

INTERNAL MANAGEMENT POLICY & PROCEDURE

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

IMPP #: 21-106A

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VICTIM SERVICES: Facilities – Victim-Initiated Contact with Residents and Response to Resident Violations

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Approved By: , Secretary Next Scheduled Review: 07/2026

POLICY

This policy covers the process by which residents, upon entry to a KDOC facility, are notified they are not to initiate contact with any victim of their crime of conviction. This policy also explains the process by which victims of crime can request contact via phone, mail, and electronic messages and/or visits in person and by video with residents currently in a KDOC facility. Further included is the process facility staff and Office of Victim Services staff use to collaboratively review these victim-initiated requests for contact with a resident.

Victims have a right to voluntarily communicate with residents who have victimized them. A prior or inactive court order preventing contact will not be means to deny current contact. If the victim initiates contact with the resident under circumstances indicating that the victim's action is consensual and there is no current order preventing contact, then contact should not be prohibited.

DEFINITIONS

Coercion: The act of forcing someone to do something against their will by utilizing force, threats, and/or manipulation.

Minor: Person less than 18 years of age. For purposes of inmate visiting, in accordance with K.A.R. 44-7-104, minors shall include siblings, stepsiblings, children, stepchildren, grandchildren, and step grand-children.

Probation No contact order: A no contact order put in place as part of an offender's probation by a Judge/court.

Post-incarceration supervision: The supervision of offenders for any type of release from a KDOC facility, to include release to parole, conditional release, and post-release supervision.

Post-incarceration Supervision Special Condition of No Contact: A special condition of community supervision that prohibits contact with a name specific individual issued by the Kansas Prisoner Review Board or parole staff.

Resident: A person who is in the legal custody of the Secretary of Corrections in a correctional facility.

Safety Plan: A plan developed by the victim, with the assistance of the Office of Victim Services, to predict and prepare for scenarios of possible risk from the resident.

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

PROCEDURES

I. Incarcerated Residents and Prohibition of Contact With Victims

- A. As required in IMPP 11-102A regarding adult facility orientation, the resident shall be informed during orientation upon entry to the Reception and Diagnostic Unit (RDU) at EDCF and TCF that he/she is not to initiate contact with the victim(s) in his/her active cases.
1. Any residents who are admitted to a facility without processing through RDU shall be informed during orientation to their assigned facility.
- B. Acknowledgement of this IMPP as part of the orientation checklist or during facility orientation process shall read:
1. I acknowledge that I have been told that contacting any victim of my crime of conviction is not allowed. This means no emails, letters or other mail, phone calls, and/or having someone else contact my victim for me ("third-party contact"). If the victim of my crime of conviction wants to have contact with me, the victim must first follow the rules in IMPP 21-106A and contact the Office of Victim Services to request contact. If I contact my victim without first getting permission, I may receive a disciplinary report that includes a Class 1 offense or, in some cases, criminal prosecution. I also may not have contact with any person who has a no-contact order prohibiting me from contact. No contact orders include:
 - No contact in a divorce decree
 - Protection from Abuse that names the resident as the defendant
 - Protection from Stalking that names the resident as the defendant
 - Cease Correspondence issued by a KDOC facility
 2. Refusal to sign the checklist will be considered an acknowledgment of IMPP 21-106A.
- C. The victim must initiate the process for contact with the resident through the Office of Victim Services.
1. Contacting victims in the form of written communication, mail, phone calls, and/or third-party contact made by residents is prohibited unless following the procedures outlined by this IMPP.
 2. If the resident attempts to initiate contact with the victim(s) in his/her case a disciplinary report may be issued for KAR 44-12-1002 Violation of published orders and may be a class I offense.
 3. Residents who violate the IMPP may be held accountable by imposition of disciplinary penalties, and in certain instances, as warranted by the particular facts of the case, may also be criminally prosecuted.

II. Incarcerated Residents and Contact/Visitation with Victims

- A. If the person requesting contact in the form of written communication or phone calls with the resident is determined to be the victim of the resident either through self-identification, by facility staff, or by the Victim Services Liaison (VSL), the case shall be reviewed by the VSL prior to a decision about contact.
1. Once a review is completed by the VSL, an email shall be sent to the resident's unit team counselor and/or RDU intake investigator advising that the victim has initiated contact and either that there are no current concerns or that contact is not advisable.
- B. If the victim makes contact with the facility and/or mails their visiting application to the facility, the victim shall be provided the contact information for the local VSL.

1. The facility staff member responsible for processing visiting applications shall scan and email a copy of the original visiting application to the assigned VSL for screening. This shall take place within 15 working days of receipt of the application by the facility staff member.
 - a. Facility staff shall not send original visiting applications or birth certificates to the VSL.
- C. Upon receipt of the visiting application, the VSL shall conduct a thorough review of the request:
 1. The VSL shall review the following information:
 - a. Court documents surrounding the active case(s);
 - b. Victim's file in the Victim Services electronic database;
 - c. Any current or past protection orders or no-contact orders;
 - d. Any previous parole violations/revocations related to victimization; and
 - e. Any other information determined to be relevant to the visiting decision.
 2. The VSL shall also work with the victim to develop a safety plan.
 3. If the resident meets the definition of a sex offender, any decisions regarding contact shall be made in accordance with IMPP 11-115A Sex Offender Program, Management, and Supervision.
 4. If facility staff has any additional information about the victim and/or the resident that would impact the contact decision, including information that a victim is being coerced, they shall contact the VSL for assistance on the case.
- D. The VSL shall provide written documentation, by email, summarizing known concerns, within the bounds of victim confidentiality or advising that there are no known victim safety concerns at this time to the Warden or Warden's designee by email within 10 business days of receipt of the request for contact/visiting.
 1. Any information provided by the Office of Victim Services shall remain confidential and will not be imaged with the visiting application materials or placed in the resident's file.
 2. If the visiting application was sent directly to Victim Services, either to Central Office or directly to the VSL, then the original visiting application will be sent to the facility Visiting Clerk.
- E. The decision for visitation shall be made by the Warden or Warden's designee based on the information provided by the VSL.
 1. If the information from the VSL and/or any additional sources the Warden or Warden's designee defines indicates that an adult victim, without coercion or pressure from the resident or third parties, genuinely wishes to initiate contact with the resident, contact shall not be prohibited.
 2. A prior or inactive court order preventing contact shall not be means to deny current contact. If the victim initiates contact and there is no current order preventing contact, then contact shall not be prohibited.
 3. If there is a no contact order involved as part of the criminal sentence, or there is a current Protection From Abuse/Protection From Stalking (PFA/PFS) order that names the victim as a plaintiff, contact shall be prohibited. If the resident attempts to make contact in violation of these orders, it shall result in a class 1 disciplinary report and/or referral for criminal

prosecution. The victim may be referred to the jurisdiction responsible for the existing no contact order to request it be lifted. No contact shall be allowed if there is an existing order preventing contact.

4. If the victim indicates he/she is being coerced or pressured to have contact or visit the resident, or if other evidence of coercion is documented (i.e. phone calls during which the resident orders the victim to visit, etc.), the facility shall deny the contact based on the documented coercion.
5. All other rules regarding written/phone/visiting contact apply. Contact may be prohibited if there are documented concerns with a reasonable basis (i.e., security issues, disciplinary issues, etc.)

III. 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, residents, 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, residents or offenders, or an independent duty owed by the Department of Corrections to employees, residents, 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

None.

REFERENCES

K.A.R. 44-7-104
IMPP 11-102A, 11-115A

HISTORY

04-04-23 Original

ATTACHMENTS

None.