

# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	SECTION NUMBER	PAGE NUMBER
		14-141A	1 of 5
<b>Approved By:</b>  Secretary of Corrections		<b>SUBJECT:</b>	
		PAROLE SERVICES: Revocation Packet	
		Original Date Issued:	09-16-14
		Replaces Version Issued:	N/A
		<b>CURRENT VERSION EFFECTIVE: 09-16-14</b>	

<b>APPLICABILITY:</b>	<input checked="" type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input type="checkbox"/> DEPARTMENT-WIDE
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## POLICY STATEMENT

Documents generated in response to the revocation process shall be held in the field and copies used to formulate the revocation packet. The revocation packet shall contain all information generated by parole staff for consideration by the Prisoner Review Board (PRB) in determining whether supervision should be revoked. Parole staff shall be responsible for submitting complete, timely reports in proper format to the Prisoner Review Board so that a revocation hearing can be held within a reasonable time period after the offender is returned to a KDOC facility.

## DEFINITIONS

Prisoner Review Board Staff: Kansas Department of Corrections staff assigned to administrative and clerical duties in the office of the Prisoner Review Board.

Preliminary Hearing: Administrative inquiry (Morrissey Hearing) conducted at or reasonably near the place of the alleged release violation or arrest. The purpose of the hearing is to determine whether there is probable cause or reasonable grounds to believe that the offender has committed acts that would constitute violations of release conditions.

Probable Cause: A set of facts and circumstances which would induce a reasonable person to believe that an offender had committed a specific violation; reasonable grounds to make or believe an accusation.

Revocation: The recall of some power, authority, or thing granted, or a destroying or making void of some deed that had existence until the act or revocation made it void.

Revocation Hearing: A hearing before the revoking authority to determine whether revocation of parole should be made final.

Revocation Packet: A collection of documents pertaining to an offender's violation of supervision conditions, for use by the Prisoner Review Board in considering the revocation decision.

Waiver: An intentional relinquishment of some right or interest. The relinquishment must be free of any force or coercion and should be in the form of a written statement.

## PROCEDURES

### I. REVOCATION PACKET SUBMISSION REQUIREMENTS

- A. The revocation packet shall be submitted whenever an offender is returned to a KDOC facility as a violator.

1. If an offender is returned to a KDOC facility as a probation violator or for a new sentence, and revocation is not being sought, the parole officer shall submit a Case Report to the PRB, to explain the offenders status and the circumstances of his/her placement at KDOC.
- B. All original documents pertaining to the violation(s) shall be maintained in the parole officer's working file and electronic copies provided in the revocation packet.
- C. The parole officer shall be responsible for obtaining or creating documents for the revocation packet, compiling the information into packet form in TOADS, and relaying the packet to the parole supervisor.

## II. REVOCATION PACKET DOCUMENTS

- A. The revocation packet shall include all documents pertaining to the revocation.
- B. Documents to be included in the revocation packet shall be determined by whether or not the offender was eligible for, and, ultimately waived the final revocation hearing.
- C. Documents in revocation packets for offenders who are not eligible for, or, do not waive a final revocation hearing consist of the following:
  1. Violation report and any supplemental reports;
  2. Signed copy of special condition(s) or diversion agreement(s), if applicable;
  3. Statement of Charges/Notice of Hearing;
  4. Summary of Preliminary Hearing, if applicable;
  5. Notice of Final Revocation Hearing;
  6. Closing Summary;
  7. Court documents citing convictions or establishment of probable cause (e.g., journal entries), if applicable.
  8. Pre-Action Notice;
  9. Any other documents considered to be relevant to the revocation hearing; and
  10. Revocation Packet Checklist (Attachment C).
- D. Documents in revocation packets for offenders who are eligible for, and, choose to waive the final revocation hearing are as follows:
  1. Violation report(s);
  2. Statement of Charges/Notice of Preliminary Hearing;
  3. Summary of Preliminary Hearing (if applicable);
  4. Closing Summary;
  5. Waiver of Final Revocation Hearing;
  6. Other (Specify);
  7. Pre-Action Notice; and

8. Revocation Packet Checklist (Attachment D).

### **III. TIME FRAMES FOR SUBMISSION OF THE REVOCATION PACKET**

- A. In the case of offenders not requiring a preliminary hearing, the revocation packet shall be submitted within five (5) working days of completion of the transportation memo or from notification of transport, in the case of offenders being returned to the facility with a new conviction by local law enforcement officials.
  1. Should court documents not be available at the required deadline for submission of the packet, a notation shall be included indicating that the required documents will be forwarded as soon as possible.
    - a. Delivery of the packet shall not be delayed due to the unavailability of court documents.
- B. In the case of offenders requiring a preliminary hearing, the revocation packet shall be submitted within five (5) working days of receipt of the Summary of Preliminary Hearing from the Hearing Officer.

### **IV. REVOCATION PACKET CHECKLIST APPROVAL**

- A. The Revocation Packet Checklist shall be completed in TOADS by the parole officer and forwarded to the Parole Supervisor for review.
  1. The checklist shall be utilized by the Parole Supervisor to ensure that appropriate documents have been included.
    - a. An icon or check mark shall be used to indicate each document included in the packet.
  2. The Revocation Packet Checklist shall serve as the cover document for the revocation packet.
  3. All signed documents relevant to the revocation proceeding, and any additional documents that are not available in TOADS, shall be scanned and the electronic versions attached to the revocation packet in TOADS.
  4. The Parole Supervisor shall review the information included in the packet to ensure that it is accurate and complete.
  5. The approved Revocation Packet shall be forwarded to Prisoner Review Board staff no later than three (3) working days of when it was received from the parole officer.

### **V. OFFENDERS RETURNED FROM OUT-OF-STATE**

- A. Revocation packets for offenders being returned from out-of-state shall be initiated by Central Office Parole staff and finalized by PRB Administrative staff.
  1. Revocation packets for offenders who are returned from out of state and have already had a preliminary hearing and probable cause established shall be prepared in full by the Interstate Compact unit and provided to PRB staff.
- B. Upon completion of the Transportation Memo for the return of a violator to a KDOC facility from out of state, the designated Interstate Compact staff member shall prepare a Violation Report and Statement of Charges/Notice of Hearing.
  1. If the offender has not yet been offered a preliminary hearing, the Violation Report and Statement of Charges/Notice of Hearing should be sent, along with any relevant evidence, to the Institutional Parole Officer of the facility where the offender is to be transported.

2. The Institutional Parole Officer (IPO) shall review the documents with the offender within three (3) working days and determine if a preliminary hearing is requested, in accordance with IMPP 14-142.
  3. If the offender is eligible to waive the Final Revocation Hearing, the Institutional Parole Officer shall provide the offender with that document and the opportunity to waive the hearing in accordance with IMPP 14-144.
  4. After the hearing or if no hearing is requested, the IPO should send all signed documentation related to the revocation to Prisoner Review Board staff for inclusion in the revocation packet
- C. Upon verification of an offender's scheduled admission to a KDOC facility, and notification to the IPO that the offender is to be processed for revocation per Section V.A., the designated Interstate Compact staff member shall forward a revocation packet to PRB staff. The following documents shall be included:
1. Violation report(s);
  2. Statement of Charges/Notice of Hearing;
  3. Court Documents (if applicable);
  4. Other evidence (if applicable); and
  5. Revocation Packet Checklist.
- D. Upon receiving the signed Statement of Charges/Notice of Hearing, Hearing Summary, Final Hearing Waiver and any other relevant documents from facility staff, the designated Prisoner Review Board staff shall:
1. Create a Pre-Action Notice and Final Notice of Hearing;
  2. Print the Closing Summary;
  3. Update the Revocation Packet Checklist, if necessary; and
  4. Finalize the Revocation packet, and refer it to the Prisoner Review Board.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who 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**

IMPP 14-131, 14-134, 14-142, 14-144

**ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Notice of Revocation Hearing	1 page
B	Pre-Action Notice	1 page
C	Revocation Packet Checklist	1 page
D	Revocation Packet Checklist, Waived Final Hearing	1 page

**KANSAS DEPARTMENT OF CORRECTIONS**  
Division of Community and Field Services  
**Final Notice of Hearing**

DATE:

TO:

THROUGH: Director

RE: NOTICE OF REVOCATION HEARING: AS SCHEDULED

You have been returned to the institution because there is probable cause to believe you have violated the conditions of your parole in the following manner:

You will be given a hearing before the Kansas Prisoner Review Board on the hearing date shown above, unless the date is changed as provided below. The hearing will be for the purpose of considering the alleged violations of parole, including any contested facts, and to consider whether the facts are sufficient to warrant revocation of parole.

During the hearing, you will have the right to appear and speak in your own behalf. You may bring letters, documents, or other evidence relevant to the violation. At the hearing you will be given the opportunity to request witnesses. The witnesses you request must be able to present testimony relevant to the violation(s). The Kansas Prisoner Review Board will determine if your witness(es) will be admitted. Appearance of our witnesses shall be voluntary and travel shall be at their own expense. Additionally, at your request, persons who have given adverse information may be called for questioning in your presence, unless the Board determines that the informant would be subject to risk of harm if his/her identity were disclosed. You may retain counsel at your own expense, or request appointed legal counsel, as determined by the Kansas Prisoner Review Board, due to the complexity of the charges or your inability to understand the process or charges.

After the hearing, you will be notified of the Board's decision and if your parole is revoked, you will be given a statement of the evidence relied on and the reasons for revoking parole.

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Ray Roberts  
Secretary of Corrections

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**ACKNOWLEDGMENT**

The foregoing has been read and fully explained to me and I hereby acknowledge receipt of this Revocation Hearing Notice and attachments.

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(Witness)

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(Date)

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(Signature of Parolee)

**Pre-Action Notice**

To: \_\_\_\_\_ KDOC Number: \_\_\_\_\_  
 Date of Revocation Hearing: \_\_\_\_\_  
 Location of Hearing: \_\_\_\_\_

- Parole                       Post Release                       Conditional Release                       House Arrest

You were given a hearing by the Board on the above date on charges of violating your \_\_\_\_\_ as listed below:

Riggin                      \_\_\_\_\_ Hearing                      \_\_\_\_\_ Vote  
 Ogletree                      \_\_\_\_\_ Hearing                      \_\_\_\_\_ Vote  
 Lero                      \_\_\_\_\_ Hearing                      \_\_\_\_\_ Vote  
 Others \_\_\_\_\_

<b>Age:</b>	<b>#In:</b>
LREL: 00/00/0000	
LADM: 00/00/0000	
Max/CR/SDD: 00/00/0000	GL Indicator: D
County of Conviction: (Active on Creation)	
Managed as KDOC Sex Offender	Yes or No

Charge	Plea	Finding
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(New conviction and sentence does not require entering a plea by the inmate, merely an acknowledgement that the sentence was imposed by the court)

**Evidence relied upon:**

\_\_\_\_\_ Waiver or Final Revocation Hearing      \_\_\_\_\_ OMIS Face Sheet                      \_\_\_\_\_ KASPER Printout

**PO Reports**

\_\_\_\_\_ Violation Report  
 \_\_\_\_\_ Statement of Charges  
 \_\_\_\_\_ Summary of Preliminary Hearing  
 \_\_\_\_\_ Closing Summary  
 \_\_\_\_\_ Other PO Report (describe): \_\_\_\_\_

**Police Reports**

\_\_\_\_\_ Standard Offense Report  
 \_\_\_\_\_ Standard Arrest Report  
 \_\_\_\_\_ Incident or Investigation Report  
 \_\_\_\_\_ Other Police Report (describe): \_\_\_\_\_

\_\_\_\_\_ Offender Testimony: \_\_\_\_\_  
 \_\_\_\_\_ Treatment Report (describe): \_\_\_\_\_  
 \_\_\_\_\_ Witness Testimony (ID witness): \_\_\_\_\_  
 \_\_\_\_\_ Other Evidence (describe): \_\_\_\_\_  
 \_\_\_\_\_ New Felony Conviction: \_\_\_\_\_  
 \_\_\_\_\_ New Misdemeanor Conviction: \_\_\_\_\_

Delinquent Time Assessed?    Yes                       No

After careful consideration of all available information, and the changes listed above, the Board entered the following order regarding your release:

\_\_\_\_\_ Post-Release      \_\_\_\_\_ Parole                      \_\_\_\_\_ Conditional Release                      \_\_\_\_\_ House Arrest  
 \_\_\_\_\_ Revoked                      \_\_\_\_\_ Not Revoked                      \_\_\_\_\_ Revoked and Reinstated

Decision: \_\_\_\_\_

Special Conditions from recent community supervision:

Interventions from most recent community supervision:

Recommendations:

\_\_\_\_\_  
 \_\_\_\_\_

**KANSAS DEPARTMENT OF CORRECTIONS  
Division of Community and Field Services  
REVOCATION PACKET CHECKLIST**

Offender Name: \_\_\_\_\_

Officer # \_\_\_\_\_

DOC Number: \_\_\_\_\_

Officer Name: \_\_\_\_\_

Date Packet Completed: \_\_\_\_\_

Date forwarded to Central Office: \_\_\_\_\_

\_\_\_\_\_  
Verified by Parole Supervisor

**Requires PRB Hearing**

- PreAction Notice
- Final Notice of Hearing
- Summary of Hearing (if applicable)
- Statement of Charges/Notice of Preliminary Hearing
- Violation Report(s) (list by date if more than one report is included)
- Closing Summary
- Court Documents
- Other (please specify)

OMIS Movement(s) Entered and Date (MW, MU): \_\_\_\_\_

Most Recent LSIR (Date: \_\_\_\_\_ Score: \_\_\_\_\_)

Please scan and attach the following documents, as applicable;

- Signed copies of the Violation Report, Statement of Charges/Notice of Hearing, Hearing Summary
- Copies of written evidence used to support the violations, or presented in a preliminary hearing.
- Any other documents relevant to the revocation process

**KANSAS DEPARTMENT OF CORRECTIONS  
Division of Community and Field Services  
REVOCATION PACKET CHECKLIST**

Offender Name: \_\_\_\_\_

Officer # \_\_\_\_\_

DOC Number: \_\_\_\_\_

Officer Name: \_\_\_\_\_

Date Packet Completed: \_\_\_\_\_

Date forwarded to Central Office: \_\_\_\_\_

\_\_\_\_\_  
Verified by Parole Supervisor

**Waived PRB Hearing**

- PreAction Notice
- Summary of Hearing (if applicable)
- Statement of Charges/Notice of Preliminary Hearing
- Violation Report(s) (list by date if more than one report is included)
- Closing Summary
- Waiver of Final Revocation Hearing
- Other (please specify)

OMIS Movement(s) Entered and Date (MW, MU): \_\_\_\_\_

OMIS Movement – Waiver of Final Revocation Hearing (RW): \_\_\_\_\_

Most Recent LSIR (Date: \_\_\_\_\_ Score: \_\_\_\_\_)

Please scan and attach the following documents, as applicable;

- Signed copies of the Violation Reports, Statement of Charges/Notice of Hearing, Hearing Summary
- Signed Waiver of Final Hearing
- Copies of written evidence used to support the violations, or presented in a preliminary hearing.
- Any other documents relevant to the revocation process