

# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  <b>14-120A</b>	<b>PAGE NUMBER</b>  <b>1 of 12</b>
		<b>SUBJECT:</b>  <b>PAROLE SERVICES: Good Time During Post-Release Supervision</b>	
<b>Approved By:</b>  <b>Secretary of Corrections</b>		<b>Original Date Issued:</b> <b>11-22-16</b>	<b>Replaces Version Issued:</b> <b>N/A</b>
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<b>APPLICABILITY:</b>	<input checked="" type="checkbox"/> <b>ADULT Operations Only</b>	<input type="checkbox"/> <b>JUVENILE Operations Only</b>	<input type="checkbox"/> <b>DEPARTMENT-WIDE</b>
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## POLICY STATEMENT

Offender behavior in the community is managed with an array of interventions that include rewards and sanctions. The award of good time credit is one way to reward an offender for positive behaviors. Offenders released to post-release supervision, subject to the provisions of K.S.A. 22-3717 and 75-5217, shall be eligible to earn good time credits toward the reduction of the sentence discharge date. The award of good time credits shall be based upon the offender's positive behavior in the community. Earned good time credits shall be awarded at six (6) month intervals unless the offender's projected sentence discharge date is earlier than the scheduled award date, the offender absconds from supervision, the offender's good time credits will be exhausted prior to reaching the end date of the scheduled review period, or the offender is returned to a facility as a post-release condition violator during a review period. Violations and concerns not captured in this policy are addressed utilizing risk reduction methods targeted at intervening in the specific behavior. A percentage of good time withheld for failure to pay supervision fees may be restored if specific criteria are met.

## DEFINITIONS

Good Time Log: The Offender Management Information System (OMIS) computer screen designated for entry and computation of post-release good time.

Contact: Contact is defined as face-to-face or telephonic communication, written correspondence, physical touching, or any indirect communication via third parties or computer.

Current Sentence Discharge Date: The sentence discharge date adjusted to reflect earned good time credits to date awarded while on post-release supervision.

Determinate Sentence: A sentence that cites a definitive prison term which may be reduced by good time credits.

Good Time Credits: Sentence credits earned for good behavior and program participation which when applied to the incarceration portion of the sentence serve to reduce the incarceration term; and when applied to certain post-release periods serve to reduce the sentence discharge date.

Good Time Restoration: A process for returning good time credits that were previously withheld.

Projected Sentence Discharge Date: Sentence discharge date adjusted to reflect good time credits withheld while on post-release supervision. (When all good time credits have been exhausted, the current and projected discharge dates should be identical.)

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

Sentence Discharge Date: The calendar date on which the offender's determinate sentence is satisfied.

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. Eligibility for Good Time**

- A. Offenders are eligible for good time based upon their sentence structure. Sentences, and good time logs, if applicable, are computed and set up by the Sentence Computation Staff. Any questions regarding the presence or absence of good time should be directed to the Parole Supervisor or the Sentence Computation Unit.
- B. On or about the first of each month, each Parole Officer shall generate a report of Due and Overdue Good Time Awards for their caseload.
  - 1. The report should be used to help identify cases for which good time awards/withholdings should be completed.
  - 2. Parole Supervisors shall periodically audit the Good Time Due and Overdue Reports to ensure that good time records are being completed in a timely manner.

### **II. Award and Withholding Rate**

- A. Good time applied toward the reduction of a determinate sentence one (1) or two (2) year supervision period shall be made at a rate of one (1) day for each day served.
  - 1. A 12-month period of post release supervision (PRS) is reducible by six (6) months through good time credits
  - 2. A 24-month PRS period is reducible by 12 months through good time credits.
- B. Good time applied toward the reduction of a determinate sentence offender's three (3) year supervision period shall be made at a rate of one (1) day for each two (2) days served.
  - 1. Thirty-six (36) month periods of post release supervision may be reduced by 12 months through good time credits.

### **III. Good Time Computation Period**

- A. Good time awards shall be made in accordance with the following time periods and general guidelines appropriate to the offender's status:
  - 1. Good time shall be computed on a 30-day month, 360-day year.
  - 2. Except as provided in Section III.B. below, or if fewer than 180 days are available to be earned, good time award periods remain static throughout the supervision period and shall begin with the offender's date of release from a facility with subsequent review periods occurring at 180-day intervals thereafter.
  - 3. In accordance with K.S.A. 22-3717 and 75-5217, good time assessments pertaining to one (1) year periods of post-release supervision terms shall be conducted until the total good time awarded and withheld is equal to six (6) months;

- a. Good time assessments pertaining to two (2) and three (3) year post-release supervision terms shall be conducted until the total good time awarded and/or withheld is equal to one (1) year.

B. Offenders on Absconder Status

1. After the initial award of good time during post-release supervision, subsequent good time awards shall be made every 180 calendar days except:
  - a. When an offender absconds supervision, good time is computed from the date of release or from the date of the last review period (whichever is applicable) to issuance of the absconder warrant and from the date of apprehension (or when delinquent time stops, if out of state) to one of the following:
    - (1) The date of the Transportation Memo in the case of an offender not eligible for waiver of the revocation hearing:
      - (a) If the ending date of the last review period occurs after apprehension but prior to the Transportation Memo date then good time shall be computed to the ending date of the last review period.
      - (b) The parole officer must then compute remaining good time from the beginning of the next review period until the date of the Transportation Memo.
    - (2) The date of the Transportation Memo for those being returned from out-of-state;
    - (3) The date of the revocation hearing waiver in the case of offenders waiving the final revocation hearing;
    - (4) The sentencing date in the case of an offender receiving a new felony conviction; or
    - (5) To the date on which good time credits are exhausted.
  - b. Offenders who have absconded from post-release supervision on which the decision has been made to continue supervision shall have all good time withheld for any review period in which they were on absconder status.
    - (1) The award period shall be determined by the schedule established upon the offender's most recent prison release.

C. Offenders on Pre-Revocation Status

1. Offenders in a KDOC facility pre-revocation program retain their post-release status and are eligible to earn good time credits.

D. Parole/Post-release Supervision Revocations (excluding absconders).

1. Good time for offenders being returned to a facility as condition violators who waive their final revocation hearing shall be computed through the date of the revocation hearing waiver.
2. Good time for offenders being returned to a facility as condition violators who do not waive their revocation hearing shall be computed through the date of the Transportation Memo.
3. Good time computations for offenders being convicted of new sentences and sentenced to KDOC shall be computed through the date of sentencing.

4. The facility Records Section shall be responsible for computing good time at the post-release rate from the date of the Transportation Memo until the offender appears before the Prisoner Review Board at the final revocation hearing.

a. Good time for offenders being returned to the state of Kansas from out-of-state shall initially be computed through the Transportation Memo date by Interstate Compact Unit staff.

(1) If the offender waives the revocation hearing, the facility Records Section shall compute good time from the date of the Transportation Memo to the date of the waiver of revocation hearing.

E. Parole/Post-release Supervision Non-Revocations

1. Offenders who are returned to a KDOC facility and then not revoked by the Prisoner Review Board shall have all applicable good time awards reviewed for modification related to any violations in which the outcome of the violation was dismissed or not guilty.

2. The parole officer shall review and amend any applicable good time awards on or before the offender's release from the facility.

**IV. Criteria for the Withholding of Good Time**

A. If the following violations are committed by an offender during the award period, no good time shall be awarded:

1. Any felonious conduct established with probable cause by a district court, or any misdemeanor conviction including Driving Under the Influence (DUI) or Driving While Suspended (DWS).

a. Establishment of probable cause or a conviction must occur within the review period unless the parole officer discovers a violation for which probable cause has been established or that a conviction has occurred for a review period for which good time has already been computed. In such cases the award shall be adjusted.

b. The withholding may be taken in an award period that probable cause is established, or withheld during an award period where a conviction occurs, but not both.

2. Engaging in assaultive activities, violence, or threats of violence of any kind, as established by reliable information including but not limited to witness statements and police reports;

3. Possession of a dangerous weapon, ammunition, or explosives as established by reliable information including but not limited to witness statements and police reports;

4. Engaging in contact with victims or contact with specific persons or categories of persons for which contact is prohibited by special condition;

5. Failure of the offender to agree to be subject to a search by parole officer(s), enforcement, apprehension and investigations staff, or other law enforcement officers as specified by supervision condition; and/or

6. A review period in which the offender is designated as an absconder and an absconder warrant is issued.

7. Any violation that results in the revocation of post release supervision.

- a. This withholding shall be taken during an award period in which the offender is processed for/returned to a facility for revocation, and not in an award period where the offender's case was approved for revocation.
- B. The following violations shall result in the withholding of 50% of the good time credits available for each violation category occurring during the award period
1. Violation of any specific prohibitions assigned to sex offenders;
  2. Being outside of the state of Kansas without permission;
  3. Violation of any special condition not specifically identified in other sections of this policy and/or;
  4. Refusal to work or participate in programs during the review period.
    - a. Parole Officer discretion should be used in determining when an offender should be required to work or when he/she should be excused from the requirement for valid reasons. Good time shall not be taken in situations where the PO has excused the offender from employment or made a temporary allowance from employment for valid reasons.
    - b. Violations for the refusal to work or maintain employment should be determined using the following criteria;
      - (1) Being able to work but unwilling to do so when viable employment or employment training opportunities exist.
      - (2) Repeated instances of failure to follow PO directives regarding employment search or to provide requested documentation of job search efforts, when the offender is able to work and expected to do so.
      - (3) Two (2) or more instances of quitting a job without good cause, as determined by the PO.
      - (4) Two (2) or more instances of being terminated from jobs for poor attendance, poor work performance or other behavior that is problematic and within the offenders control.
    - c. Violations for refusal to participate in programs should be determined using the following criteria. The criteria applies to programs required by KDOC including Batterer Intervention (BIP), Sex Offender Treatment (SOTP), Substance Abuse Program (SAP), Thinking for a Change (T4C), community based substance abuse treatment and mental health services.
      - (1) Two (2) or more instances of failing to schedule or attend a program assessment or evaluation, without good cause as determined by the PO.
      - (2) Two (2) or more unexcused absences from a specific program or service during an award period.
      - (3) Failure to progress in a program due to a consistent lack of effort and/or repeatedly failing to complete program tasks or homework.

- (4) Two or more instances of blatantly rude or disrespectful behavior during program activities, despite requests to discontinue the problematic behavior.
  - (5) Being required to re-start a program from the beginning due to poor attendance and/or poor participation and failure to complete program assignments.
  - (6) Unsuccessful discharge from a program for behaviors that are within the offender's control. Examples include failure to attend, failure to complete assignments and program rule violations. Lack of attendance due to being in custody should not be considered a violation.
- C. The following violations shall result in the withholding of 25% of the good time credits available for each violation category occurring during the award period.
1. Changing jobs without notifying the supervising officer;
  2. Being outside of the assigned supervision district (within the state) without permission;
  3. Refusal of offender to provide urinalysis sample or to otherwise submit to substance abuse testing; or
  4. Moving his/her place of residence without notifying the supervising officer in accordance with the conditions of supervision; or
  5. Each documented instance of use of drugs, alcohol, or inhalants, either through positive UA's, admission, or based upon reliable information from law enforcement or Special Agent (e.g., police reports that an offender was drinking, etc.) shall result in the withholding of 25% good time.
    - a. The collection of a specimen shall be considered as one event, regardless of the number of drugs testing positive.
- D. The following violations shall result in the withholding of 10% of the good time credits available during the review period for each event during the review period:
1. Failure to pay supervision fees as directed after it has been established that the offender is able but unwilling to pay;
    - a. The percentage of good time withheld for non-payment of supervision fees shall be calculated at a rate of 10% for each month in the review period that the offender fails to pay a monthly designated fee. The maximum withholding for a review period shall be 60%.
      - (1) As needed, parole officers may consider less than six (6) months of payments as due during a 180-day award period. Circumstances that indicate a lesser expectation are an offender on indigent status or in cases where the offender's release date, fee billing date and/or good time award period dates do not align to allow for an expectation of six (6) fee payments.
    - b. Supervision fee payments submitted after the month due shall not result in the loss of good time as long as the payment is made prior to the end of the award period.
    - c. Supervision fee payments submitted during a review period shall be counted towards the review period, regardless of which months the payments are applied towards (e.g., if an offender makes four (4) payments during a six (6) month

award period, and two (2) are applied towards old supervision fees, the offender shall have 20% withholding).

2. Failure to report unless excused by the parole officer
  - a. The percentage of good time withheld for failing to report shall be calculated at a rate of 10% for each occurrence, i.e. if an offender fails to report at two (2) different times during the review period, the offender shall have 20% withheld.
- E. If multiple violations occur that result from the same set of circumstances, the most severe violation shall be utilized for consideration of the good time award.
- F. Except as provided below, violations that result in the withholding of good time shall not serve as the basis for the withholding of additional good time during subsequent award periods.
- G. The award of good time for a review period for which good time has already been computed shall be adjusted upon the subsequent discovery of a violation committed during the review period, or upon discovery of a computational error.
- H. If the parole officer is unsure as to whether good time should be awarded or withheld, the parole supervisor shall be consulted who shall make the final decision.

#### **V. Responsibility for Computing and Recording Good Time Award**

- A. The parole officer shall compute good time on the Good Time Award Record contained in TOADS according the criteria cited in Section V. after answering all questions contained in the good time form.
  1. If the parole officer cannot answer "yes" to all of the questions asked, then corrections shall be made coinciding with the context of the question(s).
- B. When the parole officer has completed the Good Time Award Record in TOADS, an e-mail shall automatically be sent to the parole supervisor indicating the offender's name and number that the Good Time Award Record has been completed and resides in TOADS.
- C. When the parole supervisor receives the award, it shall be reviewed and either approved, disapproved or modified.
  1. If the award is approved, the parole supervisor shall mark the appropriate approval button on the TOADS document.
  2. If the award requires modification, the parole supervisor shall take necessary steps to modify the document in consultation with the parole officer.
  3. If the initial Good Time Award Record was erroneously entered or cannot be satisfactorily modified, the parole supervisor shall send an e-mail to the parole officer indicating that it has been disapproved and a new award must be completed.
    - a. The disapproved award will be sent to the history file.
- D. Good time awards shall be completed by the Interstate Compact Unit and documented in TOADS for:
  1. offenders being supervised outside of Kansas, via the Interstate Compact Agreement and,
  2. absconders and parole violators who are arrested out of state and returned to a KDOC facility.
- E. All good time awards completed by Interstate Compact staff shall be reviewed by either the Deputy Compact Administrator or his/her designee.

**VI. Data Entry and Distribution**

- A. Once the award is approved or modified by the parole supervisor or Interstate Compact staff, the good time log and sentence record will automatically be populated with the updated information including the new sentence discharge date.
- B. After all data entry has been completed, the information shall be conveyed to the offender and a printed copy shall be provided to the offender if requested.

**VII. Awards Completed After Offender Returns to Facility**

- A. The Sentence Computation Unit will be notified by e-mail of any award completed after the offender has been returned to a KDOC facility.
  - 1. Sentence Computation Unit staff shall be responsible for disposition of the record from that point on, whether updating or modifying the good time log or sentence record, and notify the facility records staff of the good time award modification.

**VIII. Transmission of Good Time Computation Information**

- A. When an offender absconds supervision and a parole violation warrant is issued, it shall be the responsibility of the parole officer to ensure that good time has been computed and entered in TOADS and OMIS through the end of the last full review period, if the offender has been under supervision greater than six (6) months.
  - 1. When the offender is apprehended within the state of Kansas, it shall be the responsibility of the parole officer of record to compute good time from the date of release or end of the last review period to the date of absconder warrant issuance; and from the date of apprehension to the date of the transportation memo or revocation waiver, whichever is applicable.
  - 2. If the absconder warrant is withdrawn after apprehension, good time shall be computed from the offender's date of release or end of the last review period until the good time awards are current.
- B. Prior to the completion of an intra-state transfer, the parole officer shall ensure that all required good time awards have been completed and accurately entered in the Automated Good Time Log prior to forwarding the parole file to the receiving parole officer.
- C. When an interstate compact request is submitted to another state the parole officer shall ensure that good time processing has been made through the date of the last award.

**IX. Restoration of Good Time**

- A. Upon request and in defined circumstances, determinate sentence offenders may have good time restored when it was previously withheld solely for the non-payment of supervision fees.
- B. When a monthly supervision fee payment is made, for which good time was previously withheld, the offender may be eligible for good time restoration.
- C. The amount of good time restored shall not exceed the amount of time that remains to be served on post release supervision.
  - 1. To allow time for administrative processes, the number of good time days restored should be reduced from the total amount eligible, if necessary, to allow seven (7) working days between the restoration award and the offender's new sentence discharge date.
- D. Good time restoration shall be made at a rate that is equal to the number of days that were withheld for the specific month(s) of non-payment. For example, if an offender pays two (2)

monthly supervision fees for which he previously lost 20% or 36 days of good time, the 36 days are eligible for restoration.

1. If a good time withholding under review for restoration contained multiple violations that resulted in an overlap of percentages and a withholding of 100%, the amount of good time restored should be reduced by the amount of time needed to ensure that good time is not restored for violations other than delinquent fee payments.

a. Example:

Violations resulting in GT Withholding:	
<i>Violation of curfew:</i>	50%
<i>Changing jobs without notifying PO:</i>	25%
<i>Failed to pay three (3) months of supervision fees:</i>	30%
Total % of good time eligible for withholding	105%
Amount of Overlap	5%
Total amount of GT that was actually withheld	100%
Amount of GT requested to be restored	30%
Amount of GT to be restored, reduced due to 5% overlap	25%

- E. Good time withheld from the PRS period during incarceration in a KDOC facility for a condition violation and revocation shall not be restored.
- F. Restored good time may not be withheld in a subsequent review period.

#### **X. Criteria for Good Time Restoration**

- A. The following criteria must be met in order for good time to be restored:
  1. Supervision fees have been paid for the time period(s) that were previously unpaid and resulted in the loss of good time.
    - a. To be eligible for restoration, the monthly fee must be paid in full and a minimum of one month's full supervision fee payment is required. Payments should be verified in OMIS or by other reliable means.
  2. There have been no violations that would result in good time withholding since the end of the last award period, excluding supervision fee payments.
- B. Offenders who are eligible for the restoration of good time must make a request using the Request for Good Time Restoration form (Attachment B).
  1. To allow sufficient time for processing and any sentence modifications, the offender should have a minimum of 60 days left to serve on post release supervision in order to submit a request for good time restoration.
    - a. If individual circumstances indicate a need, for good cause, the Parole Supervisor may authorize an exception to the 60-day minimum time frame.
  2. Restoration request forms may be submitted no more frequently than once per month.

#### **XI. Approval and Documentation of Restoration Requests**

- A. Parole officers shall review Request for Good Time Restoration forms that are submitted and respond within seven (7) business days. Fee payments should be verified via OMIS.
  1. Requests that meet the designated criteria shall be approved and the restoration form provided to the Parole Supervisor for processing.

2. Requests for which the restoration criteria are not met should be denied by the Parole Officer.
- B. Requests approved by the Parole Officer shall be provided to the Parole Supervisor, who will process the restoration in TOADS/OMIS within seven (7) business days.
  1. Per Section IX., the actual number of good time days restored should be reduced, if needed, to allow at least seven (7) days prior to sentence discharge and to avoid restoring good time that is not related to supervision fee payments.
- C. The offender shall be informed of the outcome of the request and offered a copy of the completed Restoration Form. If restoration is approved, the offender shall be offered a copy of the updated sentence summary and/or completed Good Time Record.
- D. A copy of the finalized Request for Good Time Restoration Form shall be retained in the case file.
- E. Offender requests for good time restoration and information related to the approval or denial shall be documented in TOADS contact notes.

## **XII. Contested Good Time Awards**

- A. Offenders contesting their good time awards shall be referred to the offender grievance process, per K.A.R. 44-15-101 unless the contested award meets the criteria specified in section XII below.

## **XIII. Correction of Error in Previous Awards Resulting in Additional Withholding**

- A. When it becomes necessary to correct an error or omission in regard to an award of good time previously made for a prior classification review or award period that will result in a decrease in the amount of good time credits previously awarded to the offender, the following procedures shall be employed:
  1. Provide written notice to the offender on the Notice of Proposed Action to Adjust Awarded Good Time Credits, Attachment C. Information should be included that concisely states what and why the change is being made.
    - a. State the review period affected;
    - b. The number of additional credits being withheld;
    - c. The old and new sentence discharge dates;
    - d. Information in sufficient detail for the offender to understand why the credits are being withheld;
    - e. A statement advising the offender that he or she may present an oral statement on his/her own behalf, as well as testimony from witnesses who agree to voluntarily appear at the hearing, and/or relevant documentary evidence, including affidavits submitted in lieu of in-person testimony at the hearing;
    - f. The offender may elect to proceed or waive the hearing;
    - g. The counselor or parole officer shall sign the document; and;
    - h. The offender shall acknowledge receipt of the notice by signing the document.
- B. Hearing Process
  1. If the offender elects to have a hearing, the hearing officer shall be appointed similarly to those in Morrissey Hearings. The Hearing Officer may not be the supervisor of the officer who did the initial good time award.

2. The hearing shall not be held sooner than 24 hours from the serving of Notice of Proposed Action form unless the offender waives the time frame.
3. The notice to the offender shall contain the date, time and location of the hearing and must be served personally to the offender
4. In conducting the hearing the parole officer who is proposing the additional withholding should state why the action is taking place and inform and provide the offender with any documents that are being relied upon to decrease the award amount. Those documents can be redacted if they contain sensitive information. The offender can then state his/her case.
5. The hearing can be conducted by phone if all in attendance are able to hear.
6. The Hearing Officer may, but shall not be required to take notes. If notes are taken, they shall be attached to the written findings. Likewise, any documents relied upon as evidence shall be attached. All testimony shall be unsworn.
7. The Hearing Officer may rely upon any documents in the file, before or after the hearing, but if relying on additional documents, the Hearing Officer shall provide the offender with notice that these documents are being considered. The offender shall have five (5) working days from the date of receipt of the information to provide a written response to the Hearing Officer. The Hearing Officer shall consider the offender response prior to making a decision in the case. The Hearing Officer may not discuss the case further with the parole officer after the hearing takes place.

C. Report of Findings

1. After the hearing is completed, the Hearing Officer shall submit written findings within five (5) business days considering any delays in responses from the offender
2. The decision shall be relayed to the offender within two (2) business days after its issuance by the hearing officer. A written, dated receipt shall be secured from the offender upon service of the decision.
3. Withholdings and related changes in sentences shall be documented in the offender's sentence record in OMIS/TOADS.

**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. 22-3717 and 75-5217  
K.A.R. 44-6-115b, 44-15-101

**ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Good Time Withholding Summary	1
B	Request for Good Time Restoration	1
C	Notice of Proposed Action to Adjust Awarded Good Time Credits	2

## GOOD TIME WITHHOLDING SUMMARY

Violation	Violation Type	Withholding Percentage
<b>The following violations shall result in withholding of 100% of the good time available during the review period</b>		
Any review period in which the offender is considered to be an absconder	Reporting	100%
Any felonious conduct established with probable cause by a district court, or any misdemeanor convictions including Driving Under the Influence (DUI), or Driving While Suspended, (DWS)	Laws	100%
Engaging in assaultive activities, violence, or threats of violence of any kind	Threats, Violence	100%
Possession of a dangerous weapon, ammunition, or explosives	Weapons	100%
Engaging in contact with victims or contact with specific persons or categories of persons for which contact is prohibited by special condition	Prohibited Contact	100%
Failure to agree to search	Search	100%
Any violation which results in the revocation of post release supervision		100%
<b>The following violations shall result in withholding of 50% of the good time available during the review period for each occurrence</b>		
Violation of any specific prohibitions assigned to sex offenders	Specific Sex Offender Conditions	50%
Refusal to work or participate in programs during the review period	Treatment/Programs	50%
Being outside of the state of Kansas without permission	Travel	50%
Violation of any special condition not specifically identified in other sections of this policy	Special Condition	50%
Violation of an imposed curfew	Curfew	50%
<b>The following violations shall result in withholding of 25% of the good time available during the review period for each occurrence</b>		
Any documented instance of use of drugs, alcohol or inhalants	Drug Usage	25%
Moving place of residence without notifying the supervising officer in accordance with the conditions of supervision	Reporting	25%
Being outside of the assigned supervision district (within the state)	Travel	25%
Changing jobs without notifying the supervising officer in accordance with the conditions of supervision	Employment	25%
Refusal to provide UA or submit to substance abuse testing	Drug Usage	25%
<b>The following violations shall result in withholding of 10% of the good time available during the review period for each occurrence</b>		
Failure to report unless excused by the parole officer	Reporting	10% for each occurrence
Failure to pay supervision fees as directed after it has been established that the offender is able but unwilling to pay	Costs	10% withholding for each month in the review period that the offender fails to pay a monthly designated fee

**Kansas Department of Corrections  
Division of Community and Field Services  
Request for Good Time Restoration**

Offender Name and Number: \_\_\_\_\_

Eligibility Checklist

- Since the end of my last good time award period, I have had no violations that will result in a good time withholding (excluding supervision fee payments).
- I have at least 60 days of post release supervision to serve (or granted an exception).
- I have made \_\_\_\_\_ payment(s) toward supervision fees that were due during a previous good time award period, and for which I lost good time.

I meet the criteria above and request the restoration of good time that was previously withheld for my failure to pay supervision fees.

\_\_\_\_\_  
Offender Signature

\_\_\_\_\_  
Date

***This section to be completed by parole staff:***

Form Received by Parole Officer: \_\_\_\_\_  
Signature Date

- > Payment Verification: *(list the dates/months of supervision fee's that have now been paid, for which goodtime was previously withheld):* \_\_\_\_\_
- > Number of days eligible for good time restoration (days lost for failure to pay fees): \_\_\_\_\_
- > Current Sentence Discharge Date: \_\_\_\_\_
- > Number of days remaining in supervision period: \_\_\_\_\_

Based on this information the request for good time restoration is:                      Approved                       Denied

Comments *(required if denied)* \_\_\_\_\_

\_\_\_\_\_  
Parole Officer Signature

\_\_\_\_\_  
Date

Parole Supervisor:      Approved                       Denied

Number of good time days restored: \_\_\_\_\_

Comments *(required if denied or if less than the full number of restoration days were granted):*

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

## NOTICE OF PROPOSED ACTION TO ADJUST AWARDED GOOD TIME CREDITS

Date: \_\_\_\_\_

To: \_\_\_\_\_  
(Offender Name and Number)

From: \_\_\_\_\_  
(Correctional Counselor/Supervising Parole Officer)

It is proposed that, due to the circumstances stated below, a certain amount of good time credits previously awarded to you shall be removed and deducted from the pool of good time credits now reflected as earned and awarded to you. Should this action be taken as proposed, your release date and/or sentence discharge dates will be affected in an adverse manner. As set forth below, you have the choice of either accepting the proposed action without protest, or requesting a due process hearing on the proposed action before an impartial hearing officer. You may also appeal an adverse hearing officer's decision to the Secretary of Corrections by submitting a letter with all documentation provided to you at the original hearing.

Amount of Previously-Awarded Good Time Credits Proposed for Removal from Pool of Awarded Credits: \_\_\_\_\_

Revised Release Dates and/or Sentence Discharge Date, as applicable, if Proposed Adjustment is Made:

New Current Release Date: \_\_\_\_\_ New Latest Release Date: \_\_\_\_\_  
New Current Sent. Discharge Date: \_\_\_\_\_ New Latest Sent. Discharge Date: \_\_\_\_\_

Review or Award Period(s) Affected \_\_\_\_\_

Reason(s) for Proposed Removal of Awarded Good Time Credits\*: \_\_\_\_\_

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

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*\*Attach additional sheets if needed; Attach copy of any documents mentioned in Statement of Reason(s).*

**Right to Due Process Hearing and Appeal on Proposed Action:** If you so request in the manner indicated below, you may have a due process hearing before an impartial hearing officer in which you are afforded the right to present an oral statement, any relevant documentary evidence, and testimony or affidavits from witnesses who agree to voluntarily appear on your behalf on the issue of whether the proposed action to adjust awarded good time credits should be upheld, modified, or denied altogether. The hearing officer shall also hear an oral statement from your correctional counselor or parole officer, and may consider all relevant records pertaining to the issue, but if the hearing officer intends to either rely upon any document(s) not served upon you with this notice, *or to order that a greater amount of good time be removed than was originally proposed*, you will be given copies of such documents and/or notice of the reason(s) for the intended action of a greater deduction of good time credits than originally proposed. You will then be permitted extra time to submit a written response to any such documents prior to the hearing officer's decision. *In the event that you are given notice of intent to order deduction of a greater amount of credits than originally proposed, you may also request a second hearing before another hearing officer.* The decision shall be in writing, and shall set forth the hearing officer's findings of fact and reasons for the decision. If the decision upholds the proposed action, or modifies it by directing that a greater or lesser amount of good time credits be removed than was originally proposed, you also have a right to appeal the decision to the Secretary of Corrections' designee.

CHOOSE ONE OF THE FOLLOWING OPTIONS BY SIGNING, INITIALING, AND DATING:

**Request for Hearing:**

(Initials)

I hereby request a due process hearing on the proposed action to adjust my previously awarded good time credits, to be scheduled at least 24 hours after my receipt of this notice.

I hereby waive 24-hour notice of my due process hearing, and agree to proceed immediately with the hearing.

\_\_\_\_\_  
Offender Name & Number

Date: \_\_\_\_\_

(Initials)

**Waiver of Hearing:**  I hereby waive and give up my right to a due process hearing as described above on the proposed action to adjust my previously awarded good time credits, and agree to be bound by that action for purposes of computing my sentence release and/or sentence discharge dates, as applicable. I understand and acknowledge that I thereby also waive and give up the sole and only administrative remedy provided by the Kansas Department of Corrections for offenders under post-release supervision to protest such action, and that I will not be able to file an administrative grievance or otherwise seek administrative relief of any sort in regard to that action. I state that I make this waiver freely, voluntarily, and intelligently.

\_\_\_\_\_  
Offender Name & Number

Date: \_\_\_\_\_

\_\_\_\_\_  
Witness (May not be assigned correctional counselor or parole officer)

Date: \_\_\_\_\_

**Verification and certificate of service:**

I, \_\_\_\_\_ hereby verify and affirm that the above and foregoing statements  
(Correctional Counselor or Parole Officer)  
of mine in regard to the proposed action to adjust previously-awarded good time credits are true and correct to the best of my knowledge and belief.

I further state that I served the Notice of Proposed Action to Adjust Awarded Good Time Credits upon offender, as confirmed by the offender's signature on the following receipt.