
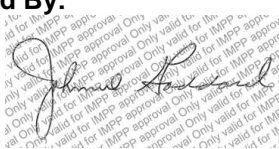


# KANSAS DEPARTMENT OF CORRECTIONS

 <p><b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b></p>	<b>SECTION NUMBER</b>  <b>14-134A</b>	<b>PAGE NUMBER</b>  <b>1 of 5</b>
	<b>PAROLE SERVICES: Transportation Memo</b>	
<b>Approved By:</b>  Secretary of Corrections	Original Date Issued: <span style="float: right;">05-05-16</span> Replaces Version Issued: <span style="float: right;">N/A</span> <b>CURRENT VERSION EFFECTIVE: <span style="float: right;">05-05-16</span></b>	

<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 staff shall complete a Transportation Memo in the Total Offender Activity Documentation System (TOADS) on condition violators being returned to a KDOC facility for reasons other than a new felony conviction resulting in a prison sentence. The Transportation Memo shall contain specific information that allows violators to be transported safely and placed in an appropriate facility. The Department Transportation Coordinator shall be notified by e-mail of the existence of the Transportation Memo in the TOADS database upon notification of the offender's availability for transport.

## 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.

**Administrative Hold:** Placement of an alleged parole violator in a KDOC facility prior to the establishment of probable cause for violation of post-release supervision conditions. Placement of an offender in a facility on administrative hold status may be done for medical or security management reasons or for conservation of jail per diem funds.

**Delinquent Time:** Time period from the issuance of a parole violation warrant to the date of service of the warrant. 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.

**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-incarceration periods, serve to reduce the sentence discharge date.

**OMIS:** Offender Management Information System.

## PROCEDURES

### **I. DETERMINATION OF AVAILABILITY OF OFFENDER FOR TRANSPORTATION**

- A. Before completing the Transportation Memo the parole officer shall have staffed the case with a parole supervisor or designee, per IMPP 14-137, and an Arrest and Detain Order or a parole violation warrant shall have been issued.

- B. A condition violator may be available for transport to a KDOC facility if any of the following situations exist:
1. Waiver of, or completion of, the preliminary Morrissey hearing;
  2. Waiver of, or completion of, the preliminary Morrissey Hearing with existing local charges for which the offender has posted bond, has been released on his/her own recognizance, or has municipal charges that do not prohibit transportation of the offender to a KDOC facility;
  3. Condition violation(s) consisting solely of a misdemeanor conviction(s) on which the offender has posted bond, released on his/her own recognizance, or has been sentenced to time served;
  4. Condition violation(s) consisting of felony charge(s) for which the offender has been either:
    - a. Bound over for trial and has posted, or has been granted a personal recognizance bond; or
    - b. Convicted and granted probation by the court.
  5. Parole staff shall not make arrangements for transport if the offender has been sentenced to county time but has not been granted probation in the case, unless unusual circumstances exist.
    - a. Unusual circumstances may be present if the offender's county sentence is run concurrently with any KDOC post-release revocation time or if the offender presents a medical or security management problem that the county is not equipped to handle.
  6. Offenders may be transported to a KDOC facility prior to the establishment of probable cause for administrative hold purposes. In these cases, the need for a Transportation Memo is based on the circumstances of the case and the discretion of the KDOC Transportation Coordinator.
- C. Offenders convicted of felony charges and sentenced to KDOC custody shall be transported by the county, unless a cooperative transportation arrangement is made allowing for KDOC transport. In these circumstances, when the transportation is the responsibility of a county, a Transportation Memo does not need to be completed.

## II. PROCEDURES FOR COMPLETION OF THE TRANSPORTATION MEMO – IN-STATE

- A. A Transportation Memo should be completed when an offender is being processed for revocation and has been determined to be available for transport to a KDOC facility.
1. The Parole Officer shall complete the Transportation Memo and include the following information:
    - a. The county in which the offender is housed, the city, and the warrant number;
      - (1) If the offender has been taken to a different jail/location for temporary housing, indicate the county with responsibility for the offender's custody and placement.
    - b. If release condition #2 is cited as a violation, a mandatory field will appear that requires insertion of the following information regarding offender availability in narrative format:

- (1) Whether bond was posted or offender released on own recognizance;
  - (2) If charged with a new felony and prior to conviction, whether the offender was bound over on the charge;
  - (3) New conviction information misdemeanor or felony;
  - (4) Whether probation was granted;
  - (5) If municipal charges exist but do not prohibit transportation of the offender to a KDOC facility;
  - (6) The statutory title of the crime and case number shall be cited when making reference to criminal cases, whether pending or resolved;
  - (7) Dates of court appearances, dates of preliminary hearings, and dates of probation and conviction shall be documented, if applicable, whenever violation of statutory law is being cited as a violation; and
  - (8) Any additional information that would provide the Transportation Coordinator and facility staff with additional relevant information regarding law violation status.
2. Revocation waiver information must be included indicating the following:
    - a. If the offender was eligible for the waiver;
    - b. If so, was the waiver presented; and
    - c. If the waiver was presented, the date of the waiver must be cited.
  3. If the offender is an absconder, a prompt will appear requesting the date of warrant issuance and the date of apprehension.
  4. Staff shall enter the date through which good time has been completed.
    - a. The assigned PO shall ensure that awards have been completed and are accurate.
  5. Medical issues shall be documented in the first narrative section of the memo. Issues that shall be addressed include the following:
    - a. Communicable diseases;
    - b. Acute or chronic medical conditions that may become an issue when transporting the offender;
    - c. Recent substance abuse problems; and/or
    - d. Medical conditions that may require intervention or treatment upon admission to the facility or may limit mobility or cause other challenges that may impact housing and placement.
    - e. The parole officer shall include in the first narrative section the name, telephone number, and/or pager number of the attending physician for offenders with serious medical issues.

6. Security/management issues that may impact the offender's transportation or facility placement shall be documented in the second narrative section. Issues requiring documentation on the memo include, but are not limited to, the following:
  - a. Escape history, if known;
  - b. Assaultive or otherwise violent history and tendencies;
  - c. Mental condition (i.e., depressive, suicidal, manic, etc.);
  - d. Angry, argumentative, or antisocial attitude, if extreme.
  - e. Security Threat Group affiliation;
  - f. Offender requests for placement based on legitimate reasons, such as a conflict with specific inmates, medical needs, proximity to family, etc.; and/or
  - g. Any other condition that, in the judgment of the parole officer or supervisor/designee, would influence decisions regarding transportation or classification of the offender.
- B. The Department Transportation Coordinator shall be contacted by telephone if an emergency situation exists that may require the immediate transportation of an offender to a KDOC facility.

### **III. PROCEDURES FOR COMPLETION OF THE TRANSPORTATION MEMO –OUT OF STATE**

- A. Transportation Memos on offenders being returned to Kansas from out of State shall be completed by the Central Office Interstate Compact Unit staff, utilizing the Transportation Notification Memo in TOADS (Attachment A).
- B. The version of the form that is designated for offenders who are in custody outside of Kansas should be used. In addition to the information cited in II.A., the information provided shall include:
  1. The name of the contact person at the location where the offender is in custody;
  2. The maximum date or time frame allowed for the officer to be picked up from the location; and
  3. Whether probable cause has been established or a probable cause hearing is needed.

### **IV. DISTRIBUTION OF TRANSPORTATION MEMO**

- A. When the Transportation Memo has been completed in TOADS, an e-mail shall be sent to the Transportation Coordinator, citing the inmate's name, number, and a notation indicating that the Transportation Memo is available in the TOADS database.
  1. The Transportation Coordinator shall view the Transportation Memo and shall indicate receipt by e-mailing the parole officer.
    - a. Any additional information required by the Transportation Coordinator can be posed either in the e-mail or by phone.
  2. Should the parole officer not receive notification of Transportation Memo receipt from the Transportation Coordinator within two (2) working days, follow-up shall be made.
- B. Transportation Memos submitted by the Interstate Compact Unit staff for return of offenders from out of state shall be monitored, and any follow-up action completed by the staff person who submitted the request.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who 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 44-6-136  
IMPP 14-120, 14-137

### **ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Transportation Memo, Interstate Compact	1 page(s)
B	Transportation Memo	1 page(s)

**TRANSPORTATION NOTIFICATION**  
(For Interstate Compact Use)

DATE: \_\_\_\_\_

TO: **KDOC TRANSPORTATION COORDINATOR**

FROM: **CENTRAL OFFICE INTERSTATE COMPACT UNIT:** \_\_\_\_\_.

SUBJECT: \_\_\_\_\_ NUMBER: \_\_\_\_\_  
(Name - Last First Middle)

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_ GENDER: \_\_\_\_\_ RACE: \_\_\_\_\_

HGT: \_\_\_\_\_ WGT: \_\_\_\_\_ HAIR: \_\_\_\_\_ EYES: \_\_\_\_\_

The above named is confined in the \_\_\_\_\_ County Jail, on KDOC Warrant# \_\_\_\_\_, and is available for transport.  
(City/State)

Contact Person: \_\_\_\_\_ Ph #: \_\_\_\_\_ Maximum Pickup Date: \_\_\_\_\_

\_\_\_ Probable Cause Established                      \_\_\_ Offender Entitled to Probable Cause Hearing

Eligible for Final Revocation Hearing Waiver:     \_\_\_ Yes     \_\_\_ No

Absconder? \_\_\_ Yes     \_\_\_ No

If yes, date warrant issued: \_\_\_\_\_ Date taken into custody: \_\_\_\_\_

Delinquent Time: From \_\_\_\_\_ to \_\_\_\_\_

Good Time Awarded Through: \_\_\_\_\_

List the violations cited in the revocation proceedings:

LIST ANY SPECIAL MEDICAL/MENTAL HEALTH PROBLEMS/ISSUES:

LIST ANY SPECIAL SECURITY/MANAGEMENT PROBLEMS (Violent, disruptive behavior, etc):

Transportation Memo

Date:  
To: KDOC Transportation Coordinator  
From:

Subject Name and Number: \_\_\_\_\_

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_ GENDER: \_\_\_\_\_ RACE: \_\_\_\_\_

HGT: \_\_\_\_\_ WGT: \_\_\_\_\_ HAIR: \_\_\_\_\_ EYES: \_\_\_\_\_

The above named is confined in the \_\_\_\_\_ in \_\_\_\_\_ on KDOC warrant # \_\_\_\_\_ and is available for transport. Probable cause has been established on the following conditions of release:

Eligible for Final Revocation Hearing Waiver?  Yes  No

Presented with Final Waiver?  Yes  No

Waived Final Revocation Hearing?  Yes  No If yes, date waived: \_\_\_\_\_

Absconder?  Yes  No

If yes, date warrant issued: \_\_\_\_\_ Date taken into custody: \_\_\_\_\_

Good Time Awarded Through: \_\_\_\_\_

List any special medical/mental health problems or issues:

List any special security/management problems (violent, disruptive behavior, etc.):