



# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  <b>14-131A</b>	<b>PAGE NUMBER</b>  <b>1 of 5</b>
		<b>SUBJECT:</b>  <b>PAROLE SERVICES: Failure to Report and Absconder Procedures</b>	
<b>Approved By:</b>   <b>Secretary of Corrections</b>		<b>Original Date Issued:</b> <span style="float: right;"><b>04-29-15</b></span>	<b>Replaces Version Issued:</b> <span style="float: right;"><b>N/A</b></span>
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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

Parole officers shall be responsible for identification and follow-up on offenders who have failed to report as directed, and those for which there is a reasonable indication that they have left the area of supervision without authorization. Attempts to locate offenders and re-engage them in supervision shall include written and verbal efforts, community and home contacts, notification of appropriate supervisory staff and submission of required reports. Warrants shall be issued by the regional parole director or designee when an offender is designated as an absconder. (4-APPFS-2B-04)

Following the apprehension of an absconder, the supervising parole officer, in conjunction with a parole supervisor, shall review the case and determine the appropriate course of action to be taken. Absconders being held by authorities in another state under a warrant issued by the Kansas Department of Corrections shall be processed in accordance with IMPP 01-111. Absconders who commit no new crimes, who are not determined to be an undue risk to the public or who surrender themselves, may be continued under supervision. (4-APPFS-2B-12)

## 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.

**AB:** The code used in OMIS to indicate that a condition violation warrant has been issued for an offender who is not in custody. The determination of whether or not the offender is an absconder should not be made solely based on the use of the AB code.

**Condition Violation Warrant:** A warrant issued under the authority of the Secretary of Corrections for the arrest and detention of an offender. Also referred to as a blue warrant.

## PROCEDURES

### **I. Responding to Failure to Report**

- A. When an offender fails to report for a designated appointment, follow-up action shall be initiated immediately and completed within three (3) working days. The parole officer shall take and document the following steps to locate the offender and schedule a new appointment that is within 10 working days of the missed appointment.
  - 1. Attempt to contact offender by phone, either at home, work or mobile phone; and/or

2. Send a letter to the offender's last known address, which includes a new appointment date and time; and/or
  - a. If mail service is utilized to notify an offender of a new appointment date, at least five (5) business days should be allowed between the time that the document is mailed and the date that the offender is being directed to report.
3. Attempt to contact the offender via field contacts (home, place of employment, etc.) or through collateral contacts.

## **II. Re-engagement and the Identification of Absconders**

- A. Offenders who fail to report for a second, subsequent appointment shall be targeted for reengagement in the supervision process. Parole officer's efforts for offenders in this category shall include the following;
  1. Conduct a home contact, including leaving a card or letter with specific reporting instructions.
    - a. With the exception of interstate compact cases, the home contact may be waived by the parole supervisor if the travel distance to the home would present a hardship or if the circumstances of the case indicate that a home contact would not likely be beneficial in encouraging the offender to make contact with the parole officer.
    - b. If the home contact is waived a letter should be mailed to the offender in lieu of the home contact.
  2. Complete a collateral contact with the offender's residence provider to gain information and ask the contact to encourage the offender to comply with conditions of supervision.
  3. Complete a collateral contact with the offenders employer, if applicable, to gain information and to ask the contact to encourage the offender to comply with conditions of supervision.
  4. If the parole officer is aware of any additional significant others and has contact information, efforts should be made to contact the person(s) to request assistance in encouraging the offender making contact with the parole officer.
  5. If the offender has a positive working relationship with a staff member (POII, Parole Supervisor, program provider, etc.) other than the parole officer, the parole officer may request that the staff member assist in making contact with the offender, for the purposes of re-engaging him/her in the supervision process.
  6. If efforts are unsuccessful, the assistance of Special Agents may be requested to assist in locating the offender and encouraging the offender to contact the parole officer and re-engage in supervision.
- B. Throughout this process, contact or attempted contact with the offender should encourage contact with the parole staff and include information about the adverse effects of being designated as an absconder and warrant issuance, which include the loss of good time, the potential for law enforcement contacts with family and friends, arrest, jail time and/or revocation.
- C. If, after utilizing the full complement of reengagement efforts, attempts to locate the offender are unsuccessful, the parole officer shall conduct a case conference and provide a violation report to the Parole Supervisor or designee within 10 working days of the offender's most recent failure to report.
- D. The parole officer may by-pass the re-engagement actions described in II.A. and proceed directly to a case conference and/or warrant request in the following circumstances:

1. It has been verified that the offender has left the assigned area of supervision;
  2. It has been verified that the offender has specifically stated an intent to abscond supervision;
  3. The offender has self-discharged from a residential program and his/her whereabouts are unknown;
  4. An offender fails to report to a parole officer as directed upon release from an institution and his/her whereabouts are unknown.
- E. The supervisor or designee shall review the violation report.
1. If the supervisor or designee concurs with the recommendation, the report shall be sign and a warrant request provided to the designated staff.
  2. If the parole supervisor or designee believes that additional re-engagement efforts are necessary, or does not concur with the recommendation of the supervising officer, the report shall be returned to the parole officer with instructions as to how to proceed.

### **III. Interstate Compact Absconders**

- A. Interstate compact offenders failing to report shall be processed in accordance with Sections I. and II.; however, the Deputy Compact Administrator shall be the designee for issuance of warrants or Orders to Arrest and Detain, in accordance with IMPP's 14-139A and 14-145A.

### **IV. Actions Subsequent to the Arrest of Absconders**

- A. When field parole staff become aware of an absconder's arrest, it shall be the responsibility of the staff person who became aware of the arrest to notify the parole officer of record, the parole officer's supervisor, and Interstate Compact staff in accordance with IMPP 14-139A.
- B. If the absconder is apprehended in the same district from which they originally absconded, the parole officer of record shall conduct a violation interview, if necessary.
1. Violation interviews may be conducted by telephone or video methods, if the method is available for use and the PO determines it is appropriate for the circumstances.
- C. If the absconder is apprehended in an area other than that of the issuing officer's district/region, the first parole staff member becoming aware of the offender's arrest shall contact the parole officer of record. The parole officer of record shall subsequently contact the parole officer serving the area(s) involved (if applicable) and shall relay the following:
1. Information regarding the offender's apprehension including date of arrest and location;
  2. Verification that documents necessary for processing violation(s), (violation report(s), warrant, etc.) are available in TOADS; and,
  3. A request that a violation interview with the offender be conducted, if needed, and that the results be relayed to the parole officer of record.
- D. The parole officer of record is responsible to ensure that appropriate jail tracking movements are entered on the computer no more than one (1) working day from the date of apprehension.
- E. The parole officer in the district of offender apprehension shall be responsible for printing and signing documents relevant to the violations for subsequent presentation to the offender as necessary.
- F. The parole officer of record, in conjunction with the parole supervisor, shall determine the course of action to be taken pursuant to IMPP 14-137 and other factors present in the case.

1. The parole supervisor in the original supervision district shall not make a decision for continuance of supervision of an absconder whose intent is to reside in another parole region without consulting a supervisor located in the region in which the offender intends to reside.
  2. If it is determined that the offender will be processed for revocation, it shall be the responsibility of the parole officer of record to prepare violation report(s), Statement of Charges/Notice of Hearing, Transportation Memo, Closing Summary, and the Revocation Packet.
- G. If the offender has pending charges in addition to the condition violation warrant, which may result in a period of incarceration longer than 30 days, supervision shall be transferred to the office in the district of apprehension.
1. Condition violations shall be documented and necessary processes completed prior to transferring supervision of the offender.

#### V. Continuance on Supervision

- A. If supervision is continued, the parole officer of record shall be responsible for initiating the warrant withdrawal and related procedures pursuant to IMPP 14-139A. (4-APPFS-2B-12)
- B. Warrant withdrawals pertaining to offenders previously classified as absconders or for whom a "not in custody" warrant was issued, shall be e-mailed to the Interstate Compact e-mail address (KS Compact Email) to notify of the warrant being withdrawn.

#### VI. Out of State Arrests

- A. When parole staff receives information that an offender shall be arrested out of state and a Kansas condition violation warrant has not been issued, the following steps shall be taken:
  1. Information about the circumstances of the arrest and status of the offender shall be obtained by the parole officer of record, who shall relay the information to the parole supervisor.
    - a. If a warrant is necessary, issuance shall be completed in accordance with IMPPs 14-137, 14-138 and 14-139A.
  2. If a warrant is issued or subsequent contact with officials from the other state is anticipated, the parole officer shall contact Interstate Compact staff who shall provide further instructions and/or assistance in the handling of the case.

**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**

KSA 75-5112, 75-5214, 75-5251  
IMPP 01-111, 14-127, 14-137, 14-138,14-139A  
4-APPFS-2B-04, 4-APPFS-2B-12

**ATTACHMENTS**

None.