

# INTERNAL MANAGEMENT POLICY & PROCEDURES

## STATEMENT OF ANNUAL REVIEW

**IMPP # 14-141**

**Title: PAROLE SERVICES: Revocation Packet**

The above referenced Internal Management Policy and Procedure (IMPP), issued effective 12-01-99, was reviewed during December 2004 by the KDOC Policy Review Panel per IMPP 01-101. At the time of this annual review, the Policy Review Panel determined that: no substantive changes and/or modifications to this IMPP are necessary at this time and the imp shall remain in effect as issued on the above stated date.

**The next scheduled review for this IMPP is December 2005.**

**This statement of annual review shall be placed in front of the referenced IMPP in all manuals.**

\_\_\_\_\_  
Keven Pellant, Deputy Secretary of  
Community and Field Services  
Policy Review Committee Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roger Werholtz, Secretary of Corrections

01-04-05

\_\_\_\_\_  
Date

# INTERNAL MANAGEMENT POLICY & PROCEDURES

## STATEMENT OF ANNUAL REVIEW

**IMPP # 14-141**

**Title: PAROLE SERVICES: Revocation Packet**

The above referenced Internal Management Policy and Procedure (IMPP), issued effective 12-01-99, was reviewed during December 2003 by the KDOC Policy Review Panel per IMPP 01-101. At the time of this annual review, the Policy Review Panel determined that: no substantive changes and/or modifications to this IMPP are necessary at this time and the imp shall remain in effect as issued on the above stated date.

**The next scheduled review for this IMPP is December 2004.**

**This statement of annual review shall be placed in front of the referenced IMPP in all manuals.**

\_\_\_\_\_  
Robert Sanders, Deputy Secretary of  
Community and Field Services  
Policy Review Committee Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roger Werholtz, Secretary of Corrections

01-05-04  
Date

# INTERNAL MANAGEMENT POLICY & PROCEDURES

## STATEMENT OF ANNUAL REVIEW

**IMPP # 14-141**

**Title: PAROLE SERVICES: Revocation Packet**

The above referenced Internal Management Policy and Procedure (IMPP), issued effective 12-01-99, was reviewed during December 2002 by the KDOC Policy Review Panel per IMPP 01-101. At the time of this annual review, the Policy Review Panel determined that: Some substantive changes and/or modifications to this IMPP may be necessary, but that the specifics of any such revisions are not clear at this time. Although revisions may be forthcoming, the IMPP shall nevertheless remain in effect as issued on the above stated date.

**The next scheduled review for this IMPP is December 2003.**

**This statement of annual review shall be placed in front of the referenced IMPP in all manuals.**

\_\_\_\_\_  
Robert Sanders, Deputy Secretary of  
Community and Field Services  
Policy Review Committee Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roger Werholtz, Acting Secretary of Corrections

12-31-02  
\_\_\_\_\_  
Date

# INTERNAL MANAGEMENT POLICY & PROCEDURES

## STATEMENT OF ANNUAL REVIEW

**IMPP # 14-141**

**Title: PAROLE SERVICES: Revocation Packet**

The above referenced Internal Management Policy and Procedure (IMPP), issued effective 12-01-99, was reviewed during December 2001 by the KDOC Policy Review Panel per IMPP 01-101. At the time of this annual review, the Policy Review Panel determined that: no substantive changes and/or modifications to this IMPP are necessary at this time and the IMPP shall remain in effect as issued on the above stated date.

**The next scheduled review for this IMPP is December 2002.**

**This statement of annual review shall be placed in front of the referenced IMPP in all manuals.**

\_\_\_\_\_  
Robert Sanders, Deputy Secretary of  
Community and Field Services  
Policy Review Committee Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charles E. Simmons, Secretary of Corrections

12/26/01  
Date

## Policy Memorandum<sup>1</sup>

**This Policy Memorandum Issuance # 00-03-001**

**Effective Date Upon Issuance      Expiration Date Upon reissuance of IMPP 14-141<sup>2</sup>**

**Addresses subject matter for which an IMPP will be forthcoming and assigned to Chapter(s)        of the IMPP manual.**

**X  Amends or modifies existing IMPP(s) # 14-141**

**Elaborates on the contents of IMPP(s) #**

**Is for Staff Only       X  Is for Both Staff and Inmates.**

### REVOCATION PACKET DOCUMENTS AND REVOCATION PACKET CHECKLIST

This policy memorandum shall amend the procedures, Sections V. and VI., regarding the documentation to be included in revocation packets for offenders returned from out-of-state and the Kansas Parole Board staff actions subsequent to the receipt of a revocation packet. Attachment C, shall be revised with the addition of another step in the waiver of final hearing process.

Effective immediately, the revocation packet for offenders being returned from out-of-state shall include the Statement of Charges (as necessary), in addition to the violation report(s), condition violation warrant, final notice of hearing and applicable court documents. The KDOC Interstate Compact staff member responsible for processing such offenders shall ensure these documents are in the revocation packet forwarded to the Kansas Parole Board staff, as required by Section V.B.

After the revocation packet has been received and the parole violation docket has been finalized, per Section VI., the KDOC Parole Board staff shall forward two (2) copies of the Final Action Notice and one (1) copy of the signed waivers (if applicable) to the Institutional Parole Officer. The Final Action Notices shall be presented to the offender. The offender shall sign the documents acknowledging

---

<sup>1</sup>Note: To keep your IMPP Manual current, please place this Policy Memorandum in your manual at the appropriate location. If the memorandum addresses subject matter for which an IMPP will be forthcoming, place this issuance before the first IMPP in the Chapter indicated. If the memorandum addresses an existing IMPP, the issuance should be placed in front of the existing policy, just after any relevant statement(s) of annual review. If this memorandum is for both staff and inmates, it shall be immediately posted.

<sup>2</sup>Unless another Policy Memorandum or IMPP on this subject is issued, the requirements contained herein have no force and effect after the indicated expiration date.

receipt. One copy of the Final Action Notice shall be given to the offender and the other copy shall be retained in the facility file. The signed waiver shall be retained in the facility file.

The Revocation Packet Checklist for Waived Final Hearings (Attachment C) shall be amended to include the entry for the revocation waiver move to be entered into OMIS. A copy of the updated form is included as an attachment with this Policy Memorandum and shall be completed by the parole supervisor or designee, as required per Section I.D. of this policy.

\_\_\_\_\_  
Secretary of Corrections

Date: 02/28/00

**KANSAS DEPARTMENT OF CORRECTIONS**  
**Division of Community and Field Services**  
**REVOCATION PACKET CHECKLIST**

**Waived Final Hearing**

- \_\_\_\_\_ 1. Violation Reports  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- \_\_\_\_\_ 2. Statement of Charges/Notice of Preliminary
- \_\_\_\_\_ 3. Summary of Preliminary Hearing (if applicable)
- \_\_\_\_\_ 4. Closing Summary
- \_\_\_\_\_ 5. Waiver of Final Revocation Hearing
- \_\_\_\_\_ 6. Other (specify) \_\_\_\_\_
- \_\_\_\_\_ 7. OMIS Movement (RW) Entered

NOTE: ALL INCLUDED ITEMS ABOVE SHALL BE MARKED WITH AN "X"  
ONLY ONE COPY OF EACH FORM IS NECESSARY

\_\_\_\_\_  
OFFENDER NAME & NUMBER

\_\_\_\_\_  
PAROLE OFFICER

\_\_\_\_\_  
DATE PACKET COMPLETED

\_\_\_\_\_  
VERIFIED – PAROLE SUPERVISOR

DATE FORWARDED TO CENTRAL OFFICE: \_\_\_\_\_

Form #14-141-003

For KPB Staff use only:

Closing Summary and Waiver faxed to \_\_\_\_\_ on \_\_\_\_\_ by \_\_\_\_\_  
(facility) (date) (initials)

Other \_\_\_\_\_  
\_\_\_\_\_

# INTERNAL MANAGEMENT POLICY & PROCEDURES

## STATEMENT OF ANNUAL REVIEW

**IMPP # 14-141**

**Title: PAROLE SERVICES: Revocation Packet**

The above referenced Internal Management Policy and Procedure (IMPP), issued effective 12-01-99, was reviewed during December 1999 by the KDOC Policy Review Panel per IMPP 01-101. At the time of this annual review, the Policy Review Panel determined that:

- [ X ] No substantive changes and/or modifications to this IMPP are necessary at this time and the IMPP shall remain in effect as issued on the above stated date.
- [ ] Changes, revisions and/or modifications to this IMPP have been identified as necessary. The IMPP issued effective the above stated date shall remain in effect until the IMPP is re-issued with such changes and/or modifications.

**The next scheduled review for this IMPP is December 2000.**

**This statement of annual review shall be placed in front of the referenced IMPP in all manuals.**

\_\_\_\_\_  
Tom Vohs, Deputy Secretary of Community  
and Field Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charles E. Simmons, Secretary of Corrections

01/13/00  
Date

# KANSAS DEPARTMENT OF CORRECTIONS

	<b>I</b> <b>N</b> <b>T</b> <b>E</b> <b>R</b> <b>N</b> <b>A</b> <b>L</b>  <b>M</b> <b>A</b> <b>N</b> <b>A</b> <b>G</b> <b>E</b> <b>M</b> <b>E</b> <b>N</b> <b>T</b>  <b>P</b> <b>O</b> <b>L</b> <b>I</b> <b>C</b> <b>Y</b>  <b>A</b> <b>N</b> <b>D</b>  <b>P</b> <b>R</b> <b>O</b> <b>C</b> <b>E</b> <b>D</b> <b>U</b> <b>R</b> <b>E</b>	<b>SECTION NUMBER</b>  14-141	<b>PAGE NUMBER</b>  1 of 4
		<b>SUBJECT: PAROLE SERVICES: Revocation Packet</b>	
<b>Approved By:</b>     <div style="text-align: right;"><b>Secretary of Corrections</b></div>		<b>Original Date Issued:</b> <span style="float: right;"><b>09-01-95</b></span>	
		<b>Current Amendment Effective:</b> <span style="float: right;"><b>12-01-99</b></span>	
		<b>Replaces Amendment Issued:</b> <span style="float: right;"><b>11-21-96</b></span>	

## POLICY

All correspondence generated in response to the revocation process shall be held in the field to formulate the revocation packet. The revocation packet shall contain all information generated by parole staff for consideration by the Kansas Parole Board in determining whether supervision should be revoked. Parole staff shall be responsible for submitting complete, timely reports in proper format to the Kansas Parole Board so that a revocation hearing can be held within a reasonable time period after the offender is returned to a KDOC facility.

## DEFINITIONS

KDOC Parole Board Staff: Kansas Department of Corrections staff assigned to administrative and clerical duties in the office of the Kansas Parole Board.

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.

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 parole violation for use by the Kansas Parole 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.
- B. All documents pertaining to the violation(s), with the exception of absconder warrant information processed in accordance with IMPP 14-131, shall be maintained in the parole officer's working file until the revocation packet is compiled.
- C. The parole officer shall be responsible for obtaining documents for the revocation packet, compiling the information into packet form, and relaying the packet to the parole supervisor.
- D. The parole supervisor or designee shall be responsible for completion of the Notice of Revocation Hearing, Attachment A, Form #14-141-001, completion of the Revocation Packet Checklist, Attachment B, Form #14-141-002, or, Attachment C, Form #14-141-003, and submission of the packet to the Kansas Parole Board.

## II. REVOCATION PACKET DOCUMENTS

- A. The revocation packet shall include all documents pertaining to the revocation.
- B. Documents to be included in the revocation packet shall be determined by whether or not the offender was eligible for, and, ultimately waived the final revocation hearing.
- C. Documents in revocation packets for offenders who are not eligible for, or, do not waive a final revocation hearing consist of the following:
  - 1. Violation report and any supplemental reports;
  - 2. Signed copy of special condition(s) or diversion agreement(s);
  - 3. Condition Violation Warrant;
  - 4. Statement of Charges/Notice of Hearing;
  - 5. Summary of Preliminary Hearing;
  - 6. Notice of Revocation Hearing (3 Copies) (Attachment A);
  - 7. Closing Summary (2 Copies);
  - 8. Court documents citing convictions or establishment of probable cause, i.e., journal entries.
  - 9. Revocation Packet Checklist (Attachment B); and,
  - 10. Any other documents considered to be relevant to the revocation hearing.
- D. Documents in revocation packets for offenders who are eligible for, and, choose to waive the final revocation hearing are as follows:
  - 1. Violation report(s);
  - 2. Statement of Charges/Notice of Preliminary Hearing;
  - 3. Summary of Preliminary Hearing (if applicable);

4. Closing Summary;
5. Waiver of Final Revocation Hearing (Attachment C); and,
6. Other (Specify)\_\_\_\_\_.

### **III. 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 three (3) 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 not be available 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 three (3) working days of receipt of the Summary of Preliminary Hearing from the Hearings Specialist.
  1. The Summary of Preliminary Hearing shall be distributed by the Hearings Specialist within five (5) working days of the hearing pursuant to IMPP 14-142.
- C. In cases of eligible offenders who have waived the final hearing before the KPB, a revocation packet shall be forwarded to the KPB staff within three (3) working days of the respective offender's waiver date.

### **IV. REVOCATION PACKET CHECKLIST**

- A. The Revocation Packet Checklist shall be completed by the Parole Supervisor or designee.
  1. The checklist shall be utilized by the Parole Supervisor to ensure that appropriate documents have been included.
  2. An "X" shall be marked by each document included in the packet.
  3. The Revocation Packet Checklist shall serve as the cover document for the revocation packet.

### **V. OFFENDERS RETURNED FROM OUT-OF-STATE**

- A. Revocation packets for offenders being returned from out-of-state shall be processed by Central Office Parole staff.
- B. Upon verification of an offender's admission to a KDOC facility, the designated Interstate Compact staff member shall forward a revocation packet to KPB staff. The following documents shall be included:
  1. Violation report(s);

2. Condition Violation Warrant;
  3. Final Notice of Hearing; and,
  4. Court Documents (if applicable).
- C. If it is determined that the offender is eligible to waive the final revocation hearing, the designated Interstate Compact staff member shall fax a copy of the revocation packet to the appropriate IPO for presentation of the waiver form, in accordance with IMPP 14-144.

#### **VI. ACTIONS SUBSEQUENT TO RECEIPT OF PACKET**

- A. The Institutional Parole Officer shall submit a preliminary parole violation docket to KDOC Parole Board staff.
- B. KDOC Parole Board staff shall review the preliminary parole violation docket submitted by the Institutional Parole Officer and forward one (1) copy of the Notice of Preliminary Hearing and one (1) copy of the Closing Summary to the Institutional Parole Officer for each offender whose name appears on the docket.
  1. The Institutional Parole Officer shall schedule Morrissey Hearings for offenders requesting such hearings whose violations have not been substantiated by establishment of probable cause.
  2. The Institutional Parole Officer shall also ensure that all docketed condition violators are presented with the Notice of Revocation Hearing within the appropriate time frame.
- C. KDOC Parole Board staff shall finalize the parole violation docket and obtain and prepare the Central Office files of offenders docketed for hearings.

**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 either employees, offenders, or third parties. 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 14-131, 14-134, 14-142, 14-144

#### **ATTACHMENTS**

Attachment A - Notice of Revocation Hearing, 1 Page  
Attachment B - Revocation Packet Checklist, 1 Page  
Attachment C – Revocation Packet Checklist, Waived Final Hearing, 1 Page

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

TO: \_\_\_\_\_ Date: \_\_\_\_\_

THROUGH: WARDEN

RE: NOTICE OF REVOCATION HEARING: AS SCHEDULED

You have been returned to the institution because there is probable cause to believe you have violated the conditions of your parole in the following manner:

You will be given a hearing before the Kansas Parole Board on the hearing date shown above, unless the date is changed as provided below. The hearing will be for the purpose of considering the alleged violations of parole, including any contested facts, and to consider whether the facts are sufficient to warrant revocation of parole.

During the hearing, you will have the right to appear and speak in your own behalf. You may bring letters, documents, or other evidence, and any individuals who can give relevant information may appear in your behalf. The witnesses you invite would appear only if they wished to do so, and would have to attend at their own expense. Additionally, at your request, persons who have given adverse information may be called for questioning in your presence, unless the Board determines that the informant would be subject to risk of harm if his/her identity were disclosed. You are entitled to legal counsel at the hearing.

After the hearing, you will be notified of the Board's decision and if your parole is revoked, you will be given a statement of the evidence relied on and the reasons for revoking parole.

After you receive this notice, you should promptly complete the attached form, "Request for (or Waiver of) Witnesses", which is provided herewith in triplicate and send two executed copies to the Institution Classification Director, who will promptly forward one of the copies to the Board in Topeka. If no witnesses are requested, the hearing date will be scheduled on the hearing date designated above. If witnesses are to be called, your hearing may be deferred to the next subsequent Board meeting date in order that sufficient time will be available to notify witnesses and make arrangements for their attendance.

\_\_\_\_\_  
Charles E. Simmons  
Secretary of Corrections

**ACKNOWLEDGMENT**

The foregoing has been read and fully explained to me and I hereby acknowledge receipt of this Revocation Hearing Notice and attachments.

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Offender)

**KANSAS DEPARTMENT OF CORRECTIONS**  
**Division of Community and Field Services**  
**REVOCATION PACKET CHECKLIST**

- \_\_\_\_\_ 1. Violation Reports  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- \_\_\_\_\_ 2. Special Conditions
- \_\_\_\_\_ 3. Condition Violation Warrant
- \_\_\_\_\_ 4. Statement of Charges/Notice of Preliminary
- \_\_\_\_\_ 5. Summary of Preliminary Hearing (if applicable)
- \_\_\_\_\_ 6. Final Notice of Hearing
- \_\_\_\_\_ 7. Closing Summary
- \_\_\_\_\_ 8. Court Documents
- \_\_\_\_\_ 9. Other (specify) \_\_\_\_\_

NOTE: ALL INCLUDED ITEMS ABOVE SHALL BE MARKED WITH AN "X"  
ONLY ONE COPY OF EACH FORM IS NECESSARY

\_\_\_\_\_  
OFFENDER NAME & NUMBER

\_\_\_\_\_  
PAROLE OFFICER

\_\_\_\_\_  
DATE PACKET COMPLETED

\_\_\_\_\_  
VERIFIED – PAROLE SUPERVISOR

DATE FORWARDED TO CENTRAL OFFICE: \_\_\_\_\_

Form #14-141-002

For KPB Staff use only:

Closing Summary and  
Final Notice of Hearing faxed to \_\_\_\_\_ on \_\_\_\_\_ by \_\_\_\_\_  
(facility) (date) (initials)

Other \_\_\_\_\_

\_\_\_\_\_

**KANSAS DEPARTMENT OF CORRECTIONS  
Division of Community and Field Services  
REVOCATION PACKET CHECKLIST**

## Waived Final Hearing

- \_\_\_\_\_ 1. Violation Reports  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- \_\_\_\_\_ 2. Statement of Charges/Notice of Preliminary
- \_\_\_\_\_ 3. Summary of Preliminary Hearing (if applicable)
- \_\_\_\_\_ 4. Closing Summary
- \_\_\_\_\_ 5. Waiver of Final Revocation Hearing
- \_\_\_\_\_ 6. Other (specify) \_\_\_\_\_

NOTE: ALL INCLUDED ITEMS ABOVE SHALL BE MARKED WITH AN "X"  
ONLY ONE COPY OF EACH FORM IS NECESSARY

\_\_\_\_\_  
OFFENDER NAME & NUMBER

\_\_\_\_\_  
PAROLE OFFICER

\_\_\_\_\_  
DATE PACKET COMPLETED

\_\_\_\_\_  
VERIFIED – PAROLE SUPERVISOR

DATE FORWARDED TO CENTRAL OFFICE: \_\_\_\_\_

Form #14-141-003

For KPB Staff use only:

Closing Summary and Waiver faxed to \_\_\_\_\_ on \_\_\_\_\_ by \_\_\_\_\_  
(facility) (date) (initials)

Other \_\_\_\_\_