Depending on the jurisdiction, some officer caseloads could exceed 100 supervisees. For those officers who could enter all of their supervisees onto a 100-person watch list, maintenance of the list can pose problems. Department of Corrections staff noted that because all identifying information that could trigger a watch list alert is entered manually, maintaining and monitoring a complete watch list for every supervisee would require additional staff. Watch lists also must be manually edited to remove those supervisees who have been moved to inactive supervision or who have completed their sentences.

Legislative Mandates Requiring Connectivity

The General Assembly has recognized the value of data connections among Kentucky’s criminal justice agencies and has mandated agency participation in building information systems. For instance, the centralized criminal history record system housed with the Kentucky State Police was first established by statute in 1968 (KRS 17.147). As technology has advanced, the General Assembly has amended various laws within the Criminal Records and Statistics statutes (KRS 17.110 to 17.185) to require increasing cooperation among criminal justice agencies in developing and maintaining computerized databases. In KRS Chapter 27A, which governs the judiciary, KRS 27A.300 to 27A.470 cover criminal justice statistics and mandate the types of data to be shared between the courts and the State Police centralized criminal history database.

Another example of legislative involvement in creating data connections is KRS 17.131, which established the Unified Criminal Justice Information System (UCJIS). The statute was created in 1998 to enable criminal justice agencies and the courts to share stored electronic data. It mandates the participation in the system by the Courts of Justice, commonwealth’s attorneys, county attorneys, the Transportation Cabinet, the Cabinet for Health and Family Services, and all departments of the Justice and Public Safety Cabinet except for the Department for Public Advocacy. The UCJIS program coordinated computer information system projects among criminal justice agencies and made advances such as an electronic warrants system, digital fingerprint scanning, and technology updates to the criminal history database. However, this program has been inactive since 2005 due to budget constraints.⁴

While the General Assembly has adopted laws to require data connections among criminal justice agencies and while progress has been made in establishing those interfaces, current database systems do not support instant arrest notifications. Criminal data is driven by digital record-keeping, and any system for instant arrest alerts would require live data connections between Division of Probation and Parole systems and the record-keeping systems of other criminal justice agencies. While those live data connections do not currently exist, there are options for creating an instant notification system.

Opportunities For Creating Instant Arrest Notifications

Arrest notification options include when a person is booked into a detention center upon arrest, is charged with a crime, or is interviewed regarding pretrial services. However, there are technological barriers to immediate notification at each of these steps.

Booking Upon Arrest

State Police Database. The Kentucky State Police centralized criminal history database contains the arrest and booking data input by all detention centers in Kentucky. Statutes mandate that all local law enforcement agencies send an arrestee's fingerprints, mug shot, and general physical description to the database within 30 days of the arrest (KRS 17.110). The State Police has an additional 30 days in which to enter that information into the criminal history database. However, all Kentucky detention centers that can hold arrestees use a computer system called LiveScan to enter fingerprints, mug shots, and arrest data. LiveScan data is transmitted to the State Police criminal history database almost instantaneously upon entry. The standard upload time to the criminal history database is approximately 4 minutes. Appriss also continuously updates JusticeXchange with the booking data from LiveScan. To provide immediate and automatic notification to probation and parole officers when a supervisee is booked into a detention center, both the JusticeXchange system and the State Police criminal history database would require additional computer interfaces with the Department of Corrections database used by probation and parole officers.

The Department of Corrections database, the Kentucky Offender Management System (KOMS), does not directly connect to the criminal history database. In 2012, the State Police won a \$394,000 grant from the Bureau of Justice Statistics within the United States Department of Justice to create a two-way interface between KOMS and the State Police criminal history database. The State Police anticipates having the interface completed before the end of 2013. It will allow criminal history information maintained by the State Police to be sent to KOMS overnight and to be automatically incorporated into the Department of Correction's data on supervisees. Probation and parole officers would be able to access the data directly the next day. However, generating an immediate, automatic alert when new criminal history data for a supervisee was loaded overnight would require additional software development on the part of the Department of Corrections. Since the initial overnight data interface has yet to be completed, an estimate for immediate, automatic notification of arrests is not available.⁵

JusticeXchange. LiveScan booking data from Kentucky jails and data from 30 other states is available to probation and parole officers through the Department of Corrections' use of JusticeXchange. Officers must manually check JusticeXchange for an individual or maintain a watch list to receive alerts regarding a supervisee. The Department of Corrections received a quote of \$150,000 from Appriss to build a direct, automatic interface between JusticeXchange and the KOMS database. The interface would send automatic phone and email alerts to officers when booking data from JusticeXchange matched a supervisee record in KOMS. The estimate does not include additional hardware, employee work hours, training, or maintenance of the system; the \$150,000 estimate is for building the alert interface alone.⁶

Issues around this software solution include the fact that while all bookings in Kentucky appear in JusticeXchange, not every state participates. Arrests in states that do not use JusticeXchange would not trigger alerts. As with any system where human users enter the data or where aliases might be used, errors in identifying supervisees could occur. The department reported that the agency's experience with JusticeXchange has resulted in approximately 90 percent accuracy in tracking offenders. Additionally, JusticeXchange is the product of a for-profit company rather than an exchange of data between state agencies. Appriss could be sold or could choose to abandon the market.

Upon Being Charged With A Crime

Probation and parole officers must periodically check CourtNet—the Administrative Office of the Courts data system—for supervisee arrests. There is no direct data connection between KOMS and CourtNet; officers manually search CourtNet for information on supervisees. However, the 2013 General Assembly passed House Bill 238, which authorized a \$28.1 million bond issue for the Administrative Office of the Courts to improve its digital case management technology. As part of this program, CourtNet was updated with enhanced search capabilities. In 2014, AOC will begin engaging other state agencies about further improvements and other aspects of AOC's local and statewide case management systems. AOC reported that a potential direct data connection between KOMS and CourtNet would be discussed, but no concrete proposals or estimates regarding instant electronic notification could be generated until preliminary changes to the AOC software had been completed.

Even if a direct data connection were developed between the probation and parole officers and AOC, AOC staff noted that instant arrest notifications still would not be possible because of the delay between arrest and when charges are entered against an arrestee.

During Interviews With Pretrial Services

Once a prosecutor determines which charges, if any, will be made against an arrestee, AOC's pretrial services staff interviews each person charged with a bailable offense within 12 hours of arrest. The interview is conducted to determine which possible release terms will ensure the person will appear in court and whether releasing the person on bail would present a risk to public safety. The interview includes questions about factors such as family ties, financial resources, employment, and education, and includes an FBI criminal history check.

Most charges are for bailable offenses; therefore, most of the people charged are interviewed. However, persons charged with nonbailable offenses, such as contempt of court when an offender has failed to pay a court-ordered judgment or alcohol offenses where release after a certain period is mandated by statute, are not interviewed. Regarding probation and parole in particular, when the offense charged is also a probation violation, local judges may use their discretion in determining whether that is a bailable offense. Pretrial interviews also are not conducted for technical violations of parole, where a condition of supervision was violated but no new crime was committed. Technical violations could include the failure to report to a parole officer, or substance abuse while on parole.

The information gathered in interviews by AOC's pretrial services is entered into a proprietary database, Pretrial Release Information Management, which is separate from KyCourts and CourtNet maintained by AOC. Use of information gained by pretrial interviews raises confidentiality concerns. Under Kentucky Rules of Criminal Procedure, information supplied by a defendant to pretrial services is deemed confidential and may not be disclosed without the written consent of the defendant (4.08). There are limited exceptions. Without an express amendment to the Rules of Criminal Procedure by the Supreme Court of Kentucky, immediate electronic alerts to probation and parole officers could be considered a violation of this confidentiality.

Additional Considerations If Instant Notifications Are Created

Sources Of Funding

Under Kentucky statutes, "A person placed by a releasing authority on probation [or] parole ... shall pay a fee to offset the costs" (KRS 439.315). The releasing authority sets the fee amount, but the total fee for persons under supervision due to a felony cannot be less than \$10 per month or more than \$2,500 per year. For persons under supervision due to misdemeanors, the total fee cannot be less \$10 per month or more than \$500 per year. However, the sums paid under the statutes go into either the state general fund, or into the general fund of the local government unit if there is a local government work release program.

Due Process Limitations

If an automatic arrest notification system were developed, there are constitutional due process limitations on the ability of probation and parole officers to act.

For parolees, only a clear violation of an express, written parole condition would allow a parole officer to arrest the person under supervision. For an offense that was not a clear violation, the parole violator is held at the booking jail pending a preliminary hearing by an administrative law judge to determine whether there is probable cause to believe that the parolee has violated the terms and conditions of parole. If probable cause is found, a parole violation warrant is issued immediately and the parolee is returned to the Department of Corrections. If probable cause is not found, the parolee is released.

When the arrest of a probationer violates the conditions of supervision, probation officers can only make a report to the releasing court and recommend sanctions. They could not have the booking jail hold the probationer for such violations.

House Bill 463 Reforms

House Bill 463 authorized graduated sanctions for technical probation or parole violations where a condition of supervision was violated but no new felony conviction was made. Depending on an offender's risk of reoffending as determined by the Risk and Needs Assessment, the response to a new arrest would vary. While an arrest that led to a new felony conviction would result in the revocation of probation and parole, a misdemeanor arrest without a conviction may result only in a verbal warning for a low-risk offender.

The objective of graduated sanctions is to avoid sending supervisees to prison or jail for every technical violation and to focus financial and personnel resources on interventions that would enhance public safety without increasing the corrections population. Because all arrests do not lead to charges, all charges do not lead to convictions, and all convictions do not lead to the same sanctions for all supervised offenders, an instant arrest notification system reflecting Kentucky's penal reform goals would be tailored to the risk level of the offender, the nature of the arrest, and the severity of the crime if a conviction results.

Arrest Notifications In Other States

The timeliness and complexity of Kentucky's inquiry into arrest notification for probation and parole officers may be reflected in the criminal information system concerns of the American Probation and Parole Association; in 2012, the association offered members a 145-page guide on procuring and integrating automated case management systems. Although comparisons among other states' systems are imprecise, given that the number of supervisees, the number of officers, and corrections budgets vary widely, examples from other states could provide information to inform Kentucky's choices.

Texas

In 1995, Texas mandated that its state police system and the Department of Criminal Justice create a "flash notice" system that would electronically notify a probation officer if a probationer was rearrested. The flash notices are not instant. Database interfaces were developed to link the state's criminal history database with the probation case management system to generate daily electronic flash notices. Once the interfaces were developed, delays by probation officers in entering initial case information still limited the effectiveness of the flash notices in some cases. A 2011 audit found that probation officers in 120 of the state's 254 counties had not viewed the arrest records associated with flash notices for at least 90 days since the notice was received; in 56 of those counties, the arrest records had not been accessed for at least 6 months after a flash notice had been received.⁷

Arkansas

The Arkansas Department of Community Corrections uses JusticeXchange data to generate automatic emails to probation and parole officers for all supervisees who are booked into Arkansas jails. Arkansas is not limited to the 100-person watch lists that are included in the typical JusticeXchange package because Arkansas has built a direct interface with its department's case management software. This is similar to the \$150,000 proposal from JusticeXchange to connect to Kentucky's corrections software—KOMS.

Arkansas also has developed a 24-hour arrest alert process that focuses on parole supervisees who have failed to report to a supervising officer and who have been labeled as "absconders." Supervising officers may issue a warrant for an absconded supervisee to appear before the parole board. Trained corrections computer operators at a 24-hour control center immediately enter these warrants into the state police's criminal history database. Direct access to entries in the full state police criminal history database is tightly controlled.

When a person is arrested, local and state police use the criminal history database to check the records of each arrestee. If there is a warrant match regarding a parole absconder who has been arrested, local and state police can contact the 24-hour control center, where operators have 10 minutes to confirm the warrant information. If the identity of the parolee is confirmed, the jail may hold the parolee until he or she can be served with the warrant to appear for a parole hearing, or the parolee may be detained until the hearing begins. The operators also send notice of the warrant match to the supervising parole officer once an arrest has been confirmed.⁸

South Carolina And Alabama

South Carolina and Alabama were chosen for comparison because their total state population sizes are similar to the population of Kentucky.

South Carolina and Alabama place a general statutory duty on probation and parole officers to monitor compliance with the conditions of supervision (SC ST 24.21.280; AL ST 15-22-53). South Carolina makes self-reporting of arrests a standard condition for probationers and parolees but does not set a time limit on when self-reporting must occur. Failure to report an arrest can trigger graduated sanctions; the nature of the arrest and the offender's assessed risk for recidivism determine the level of sanctions. Alabama does not require self-reporting as a standard condition of supervision, but it could be imposed as a special condition. The administrative regulations for those states do not specify particular procedures officers must follow in checking arrest records. Neither state has electronic arrest notification systems.⁹

Endnotes

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