

KANSAS DEPARTMENT OF CORRECTIONS

 INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-122A	PAGE NUMBER 1 of 5
	SUBJECT: PAROLE SERVICES: KDOC Pre-Revocation Program	
Approved By:  Secretary of Corrections	Original Date Issued: 12-20-16	
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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

Offenders assigned to post-incarceration supervision status who demonstrate difficulties in adhering to conditions of supervision, and/or have risk or need factors that need to be addressed to improve their likelihood of success on supervision, may be considered for placement in a pre-revocation program operated at a KDOC facility. (4-APPFS-2B-11) Prior to being placed in such a program, the offender shall sign a diversionary agreement with the parole officer to enter into and successfully complete the program at a designated KDOC correctional facility in lieu of revocation. The offender shall maintain his or her post-incarceration supervision status while in the pre-revocation program.

The primary focus of the KDOC pre-revocation program shall be to provide the offender with housing in a structured environment and the opportunity to gain employment, address risk/need factors and enhance stability to increase the likelihood of success in the community. upon work ethic and offender responsibility and accountability.

DEFINITIONS

KDOC Pre-Revocation program: A program approved by the Secretary of Corrections to provide offenders on post-incarceration supervision status an opportunity to improve their behavior and to reinforce the importance of adhering to conditions of post-incarceration supervision in lieu of parole staff pursuing revocation.

Post-Incarceration supervision: The supervision of offenders after release from a KDOC facility, including release on parole, conditional release, and post-release supervision.

PROCEDURES

I. Procedures to Determine Placement of Offender in a Pre-Revocation Program

- A. Parole officers shall discuss the circumstances of the case with the parole supervisor or designee and consider appropriate/available alternatives prior to initiating a request to place an offender in a pre-revocation program. The parole supervisor will discuss the case with the parole director or designee to gain approval for placement in the pre-revocation program.
- B. With the concurrence of the parole director or designee, the parole supervisor or designee shall present the request to the pre-revocation facility warden (or designee) for placement in the pre-revocation program.
- C. Information shall be provided to the warden or designee parole staff through a parole referral form and shall include, but not be limited to:

1. Pertinent background information on the offender;
 2. Supervision adjustment information;
 3. Circumstances necessitating the referral for placement; and,
 4. Other relevant written reports upon request.
- D. The warden or designee of the KDOC facility shall make a decision and advise the parole supervisor in writing within three (3) days after the above required information is received.

II. Screening Criteria and Placement in a KDOC Pre-Revocation Program

- A. Offenders considered for placement in a pre-revocation program shall be screened by the parole office to ensure that they meet the following behavioral and medical criteria:
1. The offender shall have no felony criminal charges pending; and,
 2. The offender shall not present an immediate threat to facility security. Factors considered an immediate threat to facility security include, but are not limited to:
 - a. Under the influence of alcohol or drugs;
 - (1) Offenders who have tested positive for methamphetamine or heroin shall not be eligible for placement for at least seven (7) days from jail booking date; or from placement in a secure detoxification or medical facility.
 - (2) Offenders who have tested positive for any other substance shall not be eligible for placement for four (4) days from jail booking date; or from placement in a secure detoxification or medical facility.
 - b. Imminent risk of absconding upon placement in the program;
 - c. An established pattern of misconduct during previous incarceration as reflected in the offender's custody record, privilege and incentive level record, and/or in the release materials developed by the facility; or,
 - d. Centrally monitored from another offender at the facility.
 3. Medical Criteria:
 - a. If the offender under consideration for placement in a pre-revocation program presents a medical issue (chronic or acute), the referring parole officer shall contact the appropriate facility health authority.
 - b. Medical screening and recommendations for medical treatment of offenders placed in the pre-revocation program shall be consistent with provisions of IMPP 10-117D.
- B. In the event there is a dispute regarding placement of an offender in the pre-revocation program, a request shall be made by the parole director or designee to the Deputy Secretary of Community and Field Services to review the placement.
- C. The Deputy Secretary of Community and Field Services shall review the matter with the Deputy Secretary of Facilities Management within three (3) days and inform the parole supervisor/officer and the warden or designee in writing of their decision on the case.
1. If the matter involves a medical question the Director of Healthcare Services Division shall be included in the review.

III. Approval and Placement Arrangements of Offenders

- A. The warden or designee shall notify the parole officer as to the offender's admittance date to the program.
- B. The parole officer shall have the offender sign the Diversion Agreement Form (Attachment A) agreeing to accept referral and placement in the pre-revocation program.
- C. The parole officer shall make arrangements for the offender to be at the facility on the scheduled admittance date. Parole staff shall be responsible for the initial transportation to the pre-revocation facility.
- D. Any transportation needed for the offender after admittance into pre-revocation program shall be coordinated between the parole officer and designated counselor. All transportation shall adhere to the General Orders of the facility.

IV. Property and Clothing Items Allowances on Admission to a KDOC Pre-Revocation Program

- A. Offenders may possess property in accordance with the appropriate general orders of the facility and IMPP 12-120.
- B. All property items shall be limited to the specifications and values assigned per IMPP 12-120.
 - 1. Any offender arriving with property in excess of items and amounts specified in section IV.A. or B. shall be required to remove excess items of property at his or her expense in accordance with the removal procedures of IMPP 12-120 or as coordinated with the parole officer.
- C. If the offender fails to complete the pre-revocation program and is admitted as a revocation offender, all property items not allowed as intake property per IMPP 12-120 shall be removed at the offender's expense in accordance with the removal procedures of IMPP 12-120.

V. KDOC Pre-Revocation Program Description

- A. The pre-revocation program shall be up to six (6) weeks in length but no longer than eight (8) weeks.
- B. The primary focus of the pre-revocation program shall be to address offender risk and need factors necessary to help them improve their stability in the community and improve their likelihood of success on supervision.
 - 1. The offender shall be placed on a work assignment as soon as possible upon completion of orientation and medical screening.
 - 2. The offender shall be encouraged to participate in support and/or self-help groups, aftercare, treatment, or release planning programs as authorized by Department policy.
 - 3. During the orientation period, the offender and appropriate staff to include at a minimum parole staff, designated counselor, and if applicable, behavioral health staff will participate in a multi-disciplinary team meeting to develop a viable release plan, which addresses the offender's individualized plan to avoid the problems or issues which led to the pre-revocation placement. The date of the release planning multi-disciplinary team will be determined during this meeting.
- C. Visitor lists and phone lists shall be completed in accordance with applicable regulations and IMPPs 10-111, 10-113D and 11-101.
- D. All pre-revocation offenders shall be subject to the same rules of conduct required of the general population.

- E. Completion of the pre-revocation program shall not entitle the offender to any cash gratuity, per IMPP 04-105A
- F. Pre-revocation program placements and locations shall be as follows:
 - 1. Pre-revocation beds shall be located at the following facility/unit locations:
 - a. Wichita Work Release Facility – 10 beds;
 - b. El Dorado Correctional Facility – infirmary – one (1) bed. This bed is designated for medical emergency placements as necessary from the Wichita Work Release Facility. Medical/Behavioral health staff will recommend placement and security staff between the two (2) facilities will coordinate transportation.
 - c. Additional locations as approved by the Deputy Secretary of Facilities Management.
 - 2. The designation of pre-revocation beds shall not preclude the use of such beds for general population offenders.
 - 3. The number of pre-revocation offenders at a facility location shall not exceed the number of beds designated in section IV.F.1. without the approval of the Deputy Secretary of Facilities Management.

VI. Preparation for the Offender's Return to Community Supervision

- A. One (1) to two (2) weeks prior to release a multi-disciplinary team meeting shall be conducted to review progress of the offender and his release plan. Any modifications to release date will be discussed.
- B. Transportation arrangements shall be made by the appropriate parole officer and coordinated with designated counselor.

VII. Addressing Non-Compliance

- A. It shall be the responsibility of the parole officer and the designated facility counselor to determine the offender's level of compliance with the requirements of the respective program. Any non-compliance behavior may be managed in one (1) or more of the following ways:
 - 1. Appropriate cognitive intervention;
 - 2. Issuance of appropriate parole violation and, if necessary, an intervention;
 - 3. Multi-disciplinary meeting;
 - 4. Jail sanction; and/or
 - 5. Revocation.
- B. Offenders who fail to successfully complete the pre-revocation program may be subject to revocation.
 - 1. Revocation proceedings shall be initiated by the appropriate parole officer prior to completion of the pre-revocation program period.
- C. Absconders and Escapees
 - 1. Offenders who leave the KDOC pre-revocation facility without authorization and whose whereabouts are unknown to the parole officer or facility staff shall be considered absconders.

2. Under such circumstances, the facility staff shall contact appropriate parole staff for them to initiate the filing of the absconder warrant per IMPP 14-131A. In the event of this occurring after normal hours, the assigned parole duty officer shall be contacted.

VIII. General Orders

- A. As needed to properly implement this IMPP, the pre-revocation facility wardens may issue general orders related to the management of pre-revocation offenders.

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. 75-5210
K.A.R. 44-7-116
IMPP 04-105A, 10-111, 10-113D, 10-117D, 11-101, 12-120, 14-131A
APPFS 4-APPFS-2B-11

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Diversion Agreement	1 page

KANSAS DEPARTMENT OF CORRECTIONS - DIVERSION AGREEMENT

Now on this ____ day of _____, _____, _____ and _____ his/her parole supervisor enter into this agreement for diversion and continuance of post-incarceration supervision condition revocation proceedings.

I, _____ The offender has been charged with violating his/her conditions of post-incarceration supervision in the following manner (attach a copy of the violation report): _____

_____.

II. The Department of Corrections agrees not to seek revocation of the offender's post-incarceration supervision conditions for having committed the act(s) as set out above, provided the offender successfully completes and fulfills the conditions of diversion as provided by this agreement, his/her post-incarceration supervision status may be revoked due to the above charged violations as well as for any violation of conditions imposed by this agreement if the terms of this agreement are not fulfilled.

III. The parties agree that resolution of the stated condition violation charges shall be continued for a period of _____. **(NOTE: The time period for diversion may be extended by the Department of Corrections, in writing, if the offender fails to fulfill the conditions within this original time period.)**, conditioned upon the successful completion of this diversionary agreement and upon the following conditions:

- A. The offender shall obey all obligations imposed by his/her parole officer or conditional release as required by the Kansas Prisoner Review Board.
- B. In addition, the offender shall fulfill the following conditions of diversion: _____

_____.

IV. I, _____, the offender, understand that I am charged with having violated the conditions of my post-incarceration release as set out in Section I, above. I understand that I have the following rights:

- A. The right to a hearing before the Kansas Department of Corrections;
- B. The right to a hearing before the Kansas Prisoner Review Board;
- C. The right to have access to adverse information on which the violation charges are based;
- D. The right to confront and question adverse witnesses unless said confrontation would subject the witness to risk if his/her identity were revealed; and,
- E. The right to counsel either retained at my own expense, or, to be represented by Legal Services for Prisoners, Inc., a law school intern program, or, other legal aid agency, when available.

I understand that by entering into this Diversion Agreement I am knowingly and voluntarily waiving the above rights. No threats or promises have been made to me. Having these rights in mind, it is my decision to enter into the diversion of my post-incarceration supervision conditions revocation.

V. The parties further agree that upon successful completion of the conditions imposed upon the offender, as set out in this agreement, during the period of diversion the violations, as set out in Section I, will be dismissed and not used in seeking revocation of the offender's post-incarceration supervision status. However, it is further agreed that by entering into this agreement, the offender admits to having committed the violations set out in Section I, and, if the offender fails to satisfactorily comply with the condition(s) of diversion, this agreement can be used in a subsequent conditions revocation proceeding as a clear admission that the offender has violated the post-incarceration supervision conditions as set out in Section I.

I, _____, the above named offender, have read this agreement and know the contents including: the admission that I have violated the conditions of my post-incarceration supervision as set out in Section I; and, the waiver of my rights. I hereby agree to comply with the conditions set forth in this diversion agreement.

Offender's Signature

Parole Supervisor's Signature

Date

Date