

DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-142	PAGE NUMBER 1 of 9
		SUBJECT: PAROLE SERVICES: Condition Violation Preliminary Hearings	
Approved By:  Secretary of Corrections		Original Date Issued: 08-15-82	
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POLICY

A preliminary hearing shall be an informal fact-finding proceeding and should not be considered an adversarial procedure. An impartial Hearing Officer shall listen to testimony of approved witnesses, review all documents presented and determine if there is probable cause to believe the offender has violated the conditions of his/her release. The preliminary on-site hearing for interstate compact offenders shall be conducted in accordance with this policy and the procedures contained herein.

DEFINITIONS

Case Conference: A meeting between the parole officer and supervisory staff for the purpose of making case management decisions.

Confidential Witness: A witness who could be subjected to risk of harm if his/her identity were to become known to the offender. Determination of confidential witness status is made by the Hearing Officer or designee.

Hearing Officer: An administrative staff member or officer who is impartial and has not been previously involved in the recent supervision of the offender or authorization for the offender's detention.

Preliminary Hearing: Administrative inquiry (Morrissey Hearing) conducted at or reasonably near the place of the alleged 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 constitute a violation of the release conditions.

Probable Cause (for purposes of this IMPP): A reasonable ground of suspicion, supported by circumstances sufficiently strong in themselves, to cause a person of ordinary prudence and caution to conscientiously entertain a reasonable belief that it appears a violation of a condition of post-release supervision (parole) has been committed.

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. Preliminary Actions

- A. Case Conference.

1. When the assigned parole officer believes revocation is appropriate, the officer shall request a case conference with the parole supervisor regarding the violations allegedly committed by the offender.
2. If the parole supervisor agrees revocation is appropriate and less severe interventions have been tried or are not appropriate given the current circumstances, the Regional Parole Director shall be contacted and presented with the circumstances of the case.
3. If the Regional Parole Director concurs with the revocation recommendation then the offender shall be presented with a Statement of Charges/Notice of Hearing Form (Attachment A, form #14-142-001) and an Explanation of Revocation Process Form (Attachment B, form #14-142-002).
 - a. If the Regional Parole Director does not concur, then alternative interventions shall be initiated.

II. Preliminary Hearing Eligibility/Preparing the Statement of Charges/Notice of Hearing

- A. All offenders for whom the decision to proceed with revocation has been determined, who are in custody in the State of Kansas and have a Department Condition Violation warrant or an Order to Arrest and Detain lodged, shall be served with a Statement of Charges/Notice of Hearing and an Explanation of Revocation Process form.
- B. The Statement of Charges/Notice of Hearing shall list the alleged violations in a brief and specific manner. Each alleged violation shall be correlated with one (1) of the twelve (12) standard conditions of release, conditions imposed by a sending state, or additional conditions imposed by the Kansas Parole Board, parole officer, releasing authority in a sending state, or, with a special condition or diversion agreement.
- C. The Statement of Charges/Notice of Hearing shall be written according to specific circumstances as listed below and shall be presented to the offender in each instance:
 1. Release/KPB Imposed Conditions Only.
 - a. If there are only violations of release conditions involved, those violations shall be listed in the Statement of Charges/Notice of Hearing and the offender shall be afforded the opportunity to have a preliminary hearing on those violations within 14 calendar days of the parole officer being made aware of the arrest or of the lodging of an Order to Arrest and Detain or issuance of a Condition Violation Warrant, unless either a continuance is granted for good cause or that right is waived by the offender.
 - b. A violation of condition #2, Laws, may be cited in the absence of criminal charges, if the parole officer has evidence to show that the offender's violation actions meet the statutory requirements of the law violation being cited.
 2. Release/KPB Imposed Conditions and Laws.
 - a. If the offender is charged with new criminal acts and release condition violations, the offender shall be served with a Statement of Charges/Notice of Hearing citing condition violations and a condition #2, laws violation pertaining to the new criminal charge. Because the offender may not wish to waive his/her Morrissey Hearing on the condition #2, Laws, charge, a separate Statement of Charges may be used to cite the laws violation.
 - (1) The offender shall be presented with a Statement of Charges citing all condition violations and shall be afforded a Morrissey hearing on the condition violations within 14 calendar days as cited in section II.C.1.a. above if requested.
 3. Pending Criminal Charges Only.

- a. The supervising parole officer shall serve the offender with a Statement of Charges/Notice of Hearing citing violation of the law (Condition #2), if the offender is charged with a new criminal offense.
- D. At the request of the parole officer and with the concurrence of the parole supervisor, condition #2, Laws, violations which are based on a new criminal charge may be addressed at a Morrissey Hearing prior to the resolution of the charges in court. Otherwise, laws violations shall be continued to coincide with the judicial process.
1. When a new criminal charge is pending, the supervising officer shall continuously monitor developments in the court. Continuance of the Morrissey Hearing, dismissal of cited violation or other necessary action shall be taken promptly in response to actions taken by the court.
- E. In any case in which alleged condition violations are cited (excluding violation of condition #2, Laws, pertaining to a new criminal charge), a Morrissey Hearing shall be held within 14 calendar days of the parole officer being made aware of the arrest or of the lodging of an Order to Arrest and Detain or issuance of a Condition Violation Warrant, unless a continuance is granted for good cause or the offender waives the right to a hearing.
- F. Prior to presentation of the Statement of Charges/Notice of Hearing, the parole officer shall contact the Hearing Officer and tentatively schedule the hearing in the event that the offender requests that one be held.
1. The date and time of the hearing shall be set so that the offender has at least three (3) calendar days from presentation of the Statement of Charges/Notice of Hearing, to prepare for the hearing unless the offender elects to waive the preparation period as cited on the Statement of Charges/Notice of Hearing.

III. Presentation of the Statement of Charges/Notice of Hearing

- A. When the offender is taken into custody he/she shall be interviewed regarding the alleged violations. A copy of the Statement of Charges/Notice of Hearing, the violation report(s) and copies of adverse evidence, including police reports or other incriminating evidence, shall be given to the offender.
- B. The offender shall be notified in writing by presentation of the Explanation of Revocation Process form which shall be read and explained to the offender of his/her rights to:
 1. Present evidence and favorable witness(es) who can give relevant information;
 2. Have access to adverse information on which violation charges are based;
 3. Confront and question adverse witness(es) unless the Hearing Officer determines such witness(es) would be subject to risk if his/her identity were revealed;
 4. Appointed legal counsel, as determined by the Hearing Officer (or to be represented by Legal Services for Prisoners, Inc., a law school intern program, or other legal aid agency when available) or to retain legal counsel at the offenders own expense; and,
 5. Request postponement of hearing for good cause.
- C. The parole officer shall not question an offender regarding the circumstances of a new criminal charge without the approval of a parole supervisor.
 1. Prior to granting approval for questioning the offender regarding the circumstances of a new criminal charge, the parole supervisor or designee shall consult with the law enforcement agency representative responsible for investigation of the case.

2. Prior to questioning the offender regarding the new criminal charge or in the event the offender begins to spontaneously reveal statements regarding the new charge or other significant activity defined by law as being criminal for which prosecution may potentially occur, the parole officer shall advise the offender of the following rights pursuant to *Miranda v. Arizona*.
 - a. You have the right to remain silent and not make any statement at all.
 - b. Any statement you make may and probably will be used against you in a court of law.
 - c. You have the right to have a lawyer present to advise you either prior to any questioning or during any questioning.
 - d. If you are unable to hire a lawyer, you have the right to have a lawyer appointed to counsel with you prior to or during any questioning.
 - e. You have the right to terminate the interview at any time.
 3. Should the offender invoke any of the rights cited in section III.C.2., any questioning regarding the new criminal charge shall be terminated.
 4. If the offender expresses the desire to proceed with a statement regarding the new criminal charge after being advised of the rights outlined in section III.C.2., the parole officer may proceed with the interview provided that the offender signs the Notice of Miranda Rights form (Attachment C, form #14-142-003), which is properly witnessed.
- D. The offender's signature on the Statement of Charges/Notice of Hearing form shall acknowledge that the offender has been presented with a copy of the Explanation of Revocation Process form, that it has been explained and he/she understands it.
- E. The offender must then make a decision on whether he/she elects to have a preliminary hearing.
1. Preliminary Hearing is waived.
 - a. If the offender checks the waiver box on the Statement of Charges/Notice of Hearing form, the hearing may be considered to be waived.
 - (1) Checking the waiver box by the offender shall constitute an admission of guilt to the violations charged. Any waiver of probable cause hearing by a compact offender shall also contain an admission of guilt to all violations; otherwise a probable cause hearing shall be held.
 - b. The parole officer shall then notify the supervisor of the waiver decision.
 - c. The parole officer shall determine if the offender is available for transport to a Department facility, or if a compact case, for return to the sending state.
 - (1) If the offender is a Kansas offender and is available, the appropriate Transportation Memo shall be prepared in accordance with IMPP 14-134.
 - (2) If the offender is a compact offender, all violation reports and related documents shall be forwarded to the sending state via the Kansas Interstate Compact office for violation disposition determination.
 2. Offender Requests a Preliminary Hearing.

- a. A preliminary hearing (Morrissey Hearing) pertaining to condition violations excluding Condition #2, Laws, is required whenever the offender being served with a Statement of Charges requests one.
- b. The parole officer shall notify the supervisor and Hearing Officer of the offender's decision regarding the preliminary hearing.
- c. The parole officer shall ask the offender to identify any witnesses that they wish to be present at the hearing and shall attempt to provide reasonable assistance in contacting those witnesses. Any request for witnesses along with the actions taken to contact them shall be recorded in the TOADS contact notes.
 - (1) Although police reports may be utilized to substantiate probable cause, the presence of the reporting police officer at the Morrissey Hearing is recommended.
 - (2) Despite hearsay evidence being admissible in a Morrissey Hearing, having the actual witness present is preferable.
- d. The parole officer shall advise the offender that the only evidence which shall be heard is that which relates to the violations, and, that character witnesses shall not be heard.
- e. The preliminary hearing may be held by telephone conference between the designated holding facility and the local parole office.
 - (1) The telephone conference shall be held in a manner that the offender and offender's counsel are able to hear the testimony of all witnesses and so that cross-examination can be conducted (see K.A.R. 44-9-105).
- f. The preliminary hearing shall be held within 14 calendar days of the parole officer being made aware of the arrest or of the lodging of an Order to Arrest and Detain or issuance of a Condition Violation Warrant, unless a continuance is granted for good cause.
- g. Legal counsel may be present under the following circumstances:
 - (1) At the offender's expense;
 - (2) Appointment or provided by KDOC, at Hearing Officer's discretion, if it appears likely that:
 - (a) The alleged violations of the conditions of supervision are sufficiently complex or the defense is otherwise difficult to develop or present, so that counsel representation is warranted; or,
 - (b) Due to the offender's inability to communicate or understand the charges or process, appointment of counsel is warranted.
- h. The Hearing Officer shall inform the offender of the decision regarding provision of legal counsel.
 - (1) If the decision is to withhold counsel the Hearing Officer shall document the rationale for the decision in the Summary of Preliminary Hearing in TOADS.
- i. In order for legal counsel to represent the offender, counsel must be licensed to practice law in Kansas.

- F. After checking the appropriate box at the bottom of the Statement of Charges/Notice of Hearing, the offender shall sign and date the form.
- G. If the parole officer serving the Statement of Charges/Notice of Hearing is other than the supervising parole officer, he/she shall witness the offender's signature and sign the in the space provided.
 - 1. When the supervising officer serves a Statement of Charges/Notice of Hearing, the officer should have another person witness the offender's signature whenever possible. The name of the person witnessing the document should be printed underneath the signature.
- H. If the offender refuses to sign the Statement of Charges/Notice of Hearing, the parole officer shall note that fact on the form, then date and sign it. An offender's refusal to sign the form shall indicate the offender has not waived his/her preliminary hearing and that one must be held.
- I. Although an offender may elect to waive a preliminary hearing, one shall be held at the request of the sending State in interstate compact cases.
 - 1. Should an interstate compact offender elect to waive the preliminary hearing, the offender must also check the box admitting guilt to all charges. If the offender elects not to admit to all charges, a hearing must be held.
- J. If the offender refuses to accept his/her copies of the Statement of Charges/Notice of Hearing or other documentation these documents shall be left with jail staff and the officer shall request that these documents be placed with the offender's property or given to the offender. This action shall be recorded in the chronological record.
- K. If evidence of any new violation of conditions of supervision is discovered after presentation of the original Statement of Charges/Notice of Hearing, but prior to the hearing, and a determination is made that the offender should be so charged, an amended Statement of Charges/Notice of Hearing shall be presented to the offender in the same manner as the original Statement of Charges.
 - 1. The hearing shall be continued for an appropriate interval if the offender receives notice of any additional charge of violation less than three (3) days prior to the original hearing date, unless the offender waives advance service of the amended charges.

IV. Delay/Postponement

- A. The parole officer, the offender, the offender's legal counsel, or the parole supervisor may request delay or postponement for good cause from the Regional Parole Director or designee prior to the hearing.
 - 1. The basis for the delay and approval by the director or designee shall be documented in the chronological record.
 - 2. Determination of a subsequent hearing date shall be accomplished by coordination between the Regional Parole Director or designee and the Hearing Officer.
- B. The Hearing Officer or designee may postpone or continue the preliminary hearing for good cause after the hearing has commenced.

V. Conducting the Hearing

- A. Prior to the preliminary hearing the Hearing Officer shall:
 - 1. If requested to do so by the parole officer and/or the witness(es), make a determination as to whether the circumstances of the witness(es) are such that the identity of the witness(es)

could not reasonably be known by the offender and whether the witness(es) would be subjected to risk of harm if the identity of the witness(es) were known to the offender.

2. If the Hearing Officer or designee determine that the witnesses identity could not reasonably be known by the offender and that the witnesses would be subjected to risk if their identity were made known to the offender, the Hearing Officer or designee shall set forth the reason in writing in a supplemental report to the hearing summary.
 - a. This supplemental report shall not be made available to the offender. Witnesses who meet the criteria above shall be considered "confidential witnesses".
- B. During the hearing, the Hearing Officer or designee shall adhere to the following sequence in conducting a preliminary hearing:
 1. Review with the alleged violator the purpose and limitations of the preliminary hearing;
 2. Advise the offender that the Kansas Parole Board or controlling authority in interstate compact cases, has sole authority to revoke;
 3. The Hearing Officer or designee shall inform the offender of his/her rights and assure the parole officer's compliance with procedures by obtaining, recording, and evaluating the offender's answers to the questions encapsulated within the text of Attachment D, form #14-142-004.
- C. If evidence of any new violation of conditions of supervision not yet charged, is produced or placed on the record during the Morrissey Hearing, other than a new violation based solely upon a voluntary admission by the offender during the hearing, and it is determined by the hearing officer, or parole officer, that the new charge should be added to the Statement of Charges for consideration, a recess shall be declared by the Hearing Officer and an amended Statement of Charges shall be served to the offender in the same manner as the original Statement of Charges.
 1. The offender should be afforded the opportunity to object to any amendment of the Statement of Charges.
 - a. If any such objection is made, the offender should be allowed to fully explain the grounds for such objection. No amendment should be allowed if actual legal prejudice will result to the offender in the event that the amendment is allowed.
 2. The recess shall be for a period of no less than three (3) calendar days, to permit the offender to prepare a defense, unless the offender waives the three day period.
 3. Pending resumption of the hearing, the offender shall remain incarcerated.

VI. Hearing Decision

- A. If probable cause is found, the offender shall be detained or placed in custody and the parole supervisor notified of the findings by the parole officer
 1. In interstate compact cases the parole officer shall notify the Kansas Interstate Compact office, who in turn shall notify the sending state. The sending state shall be advised of the availability of the offender.
- B. If probable cause is not found, and there are no local charges pending, the Hearing Officer or designee may authorize the immediate release of the offender and inform the supervisor of the need to withdraw the parole violation warrant.
 1. In interstate compact cases, the Kansas Interstate Compact office shall be notified, who in turn shall notify the sending State.

VII. Summary of Preliminary Hearing

- A. The Hearing Officer or designee shall maintain a summary record of the hearing and complete a Summary of the Preliminary Hearing in TOADS (Attachment E, form #14-142-005) which shall contain the following:
1. A summary of the testimony given on each violation by the parole officer(s), by adverse witnesses, by the offender, and any additional witnesses on the offender's behalf.
 2. Additional violation(s) established during the course of the hearing.
 3. A statement of the finding of probable cause or no probable cause for each charge and summary of evidence considered in reaching the determination.
 4. Any recommendations of the Hearing Officer or designee that may be considered by the Kansas Parole Board or controlling authority for interstate compact cases.
- B. The Summary of Preliminary Hearing shall be distributed within five (5) working days of the hearing.

VIII. Offenders Returned From Out-of-State

- A. Upon completion of the Transportation Memo, Central Office Parole staff shall prepare one (1) copy of the Notice of Revocation Hearing.
1. The alleged charges shall be cited on the Notice of Revocation Hearing.
 2. A statement shall be included below the alleged charges indicating whether or not the offender is entitled to a Morrissey Hearing.
- B. Upon receipt of the Notice of Revocation Hearing from KDOC Parole Board staff, the Institutional Parole Officer shall prepare a Statement of Charges/Notice of Hearing for presentation to the offender.
1. If the offender requests a Morrissey Hearing, the Institutional Parole Officer shall ensure that appropriate arrangements are made.

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 75-5217
KAR 44-9-105
IMPP 14-134, 14-138

ATTACHMENTS

- Attachment A - Statement of Charges/Notice of Hearing, 1 page
- Attachment B - Explanation of Revocation Process, 1 page
- Attachment C - Notice of Miranda Rights, 1 page
- Attachment D - Preliminary Hearing Checklist, 1 page
- Attachment E - Summary of Preliminary Hearing

**KANSAS DEPARTMENT OF CORRECTIONS
Division of Community and Field Services**

STATEMENT OF CHARGES/NOTICE OF PRELIMINARY HEARING

DATE:

TO:

You are charged with violating the conditions of your release in the following manner:

Parole Officer/Parole Office

ACKNOWLEDGMENT (AND WAIVER DECISION)

I have read or had read to me the Explanation of Revocation Process Form and understand my rights and the charges placed against me. Receipt of one copy of this Statement of Charges/Notice of Preliminary Hearing Form and receipt of one copy of the Explanation of Revocation Process Form is hereby acknowledged. I understand that I am eligible for a preliminary hearing on condition violations cited, with the exception of those citing violation of condition #2, Laws. The preliminary hearing addressing violations of the law will be continued to coincide with the judicial process unless determined otherwise by the parole officer and parole supervisor.

- I do NOT wish a preliminary hearing. I understand, however, by waiving this hearing, probable cause that I committed the violations charged is established. I understand that I will be given a hearing before the Kansas Parole Board, if I am returned to a KDOC Facility.
- I wish to have a preliminary hearing.
- I agree to waive the three (3) calendar day requirement for my preliminary hearing.

Hearing Date/Time _____ Hearing Location: _____

(For Interstate Compact Cases Only)

I understand that I am being offered a preliminary hearing in the state of Kansas. I understand that if I admit guilt to any of the above listed charges/violations the state of _____ has the option to return me to that state and revoke my parole/probation status.

- Yes, I hereby admit guilt to the above violations and waive the preliminary hearing.
- No, I do not admit guilt and do not waive the preliminary hearing.

Date

Signature of Parolee

Date

Witness

Distribution: 1-PO 1-Parolee 1-Hearing Officer 1-Revocation Packet 2-Compact (if applicable)

Form #14-142-001

KANSAS DEPARTMENT OF CORRECTIONS
Division of Community and Field Services

EXPLANATION OF REVOCATION PROCESS FORM

STATEMENT OF CHARGES:

You are entitled to a preliminary hearing to determine whether there is probable cause or reasonable grounds to believe that the alleged violation outlined in the Statement of Charges/ Notice of Preliminary Hearing Form occurred. You are entitled to disclosure of evidence on which violation charges are based.

NOTICE OF PRELIMINARY HEARING:

As outlined above, the purpose of a preliminary hearing is to determine whether or not there is probable cause to believe that you violated a condition of your release. The alleged violations are listed in the Statement of Charges/Notice of Preliminary Hearing Form, which was read, explained, and delivered to you.

This is to further notify you that at your preliminary hearing, you may appear and speak in your own behalf; you may bring letters, documents, or individuals who can give relevant information to the hearing officer. Upon your request, persons who have given adverse information on which your revocation may be based will be called for questioning in your presence, unless the hearing officer determines that the witness would be subjected to risk or harm if his/her identity were disclosed. This is not an adversary proceeding; it is a fact-finding hearing. You may retain counsel at your own expense, or request appointed legal counsel, as determined by the Hearing Officer, due to the complexity of the charges or your inability to understand the process or charges.

At the conclusion of the preliminary hearing, the hearing officer will orally advise you of his/her decision.

Should you desire to have witnesses appear at the preliminary hearing, it is your responsibility to advise your parole officer when you are served with your Statement of Charges/Notice of Preliminary Hearing Form and provide him/her with information regarding what pertinent information said witness(es) will provide at the hearing. Character witnesses, who do not offer information pertinent to your violations, will not be heard. Your parole officer may provide assistance to you in contacting the witness(es). If you wish to be provided with assistance in contacting potential witnesses, you need to provide the names, phone numbers and/or addresses of said witnesses at the time you are presented with your Statement of Charges/Notice of Preliminary Hearing Form so that arrangements may be made for their admission to the hearing.

If you wish to postpone your hearing, it is your responsibility to state the reason for the request in order that a determination to grant or deny your request may be made.

If you have a criminal charge pending, your preliminary revocation hearing will normally only address condition violations. If probable cause, pertaining to the law violations, is found in court, then probable cause has also been established for your alleged parole violation charge(s) citing violation of the law, and you will not be given a preliminary hearing. This will only apply for new criminal charges. An exception may be made to hear the condition #2, Law violations at the request of the parole officer with the concurrence of the supervisor.

KANSAS DEPARTMENT OF CORRECTIONS
Division of Community and Field Services

NOTICE OF MIRANDA RIGHTS

Pursuant to Miranda v. Arizona you have the following rights which pertain to questioning regarding alleged criminal activity:

1. You have the right to remain silent and not make any statement at all.
2. Any statement you make may and probably will be used against you in a court of law.
3. You have the right to have a lawyer present to advise you either prior to any questioning or during any questioning.
4. If you are unable to hire a lawyer, you have the right to have a lawyer appointed to counsel with you prior to or during any questioning.
5. You have the right to terminate the interview at any time.

By signing below I acknowledge that the Miranda rights have been read to me and I have elected to waive those rights. I have been furnished with a copy of the rights for my records.

Offender

Witness

Date

Date

Kansas Department of Corrections
Preliminary Hearing Checklist

Offender Name and Number: _____

The preliminary revocation hearing (also known as a Morrissey Hearing) is an informal, fact finding proceeding. The purpose of the hearing is to determine whether or not there is probable cause that a violation of release conditions exists. Alleged violators have the right to be aware of the charges in advance of the hearing, to have access to the evidence and to question adverse witnesses. Kansas Department of Corrections policy allows at least 3 days for alleged violators to prepare a defense, and parole staff are to provide assistance, if needed, in contacting witnesses. The following questions are designed to help ensure that these rights have been provided. The hearing officer will ask the listed questions and record the answers. If questioning indicates that a due process procedure has not been provided, the hearing officer shall review the situation and determine if the hearing needs to be continued. This document shall be retained as part of the Hearing Summary.

- | | | |
|---|-----|----|
| 1. Have you been presented with a Statement of Charges? | Yes | No |
| 2. Have the charges been explained to you? | Yes | No |
| 3. Were you provided with a copy of the Violation Report and any other evidence that will be presented against you? | Yes | No |
| 4. Were you notified of the date and time of this hearing? | Yes | No |
| 5. Has the purpose of the preliminary hearing been explained to you? | Yes | No |
| 6. Have you been given at least 3 calendar days to prepare a defense? | Yes | No |
| 7. Are you aware that you may retain legal counsel at your own expense to represent you at the hearing? | Yes | No |
| 8. Have you requested witnesses to appear on your behalf?
If yes, who? | Yes | No |

Name _____

Name _____

Name _____

Name _____

- | | | |
|--|-----|----|
| 9. Have these witnesses been contacted and made aware of the time, place and reason they were requested at the hearing? | Yes | No |
| 10. Do you have any documents or other evidence to present in the hearing, Yes related to the violations with which you are charged? | Yes | No |

Offender Signature

Hearing Officer Signature

Date

KANSAS DEPARTMENT OF CORRECTIONS
Division of Community and Field Services

SUMMARY OF PRELIMINARY HEARING

Offender Name and No.:
Date of Hearing:
Place of Hearing:

Date Typed:

Date Sent to Offender:

Persons present at hearing:

NAME

ADDRESS

**OCCUPATION /
RELATIONSHIP**

Offender Requested Legal Counsel:
Offender Provided Legal Counsel by KDOC:
Legal Counsel Present:

If legal counsel was requested by the offender or was provided by the Department and is not present, the Hearing Officer shall provide a brief rationale for determining that the offender can proceed without benefit of legal counsel.

ALLEGED VIOLATION

PROBABLE CAUSE

Documents introduced as evidence

Comments:

Summarize testimony of witnesses, PO, offender, and give reasons for your findings:

Eligible for Final Revocation Hearing Waiver:
Presented with Waiver:
Waived Final Revocation Hearing:
Date Waived:

(Hearing Officer)

Dist: 1-Parolee, 1-PO, 1-Hearing Officer, 1-Rev.Pkt., 2-Compact (if app.)