



INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: ☒ Adult Operation Only ☐ JUVENILE Operations Only ☐ DEPARTMENT-WIDE

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PAROLE SERVICES: Revocation Packet

Original Date Issued: 09-16-14 Replaces IMPP Issued: 09-16-14 **CURRENT EFFECTIVE DATE: 06-13-23**

Approved By: , Secretary Next Scheduled Review: 09/2025

POLICY

Documents generated in response to the revocation process shall be held in the field case file and copies used to formulate the revocation packet. The revocation packet shall contain all information generated by parole staff for consideration by the Prisoner Review Board (PRB) in determining whether supervision should be revoked.

Parole staff shall be responsible for submitting complete, timely reports in proper format to the Prisoner Review Board so that a revocation hearing can be held within a reasonable time period after the offender is returned to a KDOC facility.

DEFINITIONS

Closing Summary: A document that summarizes an offender's behavior and progress during the immediate supervision period and provides information or recommendations relevant to the revocation penalty and/or next period of release.

Preliminary Hearing: Administrative inquiry (Morrissey Hearing) conducted at or reasonably near the place of the alleged release violation or arrest. The purpose of the hearing is to determine whether there is probable cause or reasonable grounds to believe that the offender has committed acts that would constitute violations of release conditions.

Prisoner Review Board (PRB) Staff: Kansas Department of Corrections staff assigned to administrative and clerical duties in the office of the Prisoner Review Board.

Probable Cause: A set of facts and circumstances which would induce a reasonable person to believe that an offender had committed a specific violation; reasonable grounds to make or believe an accusation.

Revocation: The recall of some power, authority, or thing granted, or a destroying or making void of some deed that had existence until the act or revocation made it void.

Revocation Hearing: A hearing before the revoking authority to determine whether revocation of parole should be made final.

Revocation Packet: A collection of documents pertaining to an offender's violation of supervision conditions, for use by the Prisoner Review Board in considering the revocation decision.

Waiver: An intentional relinquishment of some right or interest. The relinquishment must be free of any force or coercion and should be in the form of a written statement.

PROCEDURES

I. REVOCATION PACKET SUBMISSION REQUIREMENTS

- A. The revocation packet shall be submitted whenever an offender is returned to a KDOC facility as a violator.
 - 1. If an offender is returned to a KDOC facility as a probation violator or for a new sentence, and revocation is not being sought, the parole officer shall submit a Case Report to the PRB, to explain the offender's status and the circumstances of his/her placement at KDOC.
- B. All original documents pertaining to the violation(s) shall be maintained in the parole officer's working file and electronic copies provided in the revocation packet.
- C. The most recently assigned parole officer shall be responsible for obtaining or creating documents for the revocation packet, compiling the information into packet form in Athena, and relaying the packet to the parole supervisor.
- D. The parole supervisor shall be responsible for reviewing the revocation packet to ensure that it is accurate and complete, and confirming that the necessary violations are set to move forward to the PRB in the Revocation Case.
 - 1. Upon approval of the revocation packet, it should be forwarded to the PRB by entering a date in the "PRB Notified of Rev Packet" field.
 - 2. The approved Revocation Packet shall be forwarded to Prisoner Review Board staff no later than three (3) working days of when it was received from the parole officer.

II. CLOSING SUMMARY

- A. A Closing Summary shall be prepared in Athena for each revocation packet submitted to the PRB, to assist in determining a response for the case after a decision about revocation has been made. The information in the closing summary shall not be used as supporting evidence in determining if a violation occurred.
- B. The document shall be confidential communication to the PRB and shall not be released to the offender.
- C. The Closing Summary shall include the following information:
 - 1. A brief description of the offender's behavior, attitude, progress, and cooperation during the entire supervision period;
 - 2. A brief summary of the offender's most prominent criminogenic risks and needs, efforts made to address them during the supervision period and any progress made by the offender; and information about any special conditions that were imposed and the results;
 - 3. An assessment of the effectiveness of any programming, treatment or training resources used by the offender and/or the effects of the unavailability of such resources;
 - 4. A brief summary of unrelated violation(s), which have occurred during the supervision period and interventions used to resolve those violation(s);
 - 5. Any sensitive or confidential information related to the case that needs to be relayed to the PRB and cannot be shared in a hearing. For example, victim related information;
 - 6. Recommendations and rationale for the revocation penalty, programming within the institution and/or during subsequent supervision periods;

7. Information regarding any pending charges or new convictions, to include; felony or misdemeanor, case number, agency of jurisdiction, status of the charges and any upcoming court dates;
8. Circumstances as to why the offender was not offered a Waiver of Final Revocation Hearing (pending charges, etc.), if the offender has a determinate sentence and the waiver was not offered; and
9. The approved residence plan for next release and reporting instructions, for condition violators who waive their Final Revocation Hearing. Suggestions for next release plans may be made for cases in which the offender will have a hearing before the PRB.

III. REVOCATION PACKET DOCUMENTS

- A. The revocation packet shall include all documents and evidence pertaining to the revocation.
 1. All signed documents relevant to the revocation proceeding, and any additional documents, shall be scanned and the electronic versions attached to the revocation packet in Athena.
 2. Audio or video files that cannot be attached to the Revocation Packet in Athena shall be transferred to the PRB separately.
- B. Documents in revocation packets shall include the following:
 1. Violation report and any supplemental reports;
 2. Signed copy of special condition(s) or diversion agreement(s), if applicable;
 3. Statement of Charges/Notice of Hearing;
 4. Summary of Preliminary Hearing, if applicable;
 5. Waiver of Final Revocation Hearing, if applicable;
 6. Closing Summary;
 7. Court documents citing convictions or establishment of probable cause (e.g., journal entries), if applicable; and
 8. Any other documents or evidence considered to be relevant to the revocation hearing.

IV. TIME FRAMES FOR SUBMISSION OF THE REVOCATION PACKET

- A. In the case of offenders not requiring a preliminary hearing, the revocation packet shall be submitted within five (5) working days of completion of the transportation memo or from notification of transport, in the case of offenders being returned to the facility with a new conviction by local law enforcement officials.
 1. Should court documents be unavailable at the required deadline for submission of the packet, a notation shall be included indicating that the required documents will be forwarded as soon as possible.
 - a. Delivery of the packet shall not be delayed due to the unavailability of court documents.
- B. In the case of offenders requiring a preliminary hearing, the revocation packet shall be submitted within five (5) working days of receipt of the Summary of Preliminary Hearing from the Hearing Officer.

V. OFFENDERS RETURNED FROM OUT-OF-STATE

- A. Kansas offenders who are being supervised out of state at the time of a violation that results in revocation proceedings shall be processed by the Interstate Compact unit (ICU). This includes the creation of a Revocation Case in Athena and completion of a revocation packet for the PRB.
- B. If an offender who is supervised in Kansas is arrested out of state and then returned to Kansas for revocation, the assigned parole officer shall be responsible for the creation of a revocation case in Athena and completion of the revocation packet or the PRB.
 - 1. Offenders who are arrested out of state with pending charges shall be monitored by the ICU until prosecution is complete and the offender is available to Kansas. Once available to Kansas, the last assigned parole officer shall resume management of the case.
- C. Upon an offender's return to a Kansas facility for revocation from out of state, the assigned PO or ICU designee shall:
 - 1. If the offender has had a preliminary hearing and probable cause was found, prepare a revocation packet to be forwarded to the PRB.
 - 2. If a preliminary hearing is needed, coordinate with the facility Institutional Parole Officer (IPO) to have the offender presented with the Statement of Charges and if applicable, the Waiver of Final Revocation Hearing.
 - a. The PO or ICU designee is responsible for creating the Statement of Charges in the revocation case. The Violation Report and any additional documents/evidence needed shall be provided directly to the IPO.
 - b. The Institutional Parole Officer (IPO) shall review the Statement of Charges and related documents with the offender within three (3) working days and determine if a preliminary hearing is requested, in accordance with IMPP 14-142A.
 - (1) If the assigned PO's work location is at or near the location of the offender, the PO may serve the Statement of Charges in person instead of referring the process to facility staff.
 - (2) If a preliminary hearing is requested, the assigned PO or ICU designee shall coordinate with the IPO to schedule the hearing and a hearing officer.
 - c. If the offender is eligible to waive the Final Revocation Hearing, the Institutional Parole Officer shall provide the offender with that document and the opportunity to waive the hearing in accordance with IMPP 14-144A.
 - d. After the preliminary hearing or if no hearing is requested, the IPO shall notify the assigned parole officer or ICU designee and scan/upload all related documents to the documents tab in the Revocation Case, or provide them directly to the PO.
 - 3. After the signed Statement of Charges and related documents are placed in the Revocation Case documents tab by the IPO, the assigned PO or ICU designee is responsible for preparing the closing summary and revocation packet.
 - a. The supervisor shall review and approve the revocation packet as indicated in section I.D.

VI. This IMPP must serve as final policy in all departmental facilities, and no General Orders shall be developed or implemented on this subject.

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

IMPP 14-131A, 14-134A, 14-142A, 14-144A

HISTORY

09-16-14 Original
06-13-23 Revision 1

ATTACHMENTS

None.