



# KANSAS DEPARTMENT OF CORRECTIONS

 Kansas Department of Corrections	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  14-138A	<b>PAGE NUMBER</b>  1 of 4								
		<b>SUBJECT:</b>  <b>PAROLE SERVICES: Violation Reports</b>									
<b>Approved By:</b>  Secretary of Corrections		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Original Date Issued:</b></td> <td style="text-align: right;"><b>09-20-16</b></td> </tr> <tr> <td><b>Replaces Version Issued:</b></td> <td style="text-align: right;">N/A</td> </tr> <tr> <td colspan="2"><b>CURRENT VERSION EFFECTIVE:</b></td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>09-20-16</b></td> </tr> </table>		<b>Original Date Issued:</b>	<b>09-20-16</b>	<b>Replaces Version Issued:</b>	N/A	<b>CURRENT VERSION EFFECTIVE:</b>		<b>09-20-16</b>	
<b>Original Date Issued:</b>	<b>09-20-16</b>										
<b>Replaces Version Issued:</b>	N/A										
<b>CURRENT VERSION EFFECTIVE:</b>											
<b>09-20-16</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>
-----------------------	--	--	---

## POLICY STATEMENT

All violations of release conditions shall be documented in TOADS and any violation for which a warrant is being requested, or revocation is being pursued, shall be recorded on a Violation Report. In interstate compact cases, any violation that is being reported as a significant violation shall be documented on a Violation Report and reported to the sending state in accordance with ICAOS rules.

The Violation Report shall contain specific information regarding the violation(s) being cited and serves as the primary document to be considered at a revocation hearing. When revocation is being sought, the offender shall receive a copy of the Violation Report at or prior to the presentation of the Statement of Charges.

## DEFINITIONS

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

ICAOS: The Interstate Compact for Adult Offender Supervision, which promotes the orderly, seamless movement of offenders between states through the establishment and monitoring of rules and guidelines for interstate transfers.

ICOTS: Interstate Compact Offender Tracking System, an internet based system used to document processes related to offenders who are supervised through the ICAOS.

Releasing Authority: The jurisdiction responsible for release of the offender to community supervision. The releasing authority may be a court, the sending state's parole board or the Kansas Prisoner Review Board. The releasing authority is generally the agency responsible for final revocation decisions.

Significant Violation: A violation which, if committed by a Kansas offender, could result in a recommendation for revocation.

Violation Report: An official record that describes a violation(s) to the releasing authority.

## PROCEDURES

### **I. Documenting Violations**

- A. When a parole officer receives information that an arrest or violation(s) of conditions of release may have taken place, he/she shall conduct an investigation and proceed in accordance with IMPP 14-137A.

- B. All condition violations shall be documented in TOADS. (4-APPFS-2B-02)
- C. Upon becoming aware of a violation that requires the issuance of a warrant and/or revocation, the Parole Officer shall prepare a Violation Report and request the necessary action.
  - 1. Procedures for processing absconders shall follow 14-131A.
- D. Any violation(s) being reported through ICOTS as a Significant Violation requires the completion of a TOADS Violation Report.

## II. Violation Reports

- A. The body of the violation report shall contain the following elements:
  - 1. VIOLATIONS: The violations section shall include all the circumstances surrounding the violation(s), including:
    - a. Violation of release condition: This section shall set out the conditions that have been violated by number and name.  
  
Example: "Violation of parole condition #4, Personal Conduct."
    - b. Violation on or about date: This section shall state the date of the alleged violation.
    - c. Violation due to: This section shall include a sentence summarizing in short format the manner in which the violation occurred.  
Example: "By striking Joe Smith in the head with a tire iron."
    - d. Violation particulars: The officer shall write a detailed report of the evidence that indicates a violation has occurred. Information which shall be included is as follows:
      - (1) If the violation is an arrest, the violation report shall state the date, time, and place of the arrest, who made the arrest (police, sheriff's officers, Special Agents, etc.), and where the offender is confined.
      - (2) If an individual has served or is serving a jail sentence, the violation report shall include:
        - (a) The date of the arrest which led to the conviction;
        - (b) The date of the conviction, county and court of conviction, sentence and sentencing date; and,
        - (c) Any other information regarding the sentence and the date the sentence was or will be completed.
      - (3) If the violation is a condition violation the parole officer shall be specific as to when, where, and how the violation occurred.
      - (4) If a violation interview has been conducted, the violation report shall reflect:
        - (a) The date, time, and place of the interview;
        - (b) The offender's reply and statement in response to the violations; and
        - (c) The offender's denial or admission, if applicable.

2. AVAILABILITY/RECOMMENDATIONS:

- a. If a revocation or a warrant is being requested, the Parole Officer shall state the request and provide any pertinent information about the offender's whereabouts and status. If the offender is in custody, the officer shall cite the offender's whereabouts and availability for transport.
- b. Additional information may be included if relevant to the offenders status and/or the recommendation that is being made.

**III. Supplemental Violation Reports**

- A. A violation report shall be updated and a supplemental report created when a significant change has occurred, related to the violation(s) involved, since revocation proceedings were initiated. The revised report should reflect the date of the update and include new information such as;
  1. Details regarding previously pending charges that have been resolved; conviction information, case numbers involved, sentence imposed.
- B. If the offender is in violation status and a subsequent violation(s) is discovered which originated from a separate incident(s), the additional violation(s) shall be documented on another violation report.

**IV. Approval and Distribution**

- A. Violation reports shall be submitted to the parole supervisor for review and approval.
- B. If the parole supervisor does not concur with the recommendation of the supervising officer, the report shall be returned to that parole officer with instructions, either written or verbal, as to how to proceed.
  1. The Parole Officer shall proceed with appropriate action as determined by the parole supervisor.
- C. If the parole supervisor concurs with a recommendation for warrant issuance, that parole supervisor shall sign and date the report and ensure that the parole violation warrant stamp is placed on the report and that a warrant is subsequently issued, per IMPP 14-139A.
- D. If the parole supervisor concurs with a recommendation for revocation, the case shall be staffed with the Parole Director via the Revocation Staffing Form, as discussed in IMPP 14-137A.
- E. In Interstate compact cases, the Parole Supervisor shall ensure that the report discusses the significant violations involved and other relevant details.
  1. Approved reports shall be provided to the Parole Officer who shall submit the approved Violation Report to the sending state in ICOTS along with any other required information.

**IV. Revocation Proceedings**

- A. In accordance with IMPP 14-142, the offender shall be provided with a copy of all relevant Violation Report(s) as part of the revocation process, prior to or at the time of the presentation of the Statement of Charges.
  1. If the parole officer determines that names of victims or witnesses contained in the Violation Report(s) may likely result in harm to the victims/witnesses if their identity were known, the names and any other text which might assist in their identification shall be deleted from the offender's copy with a black marker and a copy made for the offender.

- B. Approved violation reports and related documents for revocation proceedings shall be forwarded through the parole supervisor to the Kansas Prisoner Review Board within the revocation packet, as discussed in IMPP14-141A.

**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 14-131A, 14-137A, 14-139, 14-141A, 14-142  
APPFS 4-APPFS-2B-02, 4-APPFS-2B-03

**ATTACHMENTS**

Attachment	Title of Attachment	Page Total
A	Violation Report	1 page

**KANSAS DEPARTMENT OF CORRECTIONS**  
**Division of Community and Field Services**

**VIOLATION REPORT**

**To:** Secretary of Corrections or Designee

**Date:**

**Offender Name:**

**KDOC Number:**

**I. VIOLATIONS:**

VIOLATION OF RELEASE CONDITION:

VIOLATION ON OR ABOUT DATE:

VIOLATION DUE TO:

VIOLATION PARTICULARS:

**II. AVAILABILITY/RECOMMENDATIONS:**

APPROVED: \_\_\_\_\_  
Date

SUBMITTED BY: \_\_\_\_\_  
Parole Officer

PV INFORMATION REQUIRED:

Date Paroled:           FBI#:  
                                  KBI#:  
                                  State ID#