



KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 21-105	PAGE NUMBER 1 of 4
		SUBJECT: VICTIMS SERVICES: PROCESSING REQUESTS BY VICTIMS AND OTHERS FOR CESSATION OF COMMUNICATIONS FROM INMATES	
Approved By:  Secretary of Corrections		Original Date Issued: 12-05-11	
		Current Amendment Effective: 01-13-12	
		Replaces Amendment Issued: 12-05-11	

POLICY

Victims of crimes, as well as all other individuals in the public, have the right to refuse unwelcome communications by inmates. Contacts in the form of ordinary mail, telephone calls, and e-mails made by inmates may be prohibited upon receipt of a proper written request by the victim or other individual. Inmates subject to an order prohibiting communications who then violate the order may be punished by imposition of disciplinary penalties, and in certain instances, as warranted by the particular facts of the case, may also be criminally prosecuted.

DEFINITIONS

Communications: Attempted or completed verbal contact by any method, including, but not restricted to mail, telephone, and e-mail, whether directly or through a third party, including conference calling or passing of messages.

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

Primary Victim - The person(s) directly impacted by the crime (i.e. the person who is the subject or target of the crime who directly suffers harm by its commission).

Secondary Victim/Co-Victim - The person(s) indirectly impacted by the crime (i.e. the family, friends, neighbors, etc. of the person(s) who is victimized).

PROCEDURES

I. Cease Communications requests

- A. Inmates shall not communicate with any person, either directly or through third parties, who has filed a written objection to the communication with the Office of Victim Services.
 - 1. Designated Victim Services Facility Liaisons shall be the point of contact for any person contacting a facility or the Office of Victim Services regarding unwanted communication.

2. An individual does not have to be a primary victim, nor a secondary or co-victim, nor to have received communication in order to request a Cease Communications order, although more information about correspondence or calls received may be requested by KDOC.
3. An individual requesting a Cease Communications order must be at least 18 years of age.
 - a. A person may not request a Cease Communications order on behalf of another unless one of the following conditions is met:
 - i. That person is the parent or legal guardian of the individual named in the Cease Communications order, in accordance with the guidelines in Section III.
 - ii. That person has power of attorney over the individual named in the Cease Communications order
 - b. If a group of individuals or family wants to request a Cease Communications order, each individual must make their own request.
- B. Upon contact from the individual requesting the Cease Communications order, the Facility Victim Services Liaison shall obtain a written objection to communication from the requestor using the Request for Cease Communications Order (Attachment A).
 1. The individual requesting the order shall be offered further services through the Office of Victim Services, if appropriate.
 2. The information necessary to issue a Cease Communications order will be sent by the Facility Victim Services Liaison to the appropriate facility Enforcement, Apprehensions, and Investigations (EAI) Agent, as the Warden's designee, within one business day of receipt of the written request.
 3. An EAI Agent will prepare the Cease Communications Order (Attachment B) upon receipt and arrange for service to the inmate.
- C. Service upon the inmate shall be completed by Unit Team or other designated staff within two business days of issuance of the order.
 1. The inmate shall not be informed of the exact contents of the request, only that a request for a Cease Communications order has been received.
 2. A copy of the signed Cease Communications order should be emailed, faxed, or delivered to the Facility Victim Services Liaison within three business days of the request being signed.
 3. The order will still be valid even if the inmate refuses to sign the order.
 4. Upon request, a copy of the Cease Communications order will be sent to the requestor of the order by the Facility Victim Services Liaison.
 5. Any communication initiated by the inmate to the requestor between the time the Cease Communications order was requested and when the order was served on the inmate shall not be subject to disciplinary action.

6. EAI staff is responsible for imaging the Cease Communications order and for entering it into the Central Monitoring database in accordance with IMPP 12-125 -Central Monitoring of Inmates.
- D. Upon issuance of the Cease Communications order, facility EAI staff will cross reference any phone numbers provided by the requestor with the inmate's phone list to ensure that the phone numbers are blocked from the phone system. Cross-referencing by name will not be a substitute for checking phone numbers.

II. Cease Communications orders regarding minors

- A. In the instance of unwanted communications to a minor, the objection shall be filed with the Facility Victim Services Liaison by the parent or guardian of the minor.
- B. A Cease Communications order for a minor will remain in place after the individual is no longer a minor, unless the individual requests removal of the order in accordance with Section V. The inmate cannot be prohibited from writing to the inmate's natural or adoptive child, unless the child was the victim of the crime for which the inmate is incarcerated, the person having legal custody of the child files a written objection with Victim Services, and the inmate has not obtained a court order permitting this written communication with the child.

III. Other Cease Communications Orders

- A. If the need for a Cease Communications order arises from an issue other than an individual's request for the order, these orders should be processed through the Enforcement, Apprehensions, and Investigations Unit (EAI) and do not have to be processed through the Office of Victim Services.
 1. If such an order does involve a crime victim or potential crime victim, the EAI office should consult with the Facility Victim Services Liaison for possible victim assistance.

IV. Response to Violations of the Cease Communications order

- A. When a requestor reports a violation of the Cease Communications order, EAI shall be responsible for investigating the violation. Possible violations include but are not limited to:
 1. K.A.R. 44-12-211 Telephones or other communication devices (Class I offense)
 2. K.A.R. 44-12-601 Mail (Class II offense)
 3. K.A.R. 44-12-306 Threatening or intimidating any person (Class I violation)
 4. K.A.R. 44-12-304 Disobeying orders (Class I offense)
- B. If a violation is reported, an inmate shall immediately be placed on readable mail, and have his/her phone calls and/or emails monitored, as determined appropriate by the EAI Agent Supervisor.
 1. This status shall remain in place until the EAI Special Agent Supervisor determines it should be lifted, in consultation with the Facility Victim Services Liaison as appropriate.

- C. If the communication is determined to be in violation of criminal statute (criminal threat, violation of a Protection from Abuse order, etc), documentation of the violation shall be forwarded to the local County Attorney for possible prosecution.

V. Removal of a Cease Communications order

- A. In order for a Cease Communications order imposed at the request of a victim or other member of the public to be removed, the individual making the request must fill out the Request for Removal of Cease Communications Order (Attachment C) and return the completed form to Victim Services.
 - 1. The Removal form must be notarized.
- B. The EAI office at the facility where the offender is currently housed shall be responsible for issuing the Removal of Cease Communications Order (Attachment D).
 - 1. EAI staff must indicate in Central Monitoring that the order has been removed.

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

K.S.A. 2010 Supp. 75-5210
K.A.R.44-12-601
K.A.R. 44-12-211
K.A.R. 44-12-306
K.A.R. 44-12-304

ATTACHMENTS

Attachment A- Request for a Cease Communications Order (1 page)
Attachment B- Cease Communications Order (1 page)
Attachment C- Request for Removal of Cease Communications Order (1 page)
Attachment D- Removal of Cease Communications Order (1 page)

Request for Cease Communications Order (Adult)

I, _____, hereby object to any further contact or attempts at
(Requestor)

contact from _____ . I request that a
(Inmate Name and Number)

Cease Communications order be issued to said inmate.

Signature Date

Request for Cease Communications Order (Minor/Power of Attorney)

I, _____, hereby object to any further contact or attempts at
(Requestor)

contact from _____ with
(Inmate Name and Number)

_____. By signing below, as the
(Name for the Cease Communications order)

Requestor, I am verifying that I am this individual's legal custodian and/or have power of attorney for this individual. I understand that in order for this Cease Communications to be issued for a minor, this inmate cannot be prohibited from writing to his/her natural or adoptive child, unless the child was the victim of the crime for which the inmate is incarcerated, and the inmate has not obtained a court order permitting this written communication with the child.

Signature of Requestor Date

To be filled out by the requestor:

The following email addresses should be blocked from the J-Pay inmate email system to prevent the inmate from attempting contact:

The following phone numbers should be blocked from the inmate phone system to prevent the inmate from attempting contact:

CEASE COMMUNICATIONS ORDER

Date:

Inmate Name:

Inmate Number:

Facility:

You are hereby duly informed that you are not to contact, attempt to contact, communicate with or attempt to communicate with:

(Name of person with whom communication is prohibited)

under any circumstances, either by mail, phone, email and/or through a third party (including attempts at three way calling or passing of messages), effective as of this date.

If the aforementioned person makes contact with you, this does not void this order. Any contact made by this person should be reported to Unit Team, and no response should be made unless this order is removed in accordance with this IMPP.

If you are found in violation of this order, disciplinary action and/or criminal prosecution may occur. Any and all communication is to stop immediately. Refusal to sign this order in no way excuses you from violating the order because you have been informed of its content and consequences. This order applies at any KDOC correctional facility and any violation of this order will be disciplined regardless of your facility location at the time of the violation.

Issuing the order:

(Signature of EAI staff issuing the order)

(Printed name and title)

I, _____, acknowledge the receipt of this order on _____
(Inmate name and #) (Date)

(Inmate's Signature)

(Witness/Staff Signature)

Request for Removal of Cease Communications Order

I, _____, hereby request that the Cease Communications
(Requestor)

order issued to:

_____ at my request, be removed.
(Inmate Name and Number)

Signature

Date

Subscribed and sworn to before me this _____ day of _____,
20____,

Notary Public Signature

My Commission Expires

REMOVAL OF CEASE COMMUNICATIONS ORDER

Date:

Name:

Inmate Number:

Facility:

You are hereby duly informed that the Cease Communications Order issued on _____ directing you to cease contact or attempted contact with _____ has been removed effective this date.

Issuing the removal:

(Signature of EAI staff)

(Printed name and title)

I, _____, acknowledge the receipt of this
(Inmate name and #)

Removal of Cease Communications Order on _____.
(Date)

(Inmate's Signature)

(Witness/Staff Signature)