



KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-121A	PAGE NUMBER 1 of 4
		SUBJECT: PAROLE SERVICES: Notification to Third Parties	
Approved By:  Secretary of Corrections		Original Date Issued: 12-10-15	
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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

The Department is strongly committed to the use of effective means to protect public safety and minimize the risk posed by repeat criminal behavior. Part of that effort involves the use of a third party notification. The notification of third parties may be made by parole staff to reduce possible future criminal behavior by minimizing opportunities for supervised offenders to commit new crimes against identified and readily identifiable third persons. (4-APPFS-1A-01, 4-APPFS-1A-02)

Notifications made to third parties should be done in a manner that maintains the confidentiality of offender information and is consistent with IMPP 05-101D. In the absence of a specific threat and risk of harm, notifications shall be made in a manner that informs and does not encourage an undue level of fear.

DEFINITIONS

Harm: Any economic loss, whether as the result of physical injury or damage to property.

Injury: Any physical injury to a person, however slight. Property damage or loss may be considered an “injury” for the purpose of this policy if the action of an offender results in harm to a third party.

Readily Ascertained or Identified: The ability to establish, verify or determine the identity of a third party easily, or with little effort.

Reasonable Suspicion: A belief based upon specific facts, including criminal history and any circumstantial evidence, together with all rational inferences, suggesting that the offender may soon inflict injuries on an individual(s) with whom s/he comes in contact. However, a mere hunch or suspicion, standing alone, is not enough. Nevertheless, reasonable suspicion based upon known facts and circumstances is sufficient to believe that notification is appropriate.

Risk of Harm: When injury or harm is likely either because of a specific threat directed to an identifiable third party; the presence of one or more third party risk potential factors; reasonable suspicion that an identifiable third party may be the target of criminal behavior by a supervised offender; or a determination to safeguard identifiable third parties made by the regional director, the Deputy Secretary Of Community And Field Services and/or the Secretary of Corrections.

Third Party: Any person, business or agency subject to likely harm based upon reasonable suspicion from a supervised offender. This may include, but is not limited to, such persons as the victim/victim’s family, the offender’s family, persons living in the same residence with the offender, persons the offender dates or with whom the offender establishes any long-term relationship, schools, day care centers or other facilities where children

may be unattended, landlords, employers, representatives of the department of social and rehabilitation services when the minor victim is known to be in foster care, etc.

Third Party Risk Potential: The proximity or circumstances of the relationship between the offender and a third party that may allow an opportunity for the offender to engage in criminal or antisocial conduct against a person which is similar or related to past offender conduct.

PROCEDURES

I. Grounds for Notification

- A. Identified third parties and individuals whose identity can be readily ascertained shall be promptly notified if a risk of harm is likely because a specific threat of harm has been directed against them by an offender.
- B. Notification to an identifiable third party is reasonable and may be made based on a presumptive risk potential. Situations which in which parole officers should consider the need for third party notification include:
 - 1. The officer becomes aware of a change in the offender's place of residence or employment;
 - 2. When the officer becomes aware of any changes in the offender's lifestyle, conduct or attitude prompting concern that the offender may commit a new crime against an identifiable person or location;
 - 3. Residential and/or employment proximity to facilities and locations where the offender has made, or has the potential to make, improper and/or offensive advances or create a potential hazard to those with whom s/he may come in contact;
 - 4. The offender is engaging in conduct that places an identifiable third party at risk of serious, immediate danger or harm;
 - 5. The offender's past criminal history supports a reasonable suspicion that an identifiable third party may be subject to a serious, immediate danger or harm;
 - 6. A specific personal relationship between the offender and an identifiable third party; or
 - 7. The regional Parole Director, the Deputy Secretary of Community and Field Services and/or the Secretary of Corrections determines that notification is reasonable in light of the totality of the circumstances.

II. Case Review and Decision Making

- A. In all cases, the assigned parole officer shall review the need for third party notification. The review should occur:
 - 1. as part of release plan investigation.
 - 2. at any other time during the course of supervision when staff becomes aware of a specific threat of harm directed against any identified or readily identifiable individual, or becomes aware of third party risk potential.
- B. Upon becoming aware of a situation that may require third party notification, the supervising officer shall evaluate the circumstances and determine whether the notification needs to be made.
 - 1. In addition to risk factors cited in section I., decisions should be made considering the current circumstances of the case, the risk level of the offender, the offender's behavior on

supervision, the perceived level of risk to the third party and the offender's proximity to the third parties involved.

2. Third party notification to employers shall be made in accordance with IMPP 14-117A.
- C. Unless it would pose an unreasonable risk of harm, the supervising parole officer may determine that notification regarding an offender under supervision does not need to be made to any specific person, and that no notification shall be given.

III. Disclosure and Documentation

- A. If the supervising officer determines that notification should be given to a third party, disclosure of the specific risk circumstances and/or criminal conviction history shall be provided to the third party in person by telephone or in writing as soon as possible.
1. If the parole officer becomes aware of a threat directed against any identified or readily identifiable individual, the individual shall be notified by the most expedient means available.
 2. If disclosure is made in writing, the Disclosure of Information by Parole Officer Form (Attachment A) shall be utilized.
 - a. A copy of each completed Disclosure of Information by Parole Officer Form shall be retained in the offender's case file. Documents generated in TOADS shall be retained in TOADS. A copy of documents that are created outside of TOADS shall be retained in the case file.
 3. Notifications made to third parties that are based on a potential risk, such as employers, landlords and schools, shall be made in a manner that does not inspire an undue level of fear or disrupt the offender's ability to maintain residence, employment, or involvement in an educational endeavor.
- C. All notifications under this policy shall be documented as a contact note in TOADS, citing the date and method of the notification, the reason for the action taken, and the specific information provided to the third party.

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

IMPP 05-101D
APPFS 4-APPFS-1A-01, 4-APPFS-1A-02

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Disclosure of Information by Parole Officer	1 page

**Kansas Department of Corrections
DISCLOSURE OF INFORMATION BY PAROLE OFFICER**

TO:		
RE:		KDOC #
The Kansas Department of Corrections advises you that the above-named person, who is currently under the supervision of the _____ Parole Office, has been convicted of the following crime(s)		
OFFENSE		DATE OFFENSE COMMITTED
<p>This information is provided pursuant to the policy of the Kansas Department of Corrections to notify specific parties of an offender's status and criminal history when the circumstances of the relationship between the offender and the specific parties indicate the need for such notification. The purpose of the information is to make you aware, and therefore reduce possible future criminal behavior by minimizing opportunities for supervised offenders to commit new crimes.</p> <p>Please contact the parole officer listed below if you have questions or need additional information.</p> <p>_____ Parole Officer _____ Telephone Number _____ Date</p> <p>_____ Parole Office Address</p>		