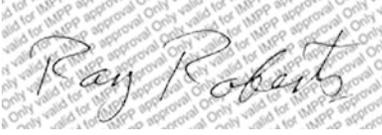


KANSAS DEPARTMENT OF CORRECTIONS

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|  | INTERNAL MANAGEMENT POLICY AND PROCEDURE | SECTION NUMBER 01-111 | PAGE NUMBER 1 of 4 |
| | | SUBJECT: ADMINISTRATION: Extradition of Escaped and Absconded KDOC Offenders from Other States | |
| Approved By:  Secretary of Corrections | | Original Date Issued: 09-07-96 | |
| | | Current Amendment Effective: 04-01-13 | |
| | | Replaces Amendment Issued: 05-07-04 | |

POLICY

All requests for extradition of KDOC offenders held in other states under KDOC warrants shall be processed in a uniform and timely manner, as dictated within the procedures section of this IMPP, and consistent with the provisions of KSA 22-2701 et seq. ([REDACTED])

DEFINITIONS

None.

PROCEDURES

I. Initiation of the Extradition Process ([REDACTED])

- A. Upon notification that an escaped or absconded KDOC offender is being held in another state under a warrant issued by the Department, the Parole Compact Administrator (for absconders) or facility duty officer through the Director of Investigations (for escapees) shall notify the Secretary of Corrections, designee, or Central Office Duty Officer of the need to initiate procedures to extradite the offender back to Kansas. Such notification shall include providing the following information regarding the escaped/absconded offender:
 - 1. Name of the offender;
 - 2. KDOC number of the offender;
 - 3. Date of the offender's apprehension;
 - 4. Current location of the offender; and,
 - 5. Whether in the event of an escape, after consultation with the County/District Attorney of the county of escape, as to whether new Kansas criminal charges have been or will be filed against the offender and whether the County/District attorney will pursue extradition of the offender.

- a. If new charges have been or will be filed against the offender, the Chief Legal Counsel or designee shall obtain from the offender's central office file and send to the appropriate County/District Attorney a certified copy of the Journal Entry for any unserved sentence of the offender.
 - b. If a new Kansas criminal charge for an escape has been filed in the county of escape, the Director of Investigations shall coordinate the extradition of the escapee with the local prosecutor.
- B. Upon notification of the need to initiate extradition procedures (for absconders, and for escapees when extradition is not pursued by the appropriate County/District Attorney), the Secretary of Corrections or Central Office Duty Officer shall inform the Chief Legal Counsel or designee, who shall ensure the completion of the following tasks:
1. Review the offender's central office file and make copies of the following items contained within that file:
 - a. Photograph of the offender;
 - b. Teletype notifying the Department that the offender is being held in another state under a KDOC warrant;
 - c. KDOC issued warrant for the offender's arrest;
 - d. Violation Report (absconders only); and,
 - e. Certificate of Parole (absconders only).
 2. Ensure the generation, and signature by the KDOC's Public Service Administrator, of a notarized *Certification of Records* (Attachment A, Form #01-111-001) that authenticates the copied file items as facsimiles of original records kept on file at the KDOC;
 3. Within two (2) business days from receiving notification of the need to initiate extradition procedures, send a written request to the sentencing court (Attachment B, Form #01-111-002), seeking return within seven (7) days, of three (3) authenticated copies of the following documents pertaining to the escaped/absconded offender:
 - a. Complaint;
 - b. Journal Entry;
 - c. Warrant; and,
 - d. Commitment.
 4. Record the following information into the Extradition Log (Attachment C, Form #01-111-003):
 - a. Name of the offender;
 - b. KDOC number of the offender;
 - c. Date of the offender's apprehension;
 - d. State in which the offender is now being held;

- e. Date the request for extradition was received by the Chief Legal Counsel or designee and,
- f. Date the request for documentation was mailed to the sentencing court.
 - (1) All subsequent requests to the sentencing court, whether by telephone or by mail, and whether made by the Chief Legal Counsel or another shall be documented on the Extradition Log.

II. Follow-up Communication With the Sentencing Court

- A. In the event that the materials requested from the sentencing court have not been received, on the fifth (5th) business day after the initial request, the Chief Legal Counsel or designee shall send a second (2nd) letter to the sentencing court again requesting the extradition materials (Attachment D, Form #01-111-004).
- B. In the event that the materials requested from the sentencing court have not been received, upon expiration of the tenth (10th) business day after the initial request, the Chief Legal Counsel or designee shall telephone the clerk of the sentencing court making a verbal request for the extradition materials, and confirming such request with a third (3rd) letter mailed the same day.
 - 1. In the event that the material requested from the sentencing court still has not been received, upon expiration of the fourteenth (14th) business day after the initial request, the Chief Legal Counsel shall then contact the sentencing court by telephone renewing the request for the extradition materials and confirming such request by letter. ([REDACTED])
- C. Telephone contact shall be made concurrently with all subsequent request letters.

III. Further Processing of the Extradition Request

- A. Upon receipt of the requested material from the sentencing court, the Chief Legal Counsel or designee shall complete an Application for Requisition (Attorney General Form #102) and attach to it the materials received from the court and copied from the offender's central office file.
- B. The Chief Legal Counsel or designee shall forward the documents to the Parole Compact Administrator or the Director of Investigations (when extradition for an escape is not pursued by the appropriate County/District attorney) for further processing.
- C. The Parole Compact Administrator (for absconders) or Director of Investigations (for escapees) shall present the application and attachments to a local district court judge for review and signature.
 - 1. The date the application and attachments are forwarded from the Chief Legal Counsel or designee to the Parole Compact Administrator/Director of Investigations shall be recorded by the Chief Legal Counsel or designee on the Extradition Log.
- D. The original signed application and attachments shall be returned to the Chief Legal Counsel or designee for mailing to the Governor through the Attorney General.
 - 1. The date the application and attachments are forwarded to the Attorney General shall be recorded by the Chief Legal Counsel or designee on the Extradition Log.
 - 2. All extradition materials, including correspondence to the sentencing court, shall be maintained on file by the Chief Legal Counsel or designee until receipt of the signed application and attachments. Upon receipt of the signed application and

attachments, the Chief Legal Counsel or designee shall forward a copy of all extradition materials (except those copied from the central office file) to the central office records clerk to be placed in the offender's central office file.

- E. If at any time notice of the offender's waiver of extradition is received, the extradition process shall cease and arrangements shall be made by the KDOC Transportation Manager to retrieve the offender from the other state.
 - 1. Upon notification and verification of the offender's waiver of extradition, the Chief Legal Counsel or designee shall notify the KDOC Transportation Manager to begin the process of retrieving the offender back to Kansas.
- F. Transportation of the offender back to Kansas shall be effected in accordance with the provisions of IMPP 12-110.
- G. Notification of victims or the family of victims after return of an escapee shall be effected in accordance with the provisions of IMPP 01-121. ([REDACTED])

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

KSA 21-5911, 22-2791 et seq.
IMPP 01-121, 12-110
ACO 2-1A-28, 2-4G-02
ACI 3-4393-1
APPFS 3-3031, 3-3170, 3-3195

ATTACHMENTS

Attachment A - Certification of Records, 1 page
Attachment B - Request to sentencing court, 1 page
Attachment C - Extradition Log, 1 page
Attachment D - 2nd Request to sentencing court, 1 page

CERTIFICATION OF RECORDS

I, the undersigned, [REDACTED], of lawful age, being duly sworn, do hereby declare and certify that I am designed as a Public Service Administrator for the Kansas Department of Corrections and by virtue of my said office I am the legal keeper of all official records and files of the office of the Secretary of Corrections.

I hereby certify that the exhibits hereto attached, marked and designated as follows:

[REDACTED]

are copies of the originals on file and of record in the office of the Secretary of Corrections of the State of Kansas and that they are in my custody and keeping as legal keeper of the records.

I further certify that I have carefully compared each of the exhibits hereto attached with the originals of which they are purport to be copies, and that each of the exhibits hereto attached is a full, true and correct, copy of the original of which it purports to be a copy.

[REDACTED]
Public Service Administrator

Subscribed and sworn to before me this [REDACTED] day of [REDACTED], [REDACTED].

Notary Public

My commission expires: [REDACTED] day of [REDACTED], [REDACTED].

[REDACTED]

Clerk of the [REDACTED] Court
[REDACTED] County Courthouse
[REDACTED]
[REDACTED], KS [REDACTED]

Re: STATE OF KANSAS v. [REDACTED]
Case No. [REDACTED]

Dear Clerk:

Please forward to this office **three (3)** authenticated copies of the Complaint, Journal Entry, Warrant and Commitment in the above referenced case. We also request that you attach a "Clerk's Certificate" "Act of Congress" with each set of case material. It is important that we receive this material as soon as possible from the Court in order to extradite this individual. The other States have certain time limits for holding these individuals before they are set free. There is a process that each of these papers have to go through before it leaves the State. I will need the papers by ([REDACTED])

Thank you for your cooperation in this matter.

Sincerely,

[REDACTED]
Chief Legal Counsel

(and, if required)

by ([REDACTED] designee)
(Title of Chief Legal Counsel's designee)

“SECOND NOTICE”

[REDACTED]

Clerk of the [REDACTED] Court
[REDACTED] County Courthouse
[REDACTED]
[REDACTED], KS [REDACTED]

Re: STATE OF KANSAS v. [REDACTED]
Case No. [REDACTED]

Dear Clerk:

Please forward to this office **three (3)** authenticated copies of the Complaint, Journal Entry, Warrant and Commitment in the above referenced case. We also request that you attach a "Clerk's Certificate" "Act of Congress" with each set of case material. It is important that we receive this material as soon as possible from the Court in order to extradite this individual. The First Notice was sent on [REDACTED]. The other States have certain time limits for holding these individuals before they are set free. There is a process that each of these papers have to go through before it leaves the State. I will need the papers by [REDACTED].

Thank you for your cooperation in this matter.

Sincerely,

[REDACTED]
Chief Legal Counsel

(and, if required)

by ([REDACTED] designee)
(Title of Chief Legal Counsel's designee)