



INTERNAL MANAGEMENT POLICY & PROCEDURE

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

IMPP #: 21-101A

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VICTIM SERVICES: Victim Notification

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Approved By: , Secretary

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POLICY

Victim Services staff shall be responsible for coordinating notification and all other Victim Services programs. Victims Services staff shall receive training on the history of Victim Services, specific services available, changes in laws impacting victims, way(s) of gaining access to services, confidentiality of victim information, ways for victims to communicate concern/complaints, program evaluation measures, including victim input from the Victim Satisfaction Survey, and referral sources for additional victim needs. All KDOC staff shall receive training regarding the role of the Victim Services Division and victims' issues. Training on victim services shall be a part of basic training.

DEFINITIONS

Community programs: Any work assignment outside the security perimeter of the facility (i.e., off the grounds of the facility).

Courtesy Notification: Notification identified by the Secretary of Corrections that includes resident participation in media events, initiation of early discharge requests, absconsion from post-incarceration supervision and/or apprehension following absconsion, Interstate Compact change in status, and Sexually Violent Predator civil commitment process.

Mandatory Notification: Notification required by statute, including resident escape and/or apprehension following escape, or of a resident's status with regard to pardon, commutation of sentence, release to post-incarceration supervision, death, or placement in a community program.

Media Contact: Department-initiated contact between a resident and the television, print, or radio media, or other individual or entity who seeks resident contact with the intent of making the contact available to the public.

Notification: Informing the victim or victim's family in writing of events that pertain to the management of residents who are incarcerated or offenders on post-incarceration supervision status and are defined by statute as mandatory notification events or identified by the Secretary of Corrections as events that shall be subject to victim notification.

Off-Grid felonies:

- Capital Murder (K.S.A. 21-3439 prior to its repeal; or K.S.A. 21-5401)
- 1st Degree Murder (K.S.A. 21-3401 prior to its repeal; or K.S.A. 21-5402)
- Terrorism (K.S.A. 21-3449 prior to its repeal; or K.S.A. 21-5421)
- Treason (K.S.A. 21-3801 prior to its repeal; or K.S.A. 21-5901)
- Illegal Use of Weapon of Mass Destruction (K.S.A. 21-3450 prior to its repeal; or K.S.A. 21-5422)
- Agg. Human Trafficking w/victim < 14 and defendant ≥ 18 [K.S.A. 21-3447 prior to its repeal; or K.S.A. 21-5426(b)(!)(A-C) or 21-5426(b)(2) sentenced pursuant to 21-5426(c)(3)]

Rape w/victim < 14 and defendant ≥ 18 K.S.A. 21-3502 prior to its repeal; or [K.S.A. 21-5503(a)(3) sentenced pursuant to 21-5503(b)(2)(B)]
Agg. Criminal Sodomy w/victim < 14 and defendant ≥ 18 [K.S.A. 21-3506 prior to its repeal; or K.S.A. 21-5504(b)(1) or (b)(2) sentenced pursuant to 21-5504(c)(3)]
Agg. Indecent Liberties w/child w/victim < 14 and defendant ≥ 18 [K.S.A. 21-3504 prior to its repeal; or K.S.A. 21-5506(b)(3)(A) or (b)(3)(B) sentenced pursuant to 21-5506(c)(3)]
Sexual Exploitation of child w/victim < 14 and defendant ≥ 18 [K.S.A. 21-3516 prior to its repeal; or K.S.A. 21-5510(a)(1) or (a)(4) sentenced pursuant to 21-5510(b)(2)]
Promoting Prostitution w/prostitute < 14 and defendant ≥ 18 (K.S.A. 21-3512 prior to its repeal; or K.S.A. 21-6420(a)(1-8) sentenced pursuant to 21-6420(b)(2)].

Public comment session: An open forum, scheduled by the Prisoner Review Board, at which citizens may present comments either supporting or opposing the parole release of a resident.

Release: Discharge of a resident or offender from confinement to post-release supervision status, parole, conditional release, or expiration of maximum sentence.

Victim: A person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

- a. Primary victim: the person(s) directly impacted by the crime.
- b. Secondary victim: the person(s) indirectly impacted by the crime.

Victim Database: A database maintained by departmental Office of Victim Services' staff to track information related to victims' notification requests, including, but not limited to, victim's name, address, dates of notification, resident name, and resident identification number.

Victim's Family: Spouse, surviving spouse, children, parents, legal guardian, siblings, stepparents or grandparents.

Victim File: A file maintained by the Office of Victim Services containing confidential victim information.

Victim Notification Coordinator: Those staff members with a primary responsibility to coordinate the procedures for the notification of victims in accordance with applicable statutes.

Victim Services Director: The staff member designated by the Secretary of Corrections to oversee victim services provided by the department.

PROCEDURES

I. Identification of Applicable Residents

- A. Residents to whom this policy applies shall be identified at the time of sentence computation.
 1. The provisions of this IMPP shall apply to residents:
 - a. Convicted of an offense listed in the Kansas Criminal Code Victim Notification Offenses (Attachment A);
 - b. Convicted of an off-grid felony; and/or
 - c. Convicted of an offense that was identified on the Journal Entry utilizing "DV Designation."
 2. The admission data summary sheet (located on the top left hand of the central file) shall be stamped "Victim Notification Required" in red ink on the right-hand side of the space provided for item #17, by the records clerk at admission facility.

3. The records clerk of the initial receiving facility shall ensure that all appropriate file and computer annotations are made.
 - a. Victim Notification Coordinators shall be responsible for contacting the county of conviction to obtain victim information and creating the victim notification file.
4. Each business day it is received, RDU staff must send the RDU Daily Worksheet report, that includes all new incoming RDU inmates, to the Victim Notification Coordinator.
 - a. Upon receipt of the RDU movement report, the Victim Notification Coordinator must contact the county of conviction to obtain victim information for each resident victim notification is required.
 - b. Upon receipt of victim contact information from the county of conviction, a Victim Notification Registration letter must be sent by the Victim Notification Coordinator.
- B. Requests for notification from persons not covered by existing statutes shall be directed to the Victim Notification Coordinators.
 1. The practice of providing courtesy notifications may be halted by the Secretary of Corrections if such practice becomes infeasible.
 2. Any departmental employee aware of a need to request notification shall contact a Victim Notification Coordinator with such information as soon as possible.
 3. Every effort shall be made by KDOC staff responding to staff assaults or staff victimization to ensure that the individual who has been assaulted is made aware of notification services available to them from the Office of Victim Services.

II. Procedures for Search of Victim Information

- A. The search for victim related information necessary for notification purposes shall begin upon the resident's admission to KDOC.
- B. Facility staff shall provide a list of the names of the residents for whom victim notification is required to the Victim Notification Coordinators in the Central Office under the conditions listed in sections I.A. and II.A., above.
 1. Facility staff shall not be directly involved in the actual search for victim information as that task shall be the responsibility of the Victim Notification Coordinators in Central Office as indicated below.
- C. The Victim Notification Coordinators shall determine if current victim information is contained in the Department's confidential victim database.
- D. If victim information cannot be located in the confidential victim database, the Victim Notification Coordinators shall conduct a search by at least one of the following methods:
 1. Requesting the information from the Victim/Witness Coordinator in the county/district attorney's office in the county of conviction; or
 2. When reasonable, utilize various search methods of available public records and KDOC records to attempt to locate the victim or the victim's family.
- E. The Victim Notification Coordinators shall update the computer database with any new contact information related to victims as the result of the search for victim information.
 1. It is the responsibility of the registered victim to ensure that the Office of Victim Services has current contact information to which continued notification shall be sent.

III. Victim Notification Procedures

A. Except as indicated herein, a Victim Notification Coordinator or the Department's Victim Services Director shall generally be responsible for all victim notification, which shall be provided as a result of:

1. Prisoner Review Board (PRB) decision to parole;
2. facility approval of an emergency furlough request;
3. escape from custody and any subsequent apprehension;
 - a. In the event of an escape of a resident, or the apprehension of an escapee where victim notification is required, the Department's Victim Services Director shall be notified as provided in pertinent procedures of IMPP 01-113D as soon as feasible so that the notification process can begin.

(1) Nothing shall preclude direct notification of the victim by the warden if in the warden's determination such immediate action is necessary, and the victim's address and/or telephone number is available to the warden.

(2) If such action is taken by the warden, the Victim Services Director shall be notified of such in a timely manner.

- b. The Victim Services Director or designee shall provide each warden with such current contact information as is necessary to notify the Director/designee both during business hours and on weekends and holidays via OVS escape phone.
4. Facility recommendation for transfer to a Work Release Facility (as a participant or permanent party resident);
5. Classification as minimum custody in anticipation of placement in a community program, including non-prison based employment;
6. Thirty (30) days in advance of the PRB's public comment session prior to the resident's parole eligibility;
7. Conditional Release thirty (30) days in advance of the release date;
8. Thirty (30) days in advance of the expiration of sentence date;
9. Both nine (9) months and thirty (30) days in advance of projected release on post-release supervision status;
10. Admission or readmission to a Departmental confinement facility;
11. Death of an incarcerated resident;
12. Application for clemency;
13. Sexually Violent Predator;
 - a. Initial notification shall be provided to the Victim Notification Coordinator by the Director of Sex Offender Management or designee, four (4) months prior to release, of those residents who will be reviewed for Sex Predator Commitment Act.
 - b. Subsequent notification will be provided to the Victim Notification Coordinator by the Director of Sex Offender Management or designee when:

(1) The multidisciplinary team deems a resident to be high risk;

- (2) The Attorney General's Office finds probable cause that the resident is a sexually violent predator; and,
- (3) The resident is either committed to the Sexually Violent Predator Treatment Program (SVPTP) or released to post-incarceration supervision.

- c. Notification pertaining to conditional release from the SVPTP, transitional housing placement and/or final discharge from the program shall also be provided to the Victim Notification Coordinator.

14. Interstate Compact change in status, as defined by the Interstate Commission Adult Offender Supervision (ICAOS) Rulebook, Rule 3.108; or

- a. Applications for Interstate Compact transfer or requests for reporting instructions shall be marked using the 'Victim sensitive' designation box if covered by this policy and/or if there is a known victim.
 - b. The KDOC Interstate Compact unit shall notify the Victim Notification Coordinator immediately upon receipt of the following:

(1) Transfer request submitted, approved, denied, or withdrawn; or

(2) Request for reporting instructions.

- c. The KDOC Interstate Compact office shall immediately notify the OVS upon receipt of information from the receiving state that the offender:

(1) Commits a significant violation;

(2) Changes address;

(3) Returns to the sending state where an offender's victim resides;

(4) Departs the receiving state under an approved plan of supervision in a subsequent receiving state; or

(5) Is issued a temporary travel permit where supervision of the offender has been designated a victim-sensitive matter.

15. Media contact, Sexually Violent Predator civil commitment proceedings, Interstate Compact transfer request, issuance of warrant on post-incarceration as a result of absconding and subsequent apprehension, and/or any other event identified by the Secretary of Corrections as a courtesy notification.

B. Notification shall be made by first-class mail using a notification letter descriptive of the event taking place.

- 1. The letter shall be signed by a Victim Notification Coordinator, or another staff person from the Office of Victim Services.
 - 2. Documentation shall be made in the victim database that documents the date notification was sent and the purpose of the notification. Electronic copies of letters generated shall be confidentially maintained per KDOC records retention requirements.

C. When a resident convicted of a crime defined in Chapter 21, Article 33, 34, 35, or 36 prior to their repeal; or articles 53, 54, 55, or 56 of chapter 21 or K.S.A. 21-6104, 21-6325, 21-6326, or 21-6418 through 21-6421 is being placed in a non-prison based employment position or released to post-release supervision status or by way of parole, conditional release or expiration of maximum sentence and the notification of the authorization of placement or release is received by the Victim

Notification Coordinators less than five (5) days prior to the release, notification shall be attempted initially by telephone.

1. Documentation of the telephone notification or attempt to notify shall be made.
 2. Although releases to post-release supervision, conditional release, or expiration of sentence shall not be delayed if notification efforts are unsuccessful (unless the release is for placement of the resident on furlough status), all efforts possible to notify shall be made prior to any release.
- D. No resident shall be placed in community work programs, including non-prison based employment, or work release program until the notification letter has been mailed and sufficient time (not less than ten (10) working days) has been given for the notification letter to be received.
1. Notification of plans to place a resident in non-prison based employment shall include the name of the facility in which the resident is incarcerated and the names of the cities in which the resident may be transferred for private industry employment.
- E. Efforts to obtain victim comments regarding a resident's potential parole release shall be made by a Victim Notification Coordinator prior to the PRB's public comment session.
1. The Victim Notification Coordinators shall utilize the list of residents scheduled for the public comment session to determine which victims should be notified of the resident's parole eligibility status.
 2. A Victim Notification Coordinator shall send a Notification of Public Comment Sessions letter to the victim. The letter shall identify the resident's name, number and the date of the parole board hearing. The letter shall include a victim impact statement that the victim shall be encouraged to complete and return to the Office of Victim Services.
- F. Facility staff shall notify the Victim Notification Coordinators in the event that a resident is approved to attend a funeral or have a death bed visit. Victim notification shall occur in these cases only when deemed appropriate by the Victim Services Director.
1. Criteria employed by the Victim Services Director in determining the propriety of notification in such cases shall include consideration of, but not be restricted to, the following issues:
 - a. Likelihood of contact with victim(s);
 - b. Prior expressions of concern by victim(s); and
 - c. Geographic proximity of the funeral or death bed visit to the residence or work site of the victim(s).

IV. Confidentiality

- A. Information regarding victims or victims' families that has been provided to the Department by the victims or victims' families shall be kept confidential and separate from all other resident records. Such records and documentation/information shall not be made available to the resident or any person other than the victim or the victim's family.
- B. All victim and victim's family information, except that information contained in Enforcement, Apprehensions and Investigations (EAI) files, shall be located in files maintained by the central office Victim Notification Coordinators and shall not be placed in the resident/offender file. Office of Victim Services staff, designated IT staff, and designees of the Victim Services Director shall be the only staff having access to the Department's victim database.

V. This IMPP must serve as final policy in all departmental facilities, and no General Orders must 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 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

<u>Name/Type of Report</u>	<u>By Whom/To Whom</u>	<u>Due</u>
RDU Daily Worksheet	RDU staff/Victim Notification	Days RDU receives residents

REFERENCES

KSA Chapter 21, Article 33, 34, 35, or 36 prior to their repeal; or articles 53, 54, 55, or 56 of chapter 21 or K.S.A. 21-6104, 21-6325, 21-6326, or 21-6418 through 21-6421
KAR 10-9-1 through 10-15-1
IMPP 01-113D

HISTORY

03-14-23 Original

ATTACHMENTS

Attachment	Title	Page Total
A	Kansas Criminal Code: Victim Notification Offenses	3 pages

Kansas Criminal Code
Victim Notification Offenses
Mandatory Notification for Chapter 21, Article 33, 34, 35, 36, Prior to Repeal
& Article 53, 54, 55, and 56; Courtesy Notification Crimes

Recodification Statutes		Pre-Recodification	Crime
21-5401		21-3439	Capital murder.
21-5402		21-3401	Murder in the first degree.
21-5403		21-3402	Murder in the second degree.
21-5404		21-3403	Voluntary manslaughter.
21-5405		21-3404	Involuntary manslaughter.
21-5405	(a)(3)	21-3442	Involuntary manslaughter while driving under the influence of alcohol or drugs.
21-5406		21-3405	Vehicular homicide.
21-5407		21-3406	Assisting suicide.
21-5408	(a)	21-3420	Kidnapping.
21-5408	(b)	21-3421	Aggravated kidnapping.
21-5409	(a)	21-3422	Interference with parental custody.
21-5409	(b)	21-3422a	Aggravated interference with parental custody.
21-5410		21-3423	Interference with custody of a committed person.
21-5411		21-3424	Criminal restraint.
21-5412	(a)	21-3408	Assault.
21-5412	(b)	21-3410	Aggravated assault.
21-5412	(c)	21-3409	Assault of a law enforcement officer.
21-5412	(d)	21-3411	Aggravated assault of a law enforcement officer.
21-5413	(a)	21-3412	Battery.
21-5413	(b)	21-3414	Aggravated battery.
21-5413	(c)	21-3413	Battery against a law enforcement officer.
21-5413	(d)	21-3415	Aggravated battery against a law enforcement officer.
21-5413	(e)	21-3443	Battery against a school employee.
21-5413	(f)	21-3448	Battery against a mental health employee.
21-5414		21-3412a	Domestic battery.
21-5415	(a)	21-3419	Criminal threat.
21-5415	(b)	21-3419a	Aggravated criminal threat.
21-5416		21-3425	Mistreatment of a confined person.
21-5417		21-3437	Mistreatment of a dependent adult.
21-5418		21-3434	Hazing.
21-5420	(a)	21-3426	Robbery.
21-5420	(b)	21-3427	Aggravated robbery.
21-5421		21-3449	Terrorism.
21-5422		21-3450	Illegal use of weapons of mass destruction.
21-5423		21-3451	Furtherance of terrorism or illegal use of weapons of mass destruction.
21-5424		21-3435	Exposing another to a life threatening communicable disease.
21-5425		21-3445	Unlawful administration of a substance.

21-5426	(a)	21-3446	Human trafficking.
21-5426	(b)	21-3447	Aggravated human trafficking.
21-5427		21-3438	Stalking.
21-5428		21-3428	Blackmail.
21-5428a		21-3428	Blackmail.
21-5503		21-3502	Rape.
21-5504	(a)	21-3505	Criminal sodomy.
21-5504	(b)	21-3506	Aggravated criminal sodomy.
21-5505	(a)	21-3517	Sexual battery.
21-5505	(b)	21-3518	Aggravated sexual battery.
21-5506	(a)	21-3503	Indecent liberties with a child.
21-5506	(b)	21-3504	Aggravated indecent liberties with a child.
21-5507		21-3522	Unlawful voluntary sexual relations.
21-5508	(a)	21-3510	Indecent solicitation of a child.
21-5508	(b)	21-3511	Aggravated indecent solicitation of a child.
21-5509		21-3523	Electronic solicitation.
21-5510		21-3516	Sexual exploitation of a child.
21-5511		21-3507	Adultery.
21-5512		21-3520	Unlawful sexual relations.
21-5513		21-3508	Lewd and lascivious behavior.
21-5601	(a)	21-3608	Endangering a child.
21-5601	(b)	21-3608a	Aggravated endangering a child.
21-5602		21-3609	Abuse of a child.
21-5603		21-3612	Contributing to a child's misconduct or deprivation.
21-5604	(a)	21-3602	Incest.
21-5604	(b)	21-3603	Aggravated incest.
21-5605	(a)	21-3604	Abandonment of a child.
21-5605	(b)	21-3604a	Aggravated abandonment of a child.
21-5606		21-3605	Criminal nonsupport.
21-5607	(a)	21-3610	Furnishing alcoholic liquor or cereal malt beverage to a minor.
21-5607	(b)	21-3610b	Furnishing alcoholic beverages to a minor for illicit purposes.
21-5608		21-3610c	Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage.
21-5609		21-3601	Bigamy.
21-5807	(a)	21-3715	Burglary.
21-5807	(b)	21-3716	Aggravated burglary.
21-5812	(a)	21-3718	Arson.
21-5812	(b)	21-3719	Aggravated arson.
21-5813		21-3720	Criminal damage to property.
21-5814		21-3731	Criminal use of an explosive.
21-5901		21-3801	Treason.
21-5902		21-3802	Sedition.
21-5909	(a)	21-3832	Intimidation of a witness or victim.
21-5909	(b)	21-3833	Aggravated intimidation of a witness or victim.
21-5924		21-3843	Violation of a protective order.
21-6101	(a)(1)&(2)	21-4002	Breach of privacy.
21-6101	(a)(3)-(6)	21-4001	Eavesdropping.

21-6102		21-4003	Denial of civil rights.
21-6105		21-4006	Unjustifiably exposing a convicted or charged person.
21-6106		21-4015a	Unlawful public demonstration at a funeral.
21-6107		21-4018	Identity theft; identity fraud.
21-6206		21-4113	Harassment by telecommunication device.
21-6206	(a)(2)	21-3839	Harassment by telefacsimile communication.
21-6308	(a)(1)&(2)	21-4219	Criminal discharge of a firearm.
21-6308	(a)(3)	21-4217	Criminal discharge of a firearm.
21-6310		21-4220	Unlawful endangerment.
21-6317	(a)	21-4221	Endangering the food supply.
21-6317	(b)	21-4222	Aggravated endangering the food supply.
21-6325		21-3416	Unlawful interference with a firefighter.
21-6326		21-3444	Unlawful interference with an emergency medical services attendant.
21-6401	(a)	21-4301	Promoting obscenity.
21-6401	(b)	21-4301a	Promoting obscenity to minors.
21-6402		21-4301c	Promotion to minors of material harmful to minors.
21-6420		21-3513	Promoting prostitution.
21-6501		21-4401	Extortion.