



KANSAS DEPARTMENT OF CORRECTIONS

 Department of Corrections	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER	PAGE NUMBER
		14-130A	1 of 4
		PAROLE SERVICES: Delinquent Time Assessments on Community Supervision	
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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 Kansas Department of Corrections may apply delinquent time to an offender’s sentence if a condition warrant is issued for an absconder and the offender is subsequently returned to community supervision and not sent to the Prisoner Review Board for revocation proceedings. The amount of delinquent time involved may be considered as a factor in decision-making regarding the case, and can be viewed as a sanction or a means to allow time on supervision for the completion of needed interventions or risk reduction efforts.

Parole violators who meet designated criteria and will have delinquent time applied to their sentence shall be notified in writing of their delinquent time, their due process rights, the impact of waiving those rights, and how the assessment of delinquent time will impact their sentence.

The application of delinquent time to the official sentence record will be performed by the Sentence Computation Unit, along with the processing of the related documents for placement in imaged records.

DEFINITIONS

Absconder: An offender who is delinquent in reporting to parole staff and cannot be located or has left the area without authorization. A condition 1 “Reporting and Travel” violation must be alleged in order to designate an offender as an absconder.

Arrest: The apprehension, legal custody, seizure, or restraint of a person by a law enforcement officer.

Condition Violation Warrant: A warrant issued under the authority of the Secretary of Corrections for the arrest and detention of an offender. This warrant is sometimes referred to as a blue warrant or a condition violation.

Delinquent Time: The time lost on the service of sentence, from which the offender was paroled or released to post release supervision, due to being on absconder status after a condition violation warrant was issued and until the warrant was served, or the date that the offender is available for return to Kansas.

Delinquent Time Agreement and Waiver: A document provided to the offender that identifies their status as a violator and notifies them about delinquent time and the impact that it will have on their sentence with KDOC. The document includes a waiver of a revocation hearing and related due process rights for the violations that are being addressed.

Sentence Computation Unit (SCU): Trained staff assigned to review court documents for accuracy and completeness and compute sentences of offenders committed to the Kansas Department of Corrections.

PROCEDURES

I. Eligibility

- A. Offenders with an active Kansas sentence who are on parole or post-release supervision are eligible to have delinquent time returned to their sentence if the following factors apply:
 - 1. They have been designated as an absconder and a condition violation warrant was issued;
 - 2. The absconder warrant was active for at least 7 calendar days;
 - 3. They were arrested on the absconder warrant and placed in custody, or surrendered themselves to the custody of parole staff in lieu of arrest; and
 - a. Offenders who are arrested and are in custody in another state are considered eligible at the time that they become available for transport to Kansas.
 - 4. The KDOC's response to the condition violation(s) is to continue the offender on supervision rather than initiate revocation proceedings.

II. Decision-Making and Approval

- A. When processing the case of an absconder who has been apprehended, the assigned Parole Officer shall note the amount of delinquent time that is available and whether or not the offender meets the criteria for the application of delinquent time if returned to supervision.
- B. The case shall be staffed with the parole supervisor to determine a course of action and response to the violation in accordance with IMPP 14-137.
- C. If the offender meets the eligibility criteria and delinquent time is to be assessed, a Delinquent Time Agreement and Waiver form (Attachment A) shall be prepared by the Parole Officer using information from the offender's sentence record in OMIS.
 - 1. The Delinquent Time Agreement and Waiver form shall be reviewed and approved by the Parole Supervisor or designee prior to being issued to the offender.
 - a. The review and approval shall be documented by the reviewer's signature on the form.

III. Delinquent Time Agreement and Waiver Form Procedures

- A. The Parole Officer shall present the approved Delinquent Time Agreement and Waiver form to the offender and review the contents of the form, including:
 - 1. The definition of delinquent time;
 - 2. The impact that the assessment of delinquent time will have on his/her sentence; and
 - 3. The due process rights that would apply if revocation proceedings were sought and the impact of waiving those rights.
- B. The Parole Officer shall have the offender sign two copies of the form, leave one signed copy with the offender, and retain one for KDOC records.
- C. The Parole Officer shall provide a copy of the signed form to the Parole Services designee no later than the end of the next business day.

1. Forms processed through the Interstate Compact Unit for offenders who are in other states shall be provided to the Parole Services liaison no later than the end of the next business day after the form is received from the other state.
- D. After reviewing the completed form, the Parole Services designee will provide it to the SCU who shall:
1. Modify the sentence record in OMIS; and
 2. Provide the Delinquent Time Agreement and Waiver form to the appropriate personnel so it can be scanned and stored in imaged documents.
- E. A warrant withdrawal should be processed by the Parole Officer or designee after the offender has signed the acknowledgement form.
1. Should circumstances of a case necessitate it, the processing of the warrant withdrawal may be delayed until the SCU has assessed the delinquent time and updated the offender's sentence record in OMIS.
- F. If an offender refuses to sign the Delinquent Time Agreement and Waiver form, the Parole Officer shall:
1. Advise the offender that refusal to sign the form will result in a re-evaluation of his/her case and may result in a decision to initiate revocation proceedings and return the offender to a facility; and
 2. Staff the case with the parole supervisor to determine a course of action, which may include, but is not limited to, revocation.

IV. Internal Notifications and Documentation

- A. Delinquent Time Agreement and Waiver forms that are presented to offenders shall be documented in a contact note and the original signed document retained in the offender's case file.
- B. After the sentence is modified by the SCU, the Parole Officer shall advise the offender of his/her new sentence discharge date.

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. 75-5217
KAR 44-6-114e
IMPP 14-131A, 14-137, 14-139A

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Delinquent Time Agreement and Waiver form	1

**Kansas Department of Corrections
Division of Community and Field Services**

Delinquent Time Agreement and Waiver

To: _____ Date: _____
(Name and KDOC Number)

You have been charged with failing to report to your parole officer as directed and absconding supervision. As a result of your status, a warrant was issued and delinquent time is applicable.

Delinquent time is the amount of time or number of days that is lost on the service of a criminal sentence when a person is placed on absconder status and a condition violation warrant is issued. The sentence stops running on the date that the warrant is issued and does not begin again until the warrant is served and the person is in custody. If the person is arrested out of state, delinquent time will end on the date that the person becomes available for return to Kansas instead of the date of apprehension.

Because of your status as a parole violator and absconder, the following dates apply to your delinquent time and sentence with the Kansas Department of Corrections:

Date of warrant issuance:	
Date of apprehension:	
If out of state, date available for return to Kansas:	

Parole Supervisor/Reviewer: _____ Date: _____

Agreement and Waiver of Revocation Hearing:

KDOC agrees not to seek revocation of your supervision for the failure to report/absconding violation(s). In exchange, you agree to the application of delinquent time to your sentence, and to follow the release conditions while on supervision. Applying the delinquent time will result in an extension of your sentence discharge date by the amount of time that you were in absconder status, as shown in the box above.

If you choose not to accept your delinquent time and remain in the community you may be returned to a KDOC facility to face revocation for the violation(s). As part of that process the delinquent time that is reflected above will be assessed to your sentence. During the revocation process you would have the right to:

- A revocation hearing with the Prisoner Review Board.
- Evidence of the violations and to question adverse witnesses.
- Have legal counsel at your own expense.

With this information in mind, you choose to remain in the community on supervision and to freely and voluntarily waive your rights to a revocation hearing.

Offender signature

Date

Parole Officer/witness signature

Date