

KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-110A	PAGE NUMBER 1 of 6
		SUBJECT: PAROLE SERVICES: Conditions of Supervision	
Approved By:  Secretary of Corrections		Original Date Issued: 05-27-15	Replaces Version Issued: 05-27-15
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APPLICABILITY:	<input checked="" type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input type="checkbox"/> DEPARTMENT-WIDE
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POLICY STATEMENT

Setting and applying conditions should be done with the goals of reducing the likelihood of unlawful, high risk, or anti-social behavior. The goal should also be to encourage and reinforce positive, pro-social behavior, and ultimately, the successful reintegration of the offender.

A set of standard conditions of supervision shall apply to all offenders on supervision. Special conditions may be imposed, in addition to the standard conditions, as needed for individual case management. Special conditions should be imposed based on public safety, the offender’s criminogenic risks and needs, and as necessary to support the offender’s case plan. Offenders should be given a clear explanation of the conditions of their supervision, and parole officers should be sure the offenders understand the meaning of the conditions.

DEFINITIONS

Dangerous Weapons: Any device designated to expel or hurl a projectile capable of causing injury to persons or property or any instrument or tool used with the intent to cause harm (e.g., bows and arrows and cross bows) including, but not limited to any device falling under the provisions of K.S.A. 21-6301 or 21-6302.

Initial Personal Interview: Face-to-face contact by parole officer with the offender for the purpose of discussing supervision requirements and the case management needs of the offender.

Intake Interview: Face-to-face contact by parole officer/intake officer and offender for the purpose of explaining supervision requirements. The intake may occur in a group setting.

Interstate Compact Offender Tracking System (ICOTS): A nationwide electronic information system developed for the Interstate Commission for Adult Offender Supervision. The system is used by all states to track offenders who are authorized to travel or relocate across state lines. The system is also used to share information regarding offender movement under the rules of the interstate compact.

Post-Incarceration Supervision: The supervision of offenders for any type of release from a KDOC facility, to include release to parole, conditional release, and post-release supervision.

Special Condition: A condition of release which may be added when a specific problem or condition becomes apparent which, if left unattended could lead to revocation of post-release supervision.

Special Instruction: A directive ordered by the parole officer which expands upon an existing release condition.

Standard Conditions: A set of conditions and requirements that apply to all who are on supervision with KDOC. (Attachment A)

Weapon: Firearms, ammunition, explosive devices, black powder weapons, or any dangerous weapon as defined by federal, state or municipal laws or ordinances. Possession of a firearm includes situations such as being in a vehicle with a firearm, or having a firearm in personal belongings or in one's home. Knives which can be automatically opened by the user, knives which are disguised as common items, or any knife with a blade longer than two inches in length are considered weapons. Exceptions are knives related to employment, which may be used and carried only in connection with employment, and kitchen knives when used as intended for food preparation or consumption.

PROCEDURES

I. Explanation of Release Conditions Prior to Release to Supervision (4-APPFS-2B-01)

- A. Prior to each offender's release from a KDOC facility, the conditions of release shall be provided by designated facility staff, in writing, and the offender shall be provided the opportunity to acknowledge the conditions by his/her signature.
 - 1. Refusal to acknowledge the conditions shall not exempt the offender from the responsibility for compliance with the release conditions.
 - 2. The offender shall acknowledge the conditions of release by signing the release certificate at the time of release.

II. Explanation of Release Conditions after Release to Supervision (4-APPFS-2B-01)

- A. Release conditions required by the Prisoner Review Board, as well any additional special instructions, shall be explained by the parole officer to each offender at the time of intake or initial personal interview, pursuant to IMPP 14-104A.
 - 1. Attachment A, Conditions of Release for Post-Incarceration Supervision, may be used as needed to provide offenders the standard release conditions, or in circumstances where an offender's signature on the document is necessary.
- B. If a communication problem exists such as illiteracy or a language barrier, which prevents the offender from understanding the conditions, the officer shall assist in explaining them.
 - 1. When necessary, a translator should be used to explain the conditions in the language spoken by the offender.

III. Timeframes for Implementing Special Conditions

- A. Special Conditions for "no contact" with a specific individual, for GPS monitoring, or that directly relate to the safety of a location or individual shall be implemented immediately at the time of release.
- B. Special conditions that require participation in a program or service should be implemented as soon as possible, with consideration given to offender circumstances and any specific program requirements.
 - 1. In cases where multiple programmatic special conditions apply, the parole officer may allow a delay in the implementation of one (1) condition, if needed, to foster the completion of another.
 - a. Implementation priority should be given to special conditions/programs that are expected to provide assistance and/or have a positive impact on the offender's stability and adjustment in the community.

2. Any delay in the implementation of a special condition shall be documented in the contact notes, including the rationale for the delay and when the program/service is expected to be obtained.
3. Programmatic delays shall not be longer than 90 days, unless permission is received from the parole supervisor.

IV. Recommendation for the Imposition of Special Condition(s)

- A. The parole officer may recommend imposition of special conditions prior to the offender's release or during the post-incarceration supervision period as follows:
 1. Prior to release: Recommendations to the Prisoner Review Board for special conditions may be made as part of the Closing Summary when a violator is being returned to a KDOC facility or in the Reentry Plan, pursuant to IMPP 14-103A.
 2. During the Supervision Period: The supervising officer may recommend the imposition of special conditions at any time during the supervision period, per Section V., when such conditions are deemed to be in the best interest of the offender and/or community.

V. Imposition of Special Conditions During the Supervision Period

- A. Special conditions may be imposed during the supervision period, except as specified in Section V.E. Requests for special conditions require the approval of the parole supervisor.
 1. The parole officer shall provide specific information regarding the need for the special condition to the supervisor.
 - a. The request may be submitted via e-mail or through direct discussion with the parole supervisor.
 2. The parole officer shall provide documentation of approval/disapproval by retention of the e-mail response in the file and documentation of the response in offender contact notes of TOADS.
- B. After securing approval from the parole supervisor, the parole officer may impose the special condition(s).
- C. The special condition shall be imposed by entry into the TOADS database.
 1. The document shall be dated and witnessed by the offender, the parole officer, or another witness.
 2. Refusal of the offender to sign the special condition shall be noted and witnessed.
 - a. Refusal to acknowledge the conditions shall not exempt the offender from the responsibility for compliance with the release conditions.
 3. A copy shall be provided to the offender and one (1) shall be placed in the offender file.
- D. Any special condition requiring the offender to complete a specific task shall also be entered in the TOADS intervention database.
- E. Special Conditions regarding no contact with natural or adopted children
 1. KDOC Staff shall not issue a special condition prohibiting contact with an offender's natural or legally adopted child/children unless one (1) of the following conditions exists:

- a. The offender's natural or legally adopted minor child/children is/are the victim(s) of the offender's conviction;
 - b. The offender's parental rights to the natural or legally adopted minor child/children have been severed by the courts;
 - c. There are factual indications of past or potential abuse of the natural or legally adopted child/children; or
 - (1) These cases must be staffed with a supervisor AND with Victims Services on a case-by-case basis prior to issuance of a special condition for no contact.
 - d. The offender is managed as a sex offender. (See IMPP 11-115A for rules regarding possible contact.)
2. KDOC staff may issue a temporary special condition for no contact with an offender's natural or legally adopted children for a period not to exceed seven (7) days pending the outcome of an investigation involving the offender and a potential threat to the child/children.

VI. Emergency Imposition of Special Conditions

- A. When an emergency situation arises, in which failure to impose a special condition may place the offender or the public in jeopardy and the supervisor is not immediately available, the parole officer may impose the special condition.
- B. In the event that such an emergency imposition is required, the parole officer shall discuss the case with the parole supervisor and request approval at the earliest allowable opportunity.

VII. Parole Supervisor Denial of Request

- A. In the event the parole supervisor should deny the request for imposition of a special condition, he/she shall discuss the reasons for the denial with the parole officer and provide direction to the parole officer as to how to proceed with the case.

VIII. Satisfaction, Modification and Nullification of Special Conditions

- A. Conditions imposed by the Prisoner Review Board requiring the completion of a task, i.e., mental health counseling, obtaining a GED, etc., which are ultimately satisfied do not require removal by the parole officer or the Prisoner Review Board. However, any such conditions that have been satisfied shall be documented by entering completion/termination dates in the TOADS special conditions and intervention databases as applicable and making appropriate chronological entries.
 1. When specific services ordered by the Prisoner Review Board are not available to the offender, the supervising parole officer may impose an alternative intervention or recommend nullification of the PRB-imposed condition. (4-APPFS-2A-12)
- B. Requests for nullification or modification of conditions imposed by the Prisoner Review Board requiring the completion of a specific program or prohibiting the offender from various activities, e.g., "to have no contact with victim," "not to enter Neosho county," shall be brought to the attention of the Prisoner Review Board via submission of an e-mail to the parole supervisor summarizing the offender's circumstances and why the condition should be nullified or modified.
 1. If the parole supervisor denies the request, an email shall be forwarded to the parole officer outlining the reason for denial, and the parole officer shall document the denial in contact notes.

2. If the parole supervisor approves the request, the e-mail shall be forwarded to the PRB Administrator with a copy to the supervising parole officer.
 3. The condition shall not be nullified or modified until permission is obtained in writing from the Prisoner Review Board to do so.
 - a. The nullification or modification of a PRB-imposed special condition will not result in a reissuance of the offender's release certificate. Documentation of the nullification or modification shall be handled by the parole officer as outlined in Section VIII.B.4.
 4. Nullification or modification of conditions shall be documented by entering completion/termination dates in the TOADS special conditions and intervention databases as applicable and making appropriate chronological entries.
- C. Nullification or modification of special conditions of a programmatic nature, imposed pursuant to Section V, such as support group attendance and mental health counseling, that cannot be satisfied due to a lack of service availability require the approval of the parole supervisor.

IX. Interstate Compact Cases

- A. Offenders supervised in Kansas under the provisions of the Interstate Compact Agreement shall receive the same type of supervision as Kansas offenders. (4-APPFS-2A-16)
- B. The procedures outlined in this policy for Kansas offenders shall also apply to compact offenders applying to be supervised, or being supervised in Kansas, with the primary difference being in the manner of obtaining approval for imposition of special conditions.
- C. The Kansas Conditions of Supervision for Interstate Compact Cases (Attachment B) shall be reviewed with the offender at intake or at the initial personal interview, whichever applies.
 1. The offender's signature shall be obtained on the Kansas Conditions of Supervision for Interstate Compact Cases.
 - a. A copy shall be provided to the offender and one shall be placed in the offender file.
- D. If the offender is still residing in the sending state and the parole officer feels that a special condition is necessary, the request with supporting documentation may be included in the reply to investigation request, per IMPP 14-105A.
- E. When the offender is residing in Kansas and the need for imposition of a special condition arises, the parole officer shall submit to the parole supervisor a request which summarizes the offender's circumstances and reasons why the special condition should be imposed.
 1. If the parole supervisor approves the request, the parole officer shall submit a Compact Action Request to the sending state with a copy of the newly imposed special condition attached.
 - a. If the parole supervisor denies the request, an email shall be forwarded to the parole officer outlining the reason for denial and the parole officer shall document the denial in contact notes.
 2. The special condition shall remain in effect from the date of issuance until the condition is satisfied, removed or modified.
- F. When the offender is residing in Kansas and the need for removal or modification of a special condition arises, the parole officer shall submit to the parole supervisor a request which

summarizes the offender's circumstances and the reasons why the special condition should be removed or modified.

1. If the parole supervisor approves the request, the parole officer shall submit a Compact Action Request to the sending state. The Compact Action Request shall include the circumstances and reasons why the special condition should be removed or modified.
 - a. If the parole supervisor denies the request, an email shall be forwarded to the parole officer outlining the reason for denial and the parole officer shall document the denial in contact notes.
 2. The condition shall not be removed or modified until permission to do so is obtained in writing from the sending state.
 3. Removal or modification of conditions shall be documented by entering completion/termination dates in the TOADS special conditions and intervention databases as applicable and making appropriate chronological entries.
- G. All interstate compact correspondence shall be submitted to the sending state via ICOTS in accordance with established Interstate Compact policies and procedures.

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

K.S.A. 21-6301, 21-6302, K.S.A. 22-4110, *et seq.*; 75-5217
K.A.R. 45-7-1
IMPP 11-115A, 14-103A, 14-104A, 14-133
4-APPFS-2B-01, 4-APPFS-2A-12, 4-APPFS-2A-16

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Conditions of Release for Post-Incarceration Supervision	1 page
B	Kansas Conditions of Supervision for Interstate Compact Cases	1 page

Conditions of Release for Post-Incarceration Supervision

I agree to:

1. Reporting, Travel, and Residence:

- Report as directed to the assigned parole officer upon release from the facility or detainer and thereafter, report on a regular basis as directed by my parole officer.
- Go directly to my approved plan upon release from the facility and keep my residence there until given permission by my parole officer to relocate.
- Keep my parole officer continuously informed of my residence and employment.
- Obtain advanced permission from my parole officer to travel outside of my assigned parole district or the state of Kansas.

2. Laws:

- Obey all federal and state laws, municipal or county ordinances, including the Kansas Offender Registration Act and the DNA Collections Act.
- Notify my parole officer at the earliest opportunity, if I have any law enforcement contact for any reason.

3. Weapons:

- Not own, possess or constructively possess, purchase, receive, sell or transport any firearms, ammunition or explosive device, any device designed to expel or hurl a projectile capable of causing injury to persons or property, any instrument or tool used with the intent to cause harm, or any weapon prohibited by law. Limitations include knives which can be automatically opened by the user, knives which are disguised as common items, or any knife with a blade longer than two inches in length. Exceptions to the restrictions are knives related to employment, which may be used and carried only in connection with employment, and kitchen knives when used as intended for food preparation or consumption.

4. Personal Conduct:

- Not engage in assaultive activities, violence, or threats of violence of any kind, threatening or intimidating behaviors, or lewd and lascivious behaviors.

5. Narcotics/Alcohol:

- Not possess, use, or traffic in any controlled substances or other drugs as defined by law and not prescribed for me by a licensed medical practitioner.
- Not consume any mind-altering substances, including, but not limited to alcoholic beverages, wine, beer, glue, or paint.
- Consent to submit to a blood, Breathalyzer or urine test at the direction of the parole officer.
- Not tamper, falsify or dilute such a test.

6. Association:

- Not associate with persons actively engaged in illegal activity.
- Obtain written permission from the parole officer and facility administrator to visit or correspond with offenders of any correctional facility.

7. Employment:

- Secure and maintain reasonable, steady employment within 45 days of my release from a facility or residential treatment unless excused for medical reasons or an extension of time is given by my parole officer.
- Notify my employer of my current and prior (non-expunged) adult felony convictions and status as an offender.

8. Education:

- Make progress toward or successfully complete the equivalent of a secondary education (GED certificate) if I have not completed such by the time of my release and I am capable, as directed by my parole officer.

9. Costs:

- Pay restitution, court costs, supervision fees, and other costs as directed by my parole officer.

10. Treatment, Programs and Placement:

- Follow any directives given by my parole officer regarding assessment, referral, and placement for treatment, programs, or housing.
- Comply with all aftercare recommendations and my relapse prevention plan.
- Submit to polygraph examinations as directed by my parole officer and/or treatment provider.

11. Victim:

- No contact with the victim(s) in my case(s) or the victim's family by any means including, but not limited to in person, by phone, via computer, in writing or through a third party without the advance permission of my parole officer.

12. Search:

- Be subjected to a search of my person and my effects, vehicle, residence, and any other property under my control by parole officers, any authorized parole staff, and Department of Corrections Enforcement, Apprehension and Investigation officers with or without a search warrant and with or without cause.
- Be subjected to a search of my person and my effects, vehicle, residence, and any other property under my control by any law enforcement officer based on reasonable suspicion of violation of conditions of post-incarceration supervision, or reasonable suspicion of criminal activity.

Special Conditions are determined in accordance with case management strategies with an emphasis on criminogenic risk reduction activities.

Special Conditions: I agree to abide by the Prisoner Review Board (PRB) special condition(s) set forth below, and any additional special conditions imposed by my parole officer at any time during the duration of my post-incarceration supervision.

I understand that if I have been granted parole and I then reach my conditional release date, my status will automatically be that of a conditional release and that all conditions of parole will continue to apply to me. I understand that pursuant to K.S.A. 21-6614, I may be eligible to have this conviction expunged subsequent to discharge.

I have read, or had read to me, the above conditions of my release. I fully understand them and will abide by them to the best of my ability. I realize that if I violate them, I may be arrested on a warrant issued by the Secretary of Corrections and re-imprisoned pending a hearing before the Prisoner Review Board to determine if my release should be revoked. I understand that I will be afforded a preliminary hearing whenever necessary, to determine if I have violated any conditions, unless I choose to waive this hearing or the court determines a violation by due process of law. I also agree that if I leave the state of Kansas without permission or am ordered to return from Kansas to another state, I will not contest any effort to be returned. I hereby waive any right to extradition in connection with my return to Kansas for disposition of any charge of violation of parole or post release supervision conditions. If I am placed in a treatment program while under supervision I agree to authorize the release of any information pertinent to my case from the staff of the treatment facility to the parole officer, Secretary, or board. I also agree to make myself available for disposition of the charges contained in any detainer that I may have lodged against me at the time of my release.

Offender Signature

Number

WITNESS _____

Facility Official

Date

