POLICY

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, are eligible to earn good time credits toward the reduction of the sentence discharge date. The award of good time credits must be based upon the offender's positive behavior in the community. Earned good time credits are 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 may 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.

Centralized Good Time Unit (GTU): Staff who work with the Sentence Computation Unit and are assigned to evaluate, compute and make Good Time entries for eligible post-release offenders.

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 are to be identical.)
Revocation Hearing: A hearing before the revoking authority to determine whether revocation of parole is to be made final.

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

Static Award Periods: The use of consistently determined 180-day intervals for good time award periods. Static awards begin on the date established at the offender's release from a facility, as indicated in the good time log. The use of static periods continues throughout the supervision period while good time is available, unless interrupted by revocation. A new static award period begins after a revocation and re-release.

Waiver: An intentional relinquishment of some right or interest. The relinquishment must be free of any force or coercion and is to 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 are computed and set up by the Sentence Computation Staff.
   B. Parole Officers must review the sentence information and Good Time Log on all new releases. The Sentence Computation Unit must be notified of any cases which do not have a Good Time Log set up so that one may be created.
   C. Offenders who are in a KDOC facility pre-revocation program retain their post-release status and are eligible to earn good time credits.
      1. The assigned PO must notify GTU staff if a good time award is due during the time period that an offender is in a pre-revocation program.

II. Award and Withholding Rate
   A. Good time applied toward the reduction of a determinate sentence one (1) or two (2) year supervision period must 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 must 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 must be made in accordance with the following time periods and general guidelines appropriate to the offender's status:
      1. Good time must be computed on a 30-day month, 360-day year.
      2. Except as provided in Section III.B. below regarding Absconders, or if fewer than 180 days are available to be earned, good time award periods remain static throughout the supervision period and must 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 must 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 must 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 must be made every 180 calendar days except:

   a. When an offender absconds supervision, and is processed for revocation upon apprehension, 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 must be computed to the ending date of the last review period.

         (b) The remaining good time is to be computed 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 must have all good time withheld for any review period in which they were on absconder status.

      (1) The award period must be determined by the static award schedule established upon the offender’s most recent prison release.

      (2) For absconders who are continued on supervision and do not have delinquent time assessed, the good time award period must include all days in the award period, including those in which a warrant was in place and the offender was considered an absconder.

      (3) For absconders who are continued on supervision and have delinquent time assessed in accordance with IMPP 14-130A, the good time award dates must not include the days that fall between the absconder warrant issuance and date of arrest.

C. 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 must 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 must be computed through the date of the Transportation Memo.

3. Good time computations for offenders being convicted of new sentences and sentenced to KDOC must be computed through the date of sentencing.

4. The Sentence Computation Unit (SCU) is 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 must initially be computed through the Transportation Memo date by Interstate Compact Unit staff.

   (1) If the offender waives the revocation hearing, the SCU must compute good time from the date of the Transportation Memo to the date of the waiver of revocation hearing.

D. Parole/Post-release Supervision Non-Revocations

1. Offenders who are returned to a KDOC facility and then not revoked by the Prisoner Review Board must 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. Upon being notified that the offender’s supervision was not revoked, the parole officer must review the case and notify the GT unit of any changes needed and request that the GT record be adjusted in OMIS.

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 is to 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 must 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.

   (1) Decisions about which award period to use in these cases are to be made on an individualized basis, considering the circumstances of each case. The Parole Supervisor is responsible for making the decision.

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.

7. Any violation that results in the revocation of post release supervision.
   a. This withholding is to 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 must 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 may be used in determining when an offender is required to work or when he/she is to be excused from the requirement for valid reasons. Good time must 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 is 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 is determined using the following criteria. The criteria applies to programs required by KDOC including Batterer Intervention (BIP), Sex Offender Program/Treatment, Moral Reconation Therapy (MRT), Substance Abuse Program (SAP), Thinking for a Change (T4C), Advanced Practice groups, community based substance abuse treatment and behavioral 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.
Failure to progress in a program due to a consistent lack of effort and/or repeatedly failing to complete program tasks or homework.

Two (2) or more instances of blatantly rude or disrespectful behavior during program activities, despite requests to discontinue the problematic behavior.

Being required to re-start a program from the beginning due to poor attendance and/or poor participation and failure to complete program assignments.

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 is not to be considered a violation.

C. The following violations must 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.) must result in the withholding of 25% good time.
   a. The collection of a specimen must be considered as one event, regardless of the number of drugs testing positive.

D. The following violations 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 must 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 must be 60%.
      (1) Parole officers are to consider less than six (6) months of payments as due during a 180-day award period when circumstances indicate a lesser time frame is more appropriate. For example, 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 do 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 are to 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...
period, and two (2) are applied towards old supervision fees, the offender must have 20% withholding).

2. Failure to report unless excused by the parole officer
   a. The percentage of good time withheld for failing to report must 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 must have 20% withheld.

E. If multiple violations occur that result from the same set of circumstances, the most severe violation must be utilized for consideration of the good time award.

F. Except as provided below, violations that result in the withholding of good does not serve as the basis for the withholding of additional good time during subsequent award periods.

G. If the centralized GT unit staff is unsure as to whether good time is to be awarded or withheld, the Parole Operations Manager must be consulted and who makes the final decision.

V. Responsibility for Computing and Recording Good Time Award

A. Centralized Good Time Unit (GTU) staff are responsible to identify offenders for whom good time is due, determine any withholdings necessary and make the necessary entries in the sentence record in OMIS.
   1. The Good Time Due/Overdue report from OMIS must be generated at the beginning of each month to identify offenders who have a good time award due during the month.

B. Good Time Awards are to be completed in the month following the end of an award period unless it is the offender's final award period and needs to be completed sooner to allow for a nearing discharge date.
   1. Final good time awards must be prioritized to ensure that they are completed in advance of the offender's potential discharge date.

C. If a good time award is completed and the offender's new discharge date is within 30 days of the completion of the award, the GTU designee must notify the designated Administrative Assistant and the assigned Parole Officer to request that a Discharge Certificate be issued for the offender.
   1. If the offender is in custody on a KDOC hold that needs to be withdrawn, the assigned Parole Officer is responsible to process a warrant withdrawal and make notifications to the offender.

D. Good time withholdings are determined based on violations that are in the Conditions/Violations screen in TOADS.
   1. Withholdings are to occur for any violations that have been entered and have a resolution of Intervention or Revocation.
   2. Withholdings do not occur for violations that are marked as dismissed.
   3. Good time is not to be withheld for violations that are in the “pending” status. An exception is allowed for new charges/pending felonies for which probable cause has been found but final court action is pending.

E. The good time review and any withholdings must be documented on the Good Time Award/Withholding form (Attachment B) and the information be entered in the offender's sentence record in OMIS.
   1. Upon completion, the Good Time Award/Withholding form must be scanned and stored in the offender's record in Imaged documents.
2. A copy of the form must be emailed to the assigned PO as notice that the review process has been completed.

F. Upon learning that a post-release offender is being returned to a KDOC facility for revocation, through the transport notification system or the OMIS RW report, the designated GTU staff must complete a good time review and make the necessary entries in OMIS.

G. The Interstate Compact Unit is responsible to complete good time awards/withholdings for offenders who are being supervised outside of Kansas via the Interstate Compact, being monitored while in custody outside of Kansas, or absconders arrested out of state and being returned to Kansas for revocation.

1. Good time awards completed by Interstate Compact staff must be completed in the designated computer system and reviewed by either the Deputy Compact Administrator or his/her designee.

VI. Transmission of Good Time Computation Information for Absconders

A. When an offender absconds supervision and a parole violation warrant is issued, it is the responsibility of the parole officer to notify the GT unit and request that good time be 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 is the responsibility of the parole officer of record to notify the GT unit that good time needs to be computed for the offender.

a. Good time must be computed 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 must be computed from the offender’s date of release or end of the last review period until the good time awards are current.

VII. Parole Officer Responsibilities

A. To help ensure that Good Time withholdings are accurately applied, Parole Officers must maintain accurate and up-to-date records in TOADS.

B. On or about the first of each month, each Parole Officer must generate a report of Due and Overdue Good Time Awards for their caseload.

1. The report is to be used to identify cases for which good time awards/withholdings are scheduled so that violations and data entry can be updated, if needed.

2. If the PO is aware of any case that is not on the monthly listing, but may require a good time award, they must notify the Centralized GT unit. This may include but is not limited to absconders who have been returned to supervision, cases with Delinquent Time Waivers or those in a Pre-revocation program.

C. Parole Officers are to notify the GT unit when a good time award may be needed in a case outside of usual schedule, for example, absconders that are apprehended as discussed in Section III.B.

D. Within 30 days of receiving notification that a GT award has been completed, the assigned Parole Officer must advise the offender of the good time award/withholding and any changes made to his/her sentence discharge date.
1. A written copy of the Award/Withholding form is to be provided to the offender if he/she wants a copy.

2. The good time award/withholding and notifications made to the offender must be documented in a contact note.

VIII. Parole Supervisor Responsibilities

A. Parole Supervisors must provide appropriate guidance and oversight to ensure that Parole Officers utilize the Due and Overdue Good Time Awards report as discussed in Section VI.B., and that parole officers document all violations in a timely manner.

IX. Parole Liaison and Oversight

A. The Parole Operations Manager serves as the liaison between parole staff and the SCU/GTU staff for matters of policy or when circumstances of a case require additional consideration.

B. The Parole Operations Manager or designee is responsible to conduct periodic reviews of completed Good Time Awards/Withholdings to help ensure quality and consistency within the process.

X. 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 must 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 are to 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 must 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 is to 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:

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

E. Good time withheld from the PRS period during incarceration in a KDOC facility for a condition violation and revocation must not be restored.
XI. 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 (1) month’s full supervision fee payment is required. Payments are to 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 must have a minimum of 30 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 30-day minimum time frame.

2. Restoration request forms may be submitted no more frequently than once per month.

XII. Approval and Documentation of Restoration Requests

A. Parole officers must review Request for Good Time Restoration forms that are submitted and respond within seven (7) business days. Fee payments are to be verified via OMIS or through an approved vendor.

1. Requests that meet the designated criteria must be approved and the restoration form provided to the Parole Supervisor for processing.

2. Requests for which the restoration criteria are not met must be denied by the Parole Officer.

B. Requests approved by the Parole Officer must be provided to the Parole Supervisor, who is responsible for processing the restoration in TOADS/OMIS within seven (7) business days.

1. Per Section IX., the actual number of good time days restored is to 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. Restoration requests that are approved by the Parole Supervisor must be forwarded to GTU for entry.

1. Within five (5) working days, the GT unit must enter restored good time credits in OMIS.
   
   a. Upon completions, the assigned parole officer must be notified.

2. Upon completion, GT Restoration forms must be scanned and placed in imaged records.

D. The offender must be informed of the outcome of the request and offered a copy of the completed Restoration Form. If restoration is approved, the offender must be offered a copy of the updated sentence summary and/or completed Good Time Record.
E. Offender requests for good time restoration and information related to the approval or denial must be documented in TOADS contact notes.

F. Fee payments which are used for Good Time Restoration must not also be used to indicate fee payment compliance for future good time awards.

**XIV. Contested Good Time Awards**

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

**XV. Correction of Error in Previous Awards**

A. If it is determined that Good Time was withheld for a violation which was not valid, the GT award must be adjusted and the time returned to the offender.

1. Offender must be notified of the change. A written copy of the modified sentence record is to be provided upon request.

B. If it is determined that Good Time was not withheld as expected because a violation(s) were not documented by the Parole Officer during the award period, the Parole Supervisor must be notified and a review process initiated.

1. The Parole Supervisor must review the case and;
   a. Identify any violations that were not documented during the award period and the reason for the lapse.
   b. Determine the amount of good time that needs to be withheld and the impact to the case.
   c. Advise the Parole Director of the findings and any relevant recommendations.

2. The Parole Director must notify the Deputy Secretary of Juvenile and Adult Community-Based Services, or Parole Operations Manager as designee. The case must then be reviewed to determine whether or not the offenders good time record needs to be adjusted.
   a. If it is determined that the offender’s Good Time record needs to be adjusted, the Parole Officer is to be advised and must initiate the hearing process described in section XV.C. through E.

C. 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 results in a decrease in the amount of good time credits previously awarded to the offender, the following procedures must be employed:

1. Provide written notice to the offender on the Notice of Proposed Action to Adjust Awarded Good Time Credits, Attachment C. Information to 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 must sign the document; and;

h. The offender must acknowledge receipt of the notice by signing the document.

D. Hearing Process

1. If the offender elects to have a hearing, the hearing officer must 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 must 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 must 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 must 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 and/or video conferencing if all in attendance are able to hear.

6. The Hearing Officer may, but is not required to take notes. If notes are taken, they must be attached to the written findings. Likewise, any documents relied upon as evidence must be attached. All testimony is to 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 must provide the offender with notice that these documents are being considered. The offender has five (5) working days from the date of receipt of the information to provide a written response to the Hearing Officer. The Hearing Officer must consider the offender’s 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.

E. Report of Findings

1. After the hearing is completed, the Hearing Officer must submit written findings within five (5) business days considering any delays in responses from the offender.

2. The decision must be relayed to the offender within two (2) business days after its issuance by the hearing officer. A written, dated receipt must be secured from the offender upon service of the decision.

3. The Parole Officer must notify the GTU of any withholding or good time changes that need to be entered based on the hearing process. Withholdings and related changes in sentences must 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 are not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

**REPORTS**

None.

**REFERENCES**

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

**HISTORY**

11-22-16 Original  
09-20-17 Rev. 1  
11/27/17 Policy Memo #17-12-003

**ATTACHMENTS**

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<td>1 page</td>
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<td>B</td>
<td>Good Time Award/Withholding Form</td>
<td>1 page</td>
</tr>
<tr>
<td>C</td>
<td>Request for Good Time Restoration</td>
<td>1 page</td>
</tr>
<tr>
<td>D</td>
<td>Notice of Proposed Action to Adjust Awarded Good Time Credits</td>
<td>2 pages</td>
</tr>
</tbody>
</table>
# GOOD TIME WITHHOLDING SUMMARY

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

**Let the Good Times Roll**

<table>
<thead>
<tr>
<th>Format as: 00000000-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offender #/GT#:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Offender Name:</td>
</tr>
</tbody>
</table>

**AB During Award Periods: [ ]**

**Parole Officer:**

**Award Dates:** [ ] to [ ]

**Violations:**

- Reporting-AB (100%)
- Laws-F/PC, M/C (100%)
- Personal Conduct/Violent Behavior (100%)
- Weapons (100%)
- Prohibited Contact (100%)
- Search/Failure to Comply (100%)
- Any Violation Resulting in Revocation (100%)
- Specific Sex Off Conv Violation (50%)
- Treatment/Programs Refusal (50%)
- Reporting/Travel Outside State (50%)
- Special Condition Violation (50%)
- Curfew Violation (50%)
- Narcotics/Alcohol Use (25%)
- Reporting/Residence Notification (25%)
- Reporting/Travel Within State (25%)
- Employment/Without Notifying PO (25%)
- Narcotics/Alcohol Refusal to Sub (25%)
- Reporting/Travel Failure to Report (10%)
- Cost- Failure to Pay Fees (10%)

**New PR Discharge Date:**

**Days Awarded:** [ ]

**Days Withheld:** [ ]

**Will Offender Max w/Award?**

**Award Completed By:**

**Award Entered By:**
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 results 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: ________________________________ 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):

Parole Supervisor Signature  Date

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 must be removed and deducted from the pool of good time credits now reflected as earned and awarded to you. If this action is taken as proposed, your release date and/or sentence discharge dates may 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: ____________

Reason(s) for Proposed Removal of Awarded Good Time Credits*: _________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

*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 are to 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 are to 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 are then 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 and 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 can 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.

__________________________ Date: ____________________

Offender Name and Number

__________________________ Date: ____________________

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

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.