SUPERVISION ORIENTATION HANDBOOK

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS
PROBATION AND PRETRIAL SERVICES OFFICE

You are assigned to:

_____

U.S. Probation Officer

_____

Officer's Direct Telephone Number

Office Hours
8:00 a.m. - 5:00 p.m.

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U.S. Courthouse & Federal Building
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Kansas City, KS 66101-2431
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Topeka, KS 66683-3589
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INTRODUCTION

As part of your sentence, you will be supervised in the community by a U.S. Probation Officer. Your supervision may be either probation, supervised release, or parole. In any event the conditions will be essentially the same. The purpose of supervision is to enforce compliance with the conditions of release, protect the public by minimizing risk, and to provide services to you to assist you in maintaining a law-abiding lifestyle.

United States Probation Officers serve as officers of the court, agents of the U.S. Parole Commission, Military Parole Authorities, and Bureau of Prisons. They are responsible for the supervision of all persons conditionally released to the community by the courts, the Parole Commission, Federal Bureau of Prisons, and Military Authorities. The probation officer is expected to hold individuals accountable to the general conditions and any special conditions ordered by the releasing authority.

To accomplish these objectives, the probation officer assigned to you has the following responsibilities:

* To instruct you as to the conditions specified by the court or the Parole Commission.

* To keep informed as to your compliance with the conditions of supervision.

* To keep informed as to your conduct and to report your conduct and situation to the sentencing court or Parole Commission.

* To use all suitable methods, consistent with the conditions specified by the court, to bring about improvements in your conduct and situation.

* To assess the level of risk you may pose to the community and establish a supervision plan to minimize your risk to the community.

* To utilize risk control supervision activities, such as verification of employment and sources of income, investigation of your financial situation, monitoring of your associations, conducting records checks, placing restrictions on your travel and, if ordered, drug testing.

* To request modification of the conditions of supervision, if necessary, to reduce risk. Such modifications can include home detention, community confinement, urinalysis or substance abuse treatment, and requirements for financial disclosure.

* To systematically review your conduct and your situation and revise your supervision plan in accordance with changes in your level of risk to the community.

* To assess the problems you may be experiencing that are likely to be associated with future criminal conduct, such as drug addiction, unemployment, drug problems, alcohol problems, financial problems, lack of residence, or family problems, and develop a plan to address these problems.

* To refer you to community resources to assist you in dealing with these problems.

One purpose of the orientation manual is to thoroughly explain the conditions, the purpose for each condition, and what is required of you to be in compliance with each condition. This packet will also provide some general information about issues that pertain to your conviction or supervision.

Any questions about this information should be directed to your U.S. Probation Officer.

DISTRICT OF KANSAS

"Supervision Designed for You"

History and research have shown that many times, probation officers tend to supervise offenders in the same manner, regardless of the individual offender's needs or risk to the community. This means that some offenders are being over-supervised by the PO and others are under-supervised. This does not help the offender and can be counter-productive to his/her success. In order to provide the best supervision for each and every offender and promote community adjustment and success, the District of Kansas has initiated a system-wide shift as to how an offender will be supervised in the District of Kansas.

What does this mean for you, the newly released offender to supervision?

Supervision in Kansas will be tailored to your needs. At the beginning of supervision you will be asked to complete a post-conviction risk assessment (PCRA) questionnaire. The assessment takes into consideration your past criminal history, education and employment history, substance abuse, companions and cognitions. Your case will then be designated as high, moderate, low-moderate, or low. You will have personal interaction with your assigned officer to help assist you in the transition from custody and to ensure your stability under supervision. Once you have shown stability and compliance, there will be opportunities to move to lower supervision.

Most importantly, and probably the hardest concept to grasp, is that during your term of supervision, you may have more than one probation officer. You will not keep the same PO all the way through your supervision, and you may have your contacts with your PO in the community as well as by phone, mail or email. This is a good thing! It means you are making positive progress on supervision and are adjusting well, which is the primary goal.

Communication is Critical!

It is our job to assist you in meeting your needs. It is imperative during your term of supervision that you communicate with your PO about what is happening in your life. No matter which level of supervision you are on, your PO is available to assist you with any situation that occurs in your life.

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SECTION I

GENERAL SUPERVISION INFORMATION

MANDATORY CONDITIONS OF SUPERVISION

Probation

1. YOU SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME DURING THE PERIOD OF SUPERVISION.

If you are involved in any type of criminal activity, you pose a significant risk to the community. Any violation of the law is immediately reported to the appropriate authority and based on the seriousness of the offense and the risk you pose to the community, a recommendation may be made to the appropriate authority to proceed with a violation hearing prior to a conviction.

The probation officer monitors this condition through contact with local law enforcement, periodic criminal record checks, NCIC tracking and other means available.

2. YOU SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE.

Your possession of controlled substances may pose a significant risk to the community.

The Violent Crime Control & Law Enforcement Act of 1994 requires mandatory drug testing for all offenders who committed their offense after September 13, 1994, unless the condition is waived by the court. There is more information about drug testing in Section III.

Knowing and willful use of a controlled substance constitutes possession. A positive urinalysis test will be reported immediately to the appropriate authority and a revocation hearing may be set or sanctions may be imposed.

If the court finds that you were in possession of an illegal controlled substance, the court must revoke your probation.

3. YOU SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.

Your possession of a firearm/ammunition or other dangerous weapon may pose a significant risk to the community.

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Possession of a firearm/ammunition is defined as your ability to have access to a firearm/ammunition. If you live with someone who has a firearm/ammunition and you have access to it, you are considered to be in possession and in violation of this condition.

Such items as hunting knives and weapons used in martial arts are considered dangerous weapons and are prohibited.

If the court finds that you were in possession of a firearm, the court must revoke your probation and impose any other sentence that was available at the time of your original sentencing.

Supervised Release

Same mandatory conditions as probation.

If the court finds that you were in possession of an illegal substance, the court must revoke your supervised release and impose a sentence of imprisonment.

Parole

Same mandatory conditions as probation and supervised release.

The Parole Commission has a "zero tolerance" policy regarding positive urinalysis tests. All positive tests must be reported to the Parole Commission by the U.S. Probation Office, and your parole can be revoked for one positive urinalysis test.

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STANDARD CONDITIONS OF SUPERVISION

1. YOU SHALL NOT LEAVE THE JUDICIAL DISTRICT WITHOUT PERMISSION OF THE COURT OR PROBATION OFFICER.

The probation officer is responsible for knowing your whereabouts at all times. Any requests for travel out of the district are carefully reviewed and verified before travel is granted. Permission is granted by the issuance of a travel permit at the discretion of the probation officer.

Travel may be denied for the following reasons:

a. Your conviction or past criminal behavior involved extensive travel.

b. You are not current on fine or restitution payments or community service hours.

c. You are not in compliance with all conditions of supervision.

d. The probation officer is unable to verify your travel.

e. Your travel would interfere with court-ordered treatment.

f. The district you plan to travel to has certain restrictions that prohibit you from traveling to that district.

In the event you plan to travel, you must provide the probation officer with verification of the address, dates of travel, reason for the travel, name of a person we can contact to verify the travel, and how you plan to finance the travel. If you have a fine, restitution, or community service, you must establish that you are current on payments or hours. This **information must be provided in writing to the probation officer at least 14 days prior to the travel**, unless it is a verified emergency.

Any international travel must be approved by the court or the U.S. Parole Commission. The request must be submitted at least six weeks in advance.

You may not leave the District of Kansas without a written travel permit. Exceptions may be made for emergencies, such as serious family illnesses or deaths.

You generally will not be allowed to travel outside of the district during the **first 60 days** of supervision. This allows the probation officer to become acquainted with you and your case, and assess what kind of services or activities should be planned during the course of supervision.

A copy of the travel request form and additional information regarding travel is provided at the end of this section.

2. THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER IN A MANNER AND FREQUENCY DIRECTED BY THE COURT OR THE PROBATION OFFICER."

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In order to maintain knowledge of your current status and situation, the probation officer will meet with you periodically. The frequency that you are seen by your probation officer is based on your risk to the community, your compliance with all of the conditions of supervision and the types of problems you may be experiencing. These appointments provide a good way for officers to assess your needs, and determine what services to provide, if any.

You must report to the probation officer as directed and you must permit the probation officer to contact you at your residence or elsewhere with or without notice.

Report means that you must keep appointments with the probation officer; you must make yourself available for meetings with the probation officer, and be able to give an account of yourself.

On a yearly basis, you may be required to submit copies of income tax returns, both personal and corporate, if applicable.

You may also be required to provide other documentation during meetings with the probation officer. These include, but are not limited to, bank statements, copies of bills, copies of legal documents (i.e., bankruptcy discharge, law suit, etc.), copies of checks, court registries, and statements of earnings. The probation officer must verify your source of income and its legitimacy, and therefore may request the above information on a periodic basis.

You must also provide written monthly documentation of your status in the form of a written Monthly Supervision Report (MSR). **This report must be submitted by the fifth of each month.** You are instructed to submit this written report by mail. **All spaces must be completed, even if the information does not apply to you.** All information must be accurate and truthful. The probation officer closely reviews these reports.

At the end of this Section are detailed directions, and a sample MSR is included to assist you in completing it.

You must sign the report acknowledging that the information is complete, correct and truthful. You must attach your statement of earnings each month to the report, and any additional documentation that the report or the probation officer asks for, such as copies of tickets, summonses or other court documents.

WARNING: Providing false information on the report could result in revocation of your supervision.

If you have access to a computer and have a personal email address, your officer may enroll you in an electronically submitted monthly report form. This form can be accessed from the Internet. The website address is **https://supervision.uscourts.gov/**. Your password will be provided to you by your officer. After electronically submitting the form, you are required to scan and email your attachments and paystubs to your probation officer. The electronic

monthly report form has many of the same questions as the written format. Clients have found it helpful to have your monthly report form information written down prior to beginning the electronic format. Utilizing the electronic format saves you time, paper and the expense of mailing costs. It can be filled out at your convenience and submitted at any time of the day or night between the first and the fifth of each month. **The electronic monthly report form is to be submitted by the 5th of the month, the same as the written report.**

3. YOU SHALL ANSWER TRUTHFULLY ALL INQUIRES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER.

The probation officer is responsible for maintaining a thorough knowledge of your current status and situation. Basically, this condition requires you to be honest with your probation officer when asked direct questions about your current situation.

The probation officer will also verify the information you provide through outside sources, such as family, employers, etc.

4. YOU SHALL SUPPORT YOUR DEPENDENTS AND MEET OTHER FAMILY RESPONSIBILITIES.

The probation officer may periodically meet with family members or significant others to verify that you are meeting your family responsibilities.

During the first sixty days the probation officer may meet with family members, or significant others to explain how the supervision process will impact them. This will include the impact on family lifestyle, restrictions on travel, firearms in the home, and an explanation of enhanced penalties so that they are aware of the consequences of your non-compliance.

If you have been ordered to pay child support, the probation officer may require that you provide verification each month that you made the payment. You will be required to comply with any child or spousal support obligations and follow through with appropriate contacts with any outside agency involved in the collection of those monies.

The probation officer will periodically inquire about your finances, to verify you are meeting your family responsibilities, and to verify you are living within your means.

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5. YOU SHALL WORK REGULARLY AT A LAWFUL OCCUPATION UNLESS EXCUSED BY THE PROBATION OFFICER FOR SCHOOLING, TRAINING, OR OTHER ACCEPTABLE REASONS.

A lawful occupation should include payment by check, deductions for federal and state taxes, and Social Security taxes, if appropriate. In most cases, it will not be acceptable to receive cash payments for employment.

You may be required to notify your employer of your supervision status, and any prior record that might pose a risk to the employer.

The probation officer may periodically contact you at your place of employment to verify employment. These contacts are not meant to interfere with your employment.

Self-employment is allowed but assessed on an individual basis only. At a minimum, the following criteria must be met:

a. It has been verified that the business is legitimate.

b. The business has been properly licensed, registered, incorporated, etc., if applicable.

c. The business has the required insurance, i.e. workman's compensation.

d. The probation officer is allowed to periodically review the business records, including all financial records.

e. All taxes are being paid and verification is being provided.

f. The probation officer is given the following information:

1) Name, address, telephone numbers of all corporate officers.

2) Federal employer identification number.

3) Name and address of all business bank accounts and account numbers.

4) Additional material as requested.

Note: Medical conditions and disability which prohibit employment will be evaluated on an individual basis.

6. YOU SHALL NOTIFY THE PROBATION OFFICER AT LEAST TEN (10) DAYS PRIOR TO ANY CHANGE IN RESIDENCE OR EMPLOYMENT.

It is crucial that you keep your probation officer notified of any changes in residence or employment. If you lose your job or residence unexpectedly, you are required to notify your probation officer immediately.

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The probation officer will verify the reason for termination of employment. Any job changes should be discussed with your probation officer, prior to making the change. **You should not quit your job unless you have been offered another job.**

If you become unemployed you will be required to look for employment immediately and keep the probation officer informed of your progress. Your probation officer may be able to assist you with job leads, and referrals to job service agencies.

7. YOU SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCE, EXCEPT AS PRESCRIBED BY A PHYSICIAN.

If you have a special condition for drug or alcohol treatment, you will be required to abstain from alcohol completely to enhance your chances of success in the treatment process.

Evidence of excessive use of alcohol consists of legal charges stemming from public intoxication, driving under the influence, and disorderly conduct while under the influence. If your usage of alcohol affects your everyday functions such as employment, relationships, or health, this may be considered excess usage in need of officer intervention. You may be required to submit to Breathalyzer testing.

If the probation officer has evidence that you are experiencing problems with alcohol/drugs or that you have had a history of problems, the probation officer may petition the court or Parole Commission for a modification of your conditions to add a special condition for alcohol/drug treatment.

Additional information about substance treatment and urinalysis screening can be found in Section III.

8. YOU SHALL NOT FREQUENT PLACES WHERE CONTROLLED SUBSTANCES ARE ILLEGALLY SOLD, USED, DISTRIBUTED, OR ADMINISTERED.

In order to maintain a law-abiding lifestyle, you will have to stay away from places and situations where illegal activity is going on. You are expected to leave any place where drugs are being sold or used, such as: a residence (including your own), drinking establishments, restaurants, vehicles, friends, relatives, etc. Associating with individuals using illegal drugs will jeopardize your freedom and sobriety.

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9. YOU SHALL NOT ASSOCIATE WITH ANY PERSONS ENGAGED IN CRIMINAL ACTIVITY AND SHALL NOT ASSOCIATE WITH ANY PERSON CONVICTED OF A FELONY UNLESS GRANTED PERMISSION TO DO SO BY THE PROBATION OFFICER.

Association is defined as any planned, prolonged or repeated contact with a person having a felony record, or engaged in criminal activity, if you knew or should have known of their felony conviction or the criminal activity in which they were engaged during the times of your association. Incidental contact is not considered association. In the event you have casual contact with a person having a felony record, you will have to report this on your monthly report.

Incidental contact on a job site is not considered criminal association. Association with any convicted family member must be approved by the probation officer.

Permission for criminal association cannot be after the fact. You must have permission prior to the association. This permission will only be granted in exceptional situations.

Similar to the above condition, this allows you the opportunity to exercise good judgment and common sense about issues that can have a significant impact on your life. This will lead to a positive outcome in your life, and allow you to obtain the goals which you set for yourself.

10. YOU SHALL PERMIT A PROBATION OFFICER TO CONTACT YOU AT ANY TIME AT HOME OR ELSEWHERE AND SHALL PERMIT CONFISCATION OF A CONTRABAND OBSERVED IN PLAIN VIEW OF THE PROBATION OFFICER.

Be prepared for your probation officer to make unannounced contacts at your home, place of employment or elsewhere on a periodic basis. These contacts can be at any time and may occur on weekends, evenings, or holidays. Failure to cooperate is a violation of your supervision.

Contraband includes controlled substances, weapons, or stolen items.

11. YOU SHALL NOTIFY THE PROBATION OFFICER WITHIN 72 HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER.

All contact with law enforcement must be reported. This includes traffic citations, criminal or civil arrests or questioning by any law enforcement officers.

You will be required to submit documentation, such as copies of summonses, bond papers, copies of complaints, information or indictments.

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Law enforcement agencies supply the U.S. Probation Office with arrest information during routine record checks that are done in all cases. However, it is a separate and additional violation to not immediately report the arrest yourself.

12. YOU SHALL NOT ENTER INTO ANY AGREEMENT TO ACT AS AN INFORMER OR A SPECIAL AGENT OF A LAW ENFORCEMENT AGENCY WITHOUT PERMISSION OF THE COURT OR PAROLE COMMISSION.

Permission is rarely granted because of the precarious position you might place yourself in and the risk factors involved. If contacted by a law enforcement agent to be an informant, contact your probation officer immediately.

13. AS DIRECTED BY THE PROBATION OFFICER YOU SHALL NOTIFY THIRD PARTIES OF RISKS THAT MAY BE OCCASIONED BY YOUR CRIMINAL RECORD, OR PERSONAL HISTORY OR CHARACTERISTICS AND SHALL PERMIT THE PROBATION OFFICER TO MAKE SUCH NOTIFICATION AND TO CONFIRM YOUR COMPLIANCE WITH SUCH NOTIFICATION REQUIREMENT.

The probation officer is responsible for constantly assessing the level of risk you present to the community and establishing a supervision plan to address the risk.

Third-party risk refers to any reasonable connection that may exist between the nature of the offense or any previous criminal conduct and any employment or other activity where there would be reasonable risk of personal or financial harm to an identifiable third party or particular group of people.

You will be required to promptly disclose your conviction or convictions giving rise to the third-party risk and also the fact that you are on supervision. The probation officer will then verify that the disclosure has been made.

At a minimum the probation officer will address this issue every time you move or change jobs.

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SPECIAL CONDITIONS OF SUPERVISION

1. AS A CONDITION OF SUPERVISION, OR AS PART OF THE IMPOSED SENTENCE, THE COURT MAY ORDER A FINE OR RESTITUTION.

The court may impose a fine as part of your punishment. This means that you will have to make certain sacrifices financially in order to pay the fine.

The fine is delinquent if a payment is more than 30 days late and is considered in default when there have been no payments for three months or the amount of arrearage exceeds three monthly payments.

The court will be notified, if your payments are in default, and appropriate sanction will be taken. Financial penalties could also be added to the costs you owe in your case.

The court may order monthly installment payments. If the court has not ordered specific installment payments, the probation officer will determine the payment schedule.

The monthly installment payments are determined by your ability to make payments. The probation officer will require that you provide copies of all expenses and your income, and any income that your spouse or significant other contributes to your necessary expenses. The probation officer will review your financial information and determine if the payment plan should be adjusted.

The payment schedule will be determined by the difference between your necessary expenses and your income, allowing for emergency and unexpected expenses.

Expenses must be reasonable for your income, size of family, and the geographic area that you live in. Recreation, vacation, travel, luxury items and items of comfort, may not be permitted so you can get your fine or restitution paid.

Periodically, you will be required to submit a financial statement with documentation of all of your expenses. The probation officer will determine your income and your necessary expenses and then determine what your ability to pay will be for the next six months.

The payment schedule is closely monitored and failure to make payments may result in a hearing before the court, or Parole Commission.

Restitution for actual damages caused by the offense of conviction may also be imposed as a condition of supervision. The procedure is the same for restitution as for a fine, except for penalties and interest.

Additional information in Section II should also be reviewed regarding fines, restitution, special assessments.

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2. **YOU SHALL PARTICIPATE IN AN APPROVED PROGRAM FOR SUBSTANCE ABUSE, WHICH MAY INCLUDE TESTING, COUNSELING AND INPATIENT TREATMENT, AND SHARE IN THE COSTS, BASED ON THE ABILITY TO PAY, AT THE DIRECTION OF THE UNITED STATES PROBATION OFFICE. THE DEFENDANT SHALL ABSTAIN FROM THE USE OF ALCOHOL DURING SAID TREATMENT.**

If you have a history of drug or alcohol abuse, you will be referred to a treatment program.

The purpose of the drug/alcohol condition is to protect the community and assist you in achieving a drug-free lifestyle. You will also be required to abstain from the use of illegal substances, alcohol, and other intoxicants.

You may be ordered to pay all or part of the treatment costs.

Please see Section III for more information.

3. **YOU SHALL BE PLACED ON HOME DETENTION FOR A PERIOD OF _____ AND SHALL OBSERVE THE RULES OF THE PROGRAM.**

In lieu of part of your imprisonment, you may be placed on home detention, which may include electronic monitoring. If so, you will receive another information sheet more fully describing this particular program. You may be required to pay for the costs of the program.

Please see Section IV for more information.

4. **YOU SHALL COMPLETE _____ HOURS OF COMMUNITY SERVICE AS DIRECTED BY THE PROBATION OFFICER DURING THE PERIOD OF SUPERVISION.**

Community service is defined as non-salaried service by you for a set period of time to a civic or non-profit organization, ordered by the court as a condition of probation or supervised release.

The probation officer can assist you in locating an agency to perform your community service. All work placements must be approved in advance by the probation officer.

5. **YOU SHALL PARTICIPATE IN MENTAL HEALTH TREATMENT AS DIRECTED BY THE PROBATION OFFICER.**

The court or the United States Parole Commission may impose this condition when you are unable to cope with stress and/or display symptoms of mental illness. The probation officer is available to assist you should you feel the need for counseling. You may be ordered to pay all or part of the costs for mental health treatment.

Also see Section III for more information.

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6. OTHER SPECIAL CONDITIONS THAT MAY BE IMPOSED:

The court or other appropriate authority may impose special conditions of supervision that are reasonably related to your offense or personal history or characteristics. In addition to the topics listed below, other special conditions may include Community Service Work, Occupational Restrictions, Curfew or Search. Any questions regarding your special conditions of supervision should be directed to your probation officer.

COMMUNITY CONFINEMENT: This condition requires that you reside and participate in a community corrections center program, and that you abide by all of the rules of the community corrections center. With the exception of employment, you will be able to leave the center only on a limited basis. This may be imposed to assist you in establishing a more stable lifestyle or to give you additional structure and support.

FINANCIAL DISCLOSURE: You may be required to disclose to the probation officer on a periodic basis, all of your financial dealings. You will be required to provide all of the financial records that the probation officer requests. You may be required to sign a confidential release form that will allow the probation officer access to credit reports, bank records and other financial records.

THIRD PARTY RISK: The court may impose a condition that you disclose your conviction, prior record or any other particular characteristics to a specific person or organization. The probation officer will verify that the disclosure was made.

COMPUTER CRIME: The district has adopted special conditions to assist in the supervision of offenders convicted of computer related offenses. These conditions include various restrictions on computer/technology access. Additionally, they provide for methods of monitoring offender's computer use (monitoring software).

SEARCH CONDITION: If this condition is ordered by the Court it states the following:
"The defendant shall submit his/her person, house, residence, vehicle(s), papers, business or place of employment and any property under the defendant's control to a search, conducted by the United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a conditions of release. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition." Your probation officer can answer any questions regarding this process as well has answer questions regarding how it might impact you and other persons in your residence.

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NONCOMPLIANCE WITH CONDITIONS OF SUPERVISION

The conditions of supervision clearly relate your obligations and the court's expectations regarding your compliance. The consistent enforcement of conditions by the U.S. Probation Office is necessary to execute the sentence, reduce risks, and promote effective correctional treatment. Your actions that are not consistent with the conditions of supervision constitute noncompliant behavior and are a violation of your supervision.

Violations may consist of new criminal activity or failure to meet the requirements of other conditions, commonly known as technical violations. Because violations can take many forms, may or may not require a particular intervention by statute, and may entail little substantial risk to the community, management of noncompliant behavior requires the use of a variety of interventions, or sanctions.

The choice of an intervention or sanction is guided by the principle of the least restrictive measure(s) necessary to achieve the goals of supervision. Interventions should be appropriate and purposeful, timely, enforceable, and progressive. Progressive means that repeated instances of noncompliance, or violations, generally should be addressed by increasingly greater consequences. Each step taken to bring about compliance should be the next least intrusive given the nature of the violation, and your current supervision status at the time the violation occurred.

The following interventions, or sanctions, may be used alone or in combination with each other.

* Reprimands and Warnings
* Administrative Staffing
* Increased Frequency of Current Supervision Activities
  (For example, more counseling sessions, or urinalysis tests.)
* Implementing Additional Supervision Activities
* Compliance Review Hearing
* Modification of the Conditions of Supervision
* Extension of the Term of Supervision
* Revocation

The U.S. Probation Officer in some cases, and for some violations, must file a violation report with the appropriate authority. As stated elsewhere in this handbook, revocation is sometimes mandatory for certain violations.

It is the responsibility of the court or other appropriate authority to make a final determination on the violation(s), and it is at their discretion to decide on the appropriate sanction for noncompliant behavior.

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DIRECTIONS FOR COMPLETING THE MONTHLY SUPERVISION REPORT FORM (MSR)

This monthly form is to be completed at the end of each month and sent to the probation office no later than the 5th day of the following month. The form must be completed thoroughly and accurately. Do not hesitate to discuss this form with your probation officer if you have any questions about how to complete it. If something does not apply specifically to you put N/A. **DO NOT leave any lines blank.**

PART A

1. Print your first, last and middle name legibly. **USE ONLY A BLACK OR BLUE INK PEN TO COMPLETE THE REPORT.**

2. Put any other name that may have been used in court.

3. Put your full street address and apartment number. DO NOT PUT PO BOX OR MAIL DROP NUMBERS IN THIS SPACE.

4. Put your city, state and zip code clearly.

5. Print the name of your apartment/town home complex and/or community subdivision. Advise as to whether you rent or own the property.

6. This is where you may list your post office box number or any other mailing address including your email address.

7. Put ALL phone numbers including pagers, cellular phones, car phones, and message numbers, or answering services.

8. List ALL NAMES of persons living at your residence.

9. Check yes or no if you moved during the month.

10. Put the exact date of move and reason for moving. THE PROBATION OFFICER MUST BE PERSONALLY NOTIFIED OF A MOVE 10 DAYS PRIOR TO YOU MOVING--DO NOT COUNT THIS FORM AS NOTIFICATION.

PART B

11. Put NAME, ADDRESS AND PHONE number of employer. If self-employed list office address, phone number and name of company.

12. Put name of immediate supervisor and phone extension.

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13. Check yes or no as to employer's knowledge of your criminal status.

14. Put the number of days missed from work and the specific reason for the absence.

15. Put your exact job title.

16. List the gross income which is your total income BEFORE deductions/taxes are removed.

17. Put the exact days and hours you report to and leave from work. (Not 40 hours).

18. Check yes or no if you had a job change or were terminated during the month. THE PROBATION OFFICER MUST BE PERSONALLY ADVISED OF THIS CHANGE 10 DAYS PRIOR TO YOU CHANGING JOBS.

19. Put exact date of termination and reason why you were terminated from the employment.

PART C

20. List all vehicles OWNED OR DRIVEN by you. Put the year, make, model, color of vehicle, current mileage, license plate number and name of the owner of the vehicle. This must be completed in detail each month. This also includes company vehicles you may drive.

PART D

21. This is the amount of income you bring home AFTER deductions/taxes are removed. Documentation of the amount of income you report is to be attached monthly.

22. List any additional monies or benefits you receive during the month such as food stamps, tax refunds, welfare, inheritance, loans, trust funds, and spouse's income etc.

23. Add up your net income plus the "other income" and put the amount here.

24. The total of all your necessary monthly expenses incurred goes here.

25. Check whether you have a post office box, safe deposit box and/or storage space, and provide specific location.

26. Check whether you have a checking account and list the name of the bank and your account number. List your exact balance at the end of the month. The probation officer may request copies of bank statements to verify this information.

27. Do the same as #26 (above) in regards to your savings account. *back to Table of Contents*

28. Check whether your spouse, significant other or dependant has an account that you contribute toward or receive money from, and provide bank name, account number and the exact end of the month balance.

29. List all purchase of goods or services, (including gambling losses) you paid $500 or more for during this month. Print the date, amount of expenditure, method used for payment and description of item.

PART E

30. If you were questioned by law enforcement officers check yes, otherwise, check no. If yes, provide the exact date of questioning, who questioned you, name of agency and officer and the reason for the questioning. YOU MUST PERSONALLY NOTIFY YOUR PROBATION OFFICER WITHIN 72 HOURS OF THIS CONTACT. Attach copies of citations, bond papers, complaints or other documents for verification.

31. If you were arrested or named as a defendant in any other case check yes. Otherwise, check no. If yes, give the details including the date of charges and disposition or status of case.

32. If you resolved any pending charges this month check yes. Otherwise, check no. If yes, indicate the exact date of hearing, the court you attended and final disposition of the case. Attach a copy of the citation, receipt, charges and disposition.

33. Was anyone in your household arrested or questioned by law enforcement during this month? If yes state who (full name) was arrested and the reason for the arrest. Advise as to the disposition or status of the case. Otherwise, check no.

34. If you had contact with anyone who has a criminal record check yes and list their full name. Otherwise, check no.

35. If you possessed or had ANY access to a firearm check yes and explain why. Otherwise, check no.

36. If you possessed or used any illegal drugs, check yes and explain when, why and type of drug. Otherwise, check no.

37. If you traveled outside the state of Kansas, check yes and explain where you went and why. If possible, attach copy of flight information. Otherwise, check no.

38. If you have a special assessment fee, restitution, or a fine to pay, check yes and list the amount of your monthly payment. Otherwise, check no.

39. If you have community service to complete, check yes. List the number of hours you completed this month, the number of hours you missed and the balance of hours remaining.

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40. Indicate whether you have a drug, alcohol or mental health aftercare condition. If so, indicate whether you missed any sessions during the month. Indicate whether you failed to respond to any phone recorder instructions and why.

41. Read the warning regarding truthful statements on this report.

42. Sign your full name and date you completed the report.

43. **Make sure you attach all required documentation to this form before mailing.**

See sample of Monthly Supervision Report on next two pages.

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U.S. PROBATION OFFICE
MONTHLY SUPERVISION REPORT FOR THE MONTH _____, 20 _____

Court Name: DOB:	Current Name *(if different from Court Name)*: Probation Officer:

PART A: RESIDENCE *(If new address, attach copy of lease/purchase agreement.)*

Street Address, Apt. Number: Own or Rent?	Home Phone: Cellular Phone: Pager:
City, State, Zip Code:	Persons Living With You:
Secondary Residence: Own or Rent?	Did you move during the month? ☐ Yes ☐ No
Mailing Address *(if different)*: E-Mail Address:	If yes, date moved: _____ Reason for Moving:

PART B: EMPLOYMENT *(If unemployed, list source of support under Part D.)*

Employer Company Name: Address: City/State/Zip: Phone:	Full Name of Immediate Supervisor:	Is your employer aware of your criminal status: ☐ Yes ☐ No
	How many days of work did you miss? _____ Why?	
	Position Held: ☐ Full-time ☐ Part-time ☐ Self-employed	Gross Wages: $_____ ☐ Hourly ☐ Weekly ☐ Bi-Weekly ☐ Monthly ☐ Bi-Monthly ☐ Yearly
		Hours per Week: Work Schedule:

Did you change jobs? ☐ Yes ☐ No If Yes, Start Date_____ If changed jobs or terminated, state when and why.
Were you terminated? ☐ Yes ☐ No If Yes, End Date_____

PART C: VEHICLES *(List all vehicles owned or driven by you.)*

1. Year/Make/Model/Color:	Mileage:	Tag Number: Vehicle I.D.#:	Owner:
2. Year/Make/Model/Color:	Mileage:	Tag Number: Vehicle I.D.#:	Owner:

PART D: MONTHLY FINANCIAL STATEMENT

Net Earnings from Employment: _____ *(Attach Proof of Earnings)* Other Cash Inflows: _____ TOTAL MONTHLY CASH INFLOWS: _____ TOTAL MONTHLY CASH OUTFLOW: _____	Do you rent or have access to: a post office box? ☐ Yes ☐ No a safe deposit box? ☐ Yes ☐ No a storage space? ☐ Yes ☐ No Name and Address of Location: Box No. or Space _____ _____ _____
Do you have a checking account(s)? ☐ Yes ☐ No Bank Name: _____ Account No.: _____ Balance _____ Do you have a savings account(s)? ☐ Yes ☐ No Bank Name: _____ Account No.: _____ Balance _____ Attach a complete listing of all other financial account information, if you have multiple accounts.	Does your spouse, significant other, or dependant have a checking or savings account that you enjoy the benefits of or make occasional contributions toward? ☐ Yes ☐ No Bank Name: _____ Account No.: _____ Balance: _____

List all expenditures over $500 (including, e.g., goods, services, or gambling losses)

Date	Amount	Method of Payment	Description of Item

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PART E: COMPLIANCE WITH CONDITIONS OF SUPERVISION DURING THE PAST MONTH

Were you questioned by any law enforcement officers? ☐ Yes ☐ No

If yes, date: _____

Agency: _____

Reason: _____

Were you arrested or named as a defendant in any criminal case? ☐ Yes ☐ No

If yes, when and where? _____

Charges: _____

Disposition: _____

(Attach copy of citation, receipt, charges, disposition, etc.)

Were any pending charges disposed of during the month? ☐ Yes ☐ No

If yes, date: _____

Court: _____

Disposition _____

Was anyone in your household arrested or questioned by law enforcement? ☐ Yes ☐ No

If yes, whom? _____

Reason: _____

Disposition: _____

Did you have any contact with anyone having a criminal record? ☐ Yes ☐ No

If yes, whom? _____

Did you possess or have access to a firearm? ☐ Yes ☐ No

If yes, why? _____

Did you possess or use any illegal drugs? ☐ Yes ☐ No

If yes, type of _____

Did you travel outside the district without permission? ☐ Yes ☐ No

If yes, when and where? _____

Do you have a special assessment, restitution, or fine? ☐ Yes ☐ No If yes, amount paid during the month:

Special Assessment: _____ Restitution: _____ Fine: _____

NOTE: ALL PAYMENTS TO BE MADE BY MONEY ORDER (POSTAL OR BANK) OR CASHIER'S CHECK ONLY.

Do you have community service work to perform? ☐ Yes ☐ No

Number of hours completed this month: _____

Number of hours missed: _____

Balance of hours remaining: _____

Do you have drug, alcohol, or mental health aftercare? ☐ Yes ☐ No

If yes, did you miss any sessions during this month? ☐ Yes ☐ No

Did you fail to respond to phone recorder instructions? ☐ Yes ☐ No

If yes, why? _____

WARNING: ANY FALSE STATEMENTS MAY RESULT IN REVOCATION OF PROBATION, SUPERVISED RELEASE, OR PAROLE, IN ADDITION TO 5 YEARS IMPRISONMENT, A $250,000 FINE, OR BOTH.

(18 U.S.C. § 1001)

I CERTIFY THAT ALL INFORMATION FURNISHED IS COMPLETE AND CORRECT.

_____ SIGNATURE _____ DATE

REMARKS:

_____ U.S. Probation Officer _____ Date

RECEIVED:

_____ Mail _____ OC

_____ HC _____ CC

Return to:

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TRAVEL INSTRUCTIONS

The District of Kansas prohibits travel out of the State of Kansas during the initial 60 days of supervision. Exceptions to this rule will be made only on a case-by-case basis, with regard to emergency and business related travel. After the initial 60 day period, all travel outside the district requires authorization from the U.S. Probation Office, regardless of whether it is a business or pleasure trip. Please keep in mind that travel is a privilege and is contingent on full compliance with your conditions, including being current on any court ordered financial obligations. **Upon your return please submit verification of your travel (Example: Hotel, Gasoline Receipt).**

When requesting travel, it is necessary that you submit a written travel itinerary at least fourteen (14) days prior to the departure date. The attached Request For Permission to Travel forms are to be used and must include the following:

(a) Departure and return dates.

(b) Purpose of trip.

(c) Means of travel: flight or bus information; or make, color, and license plate of automobile.

(d) Name of person(s) you will travel with.

(e) Where you will be staying: name of relative, friend, hotel, address, and telephone number. If you will be staying at different locations on different nights, it is necessary that you provide specific information with regard to each location.

Once the request has been submitted and the travel approved, a permit will be issued either by mail, or you may be required to pick it up at the U.S. Probation Office. It is important that you keep the travel permit with you at all times during your travel. Other districts have specific requirements when individuals under supervision travel into their district. Therefore, there may be occasions when you are expected to report in person to the U.S. Probation Office in the district to which you are traveling.

See sample of Request for Permission to Travel Form on next page.

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UNITED STATES DISTRICT COURT FEDERAL PROBATION SYSTEM **REQUEST FOR PERMISSION TO TRAVEL** **(TO BE SENT AT LEAST TWO WEEKS IN ADVANCE)**	ADDRESS OF PROBATION OFFICE **U.S. Probation Office**

DATE:_____ NAME OF PROBATION OFFICER: _____

PROBATIONER/PAROLEE NAME:_____

TRAVELING TO: _____

DATE LEAVING:_____ DATE RETURNING:_____

PURPOSE OF TRIP:_____

_____

I WILL TRAVEL WITH:_____

_____

TRAVELING VIA: ☐ **car,** ☐ **truck,** ☐ **commercial airline,** ☐ **other**

YEAR, MODEL, AND COLOR OF VEHICLE:_____

LICENSE PLATE NUMBER:_____

AIRLINE:_____ FLIGHT INFO:_____

_____

LODGING:

NAME/ADDRESS/PHONE NUMBER OF PERSON(S):_____

_____

(If more than one address, please write on back of this request)

HOTEL:_____

_____

(If more than one address, please write on back of this request)

For Probation Use Only

☐ Approved DATS Vendor:_____

☐ Denied Officer Signature:_____ Date:_____

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SECTION II

ORDERS OF FINES, RESTITUTION, AND ASSESSMENTS

The court may have ordered a fine, restitution, and/or assessment as a part of your sentence. The probation officer will work with you to address these financial obligations. Your Judgment will set out your schedule of payments as ordered by the Court; however, you may also be required to sign a payment agreement identifying the terms by which you will meet your court ordered financial obligations.

How to Pay Financial Penalties:

Payments toward court ordered costs are to be made by certified check or money order **(no personal checks submitted)** and should be forwarded to the following address:

CLERK, U.S. DISTRICT COURT
401 NORTH MARKET, ROOM 204
WICHITA, KANSAS 66202

Payments can also be made by electronic debit or credit card payment by calling the Clerk's Office: Wichita Division at 913-315-4200; Topeka Division at 785-338-5400; Kansas City Division at 913-735-2200.

The terms of the payment agreement will identify the amount of payment and the date payment is due each month.

Here are some frequently asked questions about fines, restitution, and assessments that may help you answer some of the questions you have about this issue.

1. How do I know what payments I owe and when they are due?

The Judgment and Commitment Order indicates which financial penalties have been imposed by the court and when payment is due. The court can order your financial penalties paid in one of four ways:

* **Immediately:** This means you have **ten days** from the date of your sentence to pay the financial penalty.

* **Date Certain:** This means the court has ordered you to pay your financial penalty by a specific date.

* **Court set installments:** This means the court has ordered you to pay your financial penalty in equal installments that cannot be changed unless the court orders the installment plan changed.

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* **Probation set installments:** This means your probation officer, with court approval, will set the installments for you to pay your financial penalty. This plan can be changed by the probation officer with court approval.

2. The Court has ordered me to pay a special assessment, fine and restitution. How do I know which one I should pay first?

The law and court policies have already established how your payments will be applied. Your special assessment will be paid first followed by restitution, restitution interest (if applicable), fine principal, court costs, fine interest, and penalties.

3. Will I be charged interest?

Yes, unless the court waives the interest at the time of your sentencing. Interest may accrue on an outstanding fine and restitution if you have a balance of more than $2,500, unless the fine is paid in full before the fifteenth day after the date of the judgment.

4. What if I am late paying my financial penalties?

Your payment is considered late if a payment is past due for more than 30 days. If your payments are delinquent, you could be charged a penalty and could be ordered to appear for a violation hearing which could lead to punitive sanctions.

5. How are fine/restitution payments submitted?

Payments should be mailed directly to the Clerk of the U.S. District Court in Wichita, Kansas, at the address previously provided or you may hand deliver payments directly to the Clerk's Office in Wichita, Topeka and Kansas City, Kansas. You may also make debit/credit card payments over the telephone to the Clerk's offices as noted on page 22.

6. What should I know about making payments?

* Make your check or money order payable to the **Clerk, United States District Court**.
* Keep proof of your payment for your records. (A money order stub is not proof of payment.)
* Include on your money order your assigned docket number of your case.

7. If I'm revoked, will I still have to pay my financial penalties while in prison?

Maybe. It depends on what the court orders. If the Judgment and Commitment Order indicates that you must pay by a **date certain**, then you are not required to pay until the specific date. If the Judgment and Commitment Order indicates that you must pay **immediately or in installments**, payments can be made while you are incarcerated. The Bureau of Prisons will encourage you to participate in the Inmate Financial Responsibility Program. Under this program, you and your case manager

develop a financial plan designed to allow you to pay your obligations while incarcerated.

Treasury Offset Program (TOP):

Federal law allows agencies to refer debts to the United States Department of the Treasury for the purpose of collecting debts through the Treasury Offset Program. Under this program, the Department of the Treasury will reduce or withhold any of your eligible Federal payments (see list of federal payments eligible for offset below) by the amount of your debt. This "offset" process is authorized by the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996, and the Internal Revenue Code.

The U.S. Department of Justice will notify the debtor or attorney of record with a Notice of Intent to Offset.

All federal clients who have an outstanding monetary obligation to the Court will be placed in the Treasury Offset Program.

Payments eligible for offset include:

- Federal income tax refunds
- Federal salary pay, including the military
- Federal retirement pay, including military retirement pay
- Certain federal benefit payments, such as Social Security, Railroad Retirement (other than Tier 2), and Black Lung (Part B) benefits (which regulations are published); and
    - o Other federal payments, including certain loans to you that are not exempt from offset.
    - o Payments made by States

If you are a federal employee, member of the Armed Forces including civilian employees, you may be entitled to a hearing to dispute the amount of the payroll deduction. Active duty service members may have limited protections under the Servicemembers Civil Relief Act of 2003.

If you are married, your spouse may be eligible to receive a portion of a joint refund. Certain restrictions apply. Taxpayers filing joint returns should obtain Form 8379, Injured Spouse Claim and Allocation, before filing a return. The instructions will explain the steps your spouse may take to obtain his/her share of your joint income tax refund.

If you have filed for bankruptcy, you may not be subject to offset while the automatic stay remains in effect. However, you should notify the United States Attorney's Financial Litigation Unit of your bankruptcy.

If you have questions about the payment of your financial penalties, contact your probation officer, if under supervision. Otherwise, for inquiries regarding the Treasury Offset Program, call the U.S. Department of Justice (Financial Litigation Unit) at 785-295-2850.

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SECTION III

SUBSTANCE ABUSE, MENTAL HEALTH AND SEX OFFENDER TREATMENT

Persons under supervision with a special condition requiring substance abuse, mental health or sex offender treatment will likely be referred to a treatment program with an agency under contract with the U.S. Probation Office to provide the desired services.

Treatment services include, but are not limited to, medical, educational, social and psychological services as well as other rehabilitative and preventive efforts. The goals of treatment are to protect the public and benefit offenders by eliminating their dependence on drugs or alcohol and addressing relevant mental health issues.

Your U.S. Probation Officer will provide you the name, address, and phone number of the contract agency, and direct you to initiate contact with that agency usually within the first 72 hours of supervision.

Although extensive psychological testing and evaluations can be completed, in most cases an intake assessment will be the first step. This is at least one comprehensive diagnostic interview by a counselor/therapist at the contract agency. From this intake, any recommendations for additional treatment will be made, and plans for carrying out those recommendations will be made.

If outpatient counseling is recommended, it may be on an individual, group, or family basis, or a combination thereof. You will work with the counselor to identify treatment goals and develop a treatment plan.

In most cases where there is a substance abuse treatment condition there will also be a requirement to submit to random drug testing. This will most generally be accomplished by participating in the code-a-phone program. Drug testing is an adjunct to the treatment process that assists the officer in determining whether there is any ongoing substance use. The frequency of drug tests is also done on a Phase Level System. Both counseling and drug testing phase level requirements decrease with time and satisfactory performance.

Copayments for treatment services are mandatory in the District of Kansas. Your Probation Officer will assess your individual financial ability and determine the amount of copay you are assessed. Failure to pay your ordered copayment is considered a violation. Lack of payment could keep you from approved out-of-district travel, unable to move down to a lower supervision level or imped your chances of receiving early termination.

The U.S. Probation Office contracts with substance abuse, mental health and sex offender treatment agencies across the State of Kansas. Please consult with your probation officer to receive specific information on your service provider.

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MANDATORY REVOCATION RESULTING FROM DRUG USE

When an individual on either probation or supervised release tests positive for illegal controlled substances more than three times over the course of one year, then revocation is mandatory. However, the court can consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs warrants an exception.

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SECTION IV

HOME CONFINEMENT AND ELECTRONIC MONITORING

In an environment of limited resources and an escalating prison population, it has become common practice to utilize other measures to supervise offenders in the community. Home confinement is a generic term that refers to any judicially or administratively imposed condition of supervision requiring a participant to remain in his or her residence for any portion of the day. Home confinement may be monitored with the assistance of electronic equipment, or without it. The primary objectives of home confinement are similar to that of supervision in general. That is to enforce compliance with the conditions of release, minimize risk to the public, and to re-integrate the offender into a law-abiding lifestyle by utilizing correctional treatment services where needed.

If you have a condition requiring home confinement with electronic monitoring your supervising U.S. Probation Officer will go over the specific requirements of the program with you. In addition, there will be certain restrictions on your telephone service. For example, no call waiting or forwarding, and no answering machines. You will also be required to wear an ankle bracelet that is slightly largely than a regular pager.

In most cases a schedule will be established that will allow you to continue to work, and also allow brief periods of time to take care of personal business, like grocery shopping and other appointments. Your probation officer will set this schedule with you and provide a copy to you.

Finally, you may be required to pay the costs of your electronic monitoring. Payment for electronic monitoring must be made in the form of a money order or cashier's check made payable to the contracting monitoring company, and paid directly to them. You must also attach a copy of these payments to your monthly supervision report forms submitted to your probation officer.

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SECTION V

OFFENDER ADDRESS NOTIFICATION AND REGISTRATION REQUIREMENTS

CRIMES OF VIOLENCE OR DRUG OFFENSES

The Violent Crime Control and Law Enforcement Act of 1994 requires the U.S. Probation Office to notify the Chief State Law Enforcement Officer (Kansas Bureau of Investigation) and the local Police Department of a certain probationer's or supervised releasee's address or change of address. This covers those individuals convicted of crimes of violence or drug offenses.

SEX OFFENSES

The State of Kansas has passed an Offender Registration Act that requires those individuals convicted after a certain date of a sex offense, to register with the local Sheriff's Department in the county in which you reside, work and attend school. This must be done within three (3) days of arrival and within three (3) days of any later move to a new address within that county.

Although this is a state law, a federal conviction of any sex offense carries with it this registration requirement. Specific questions regarding this registration requirement should be directed to your supervising U.S. Probation Officer.

DNA COLLECTION REQUIREMENTS

Congress passed Public Law No. 106-546, Section 3, 114 Stat.2726 (December 19, 2000), which amends 18 U.S.C. §3563(a), 18 U.S.C. §3583(d), and 18 U.S.C. §4209 to include a mandatory condition of supervision for persons convicted of federal felony offenses to cooperate in the collection of a DNA sample. Specific questions regarding this requirement should be directed to your supervising U.S. Probation Officer.

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SECTION VI

CIVIL DISABILITIES

Under the laws of many states, and under federal law, conviction of a felony has consequences that linger long after a sentence has been served. Convicted felons may lose essential rights of citizenship, such as the right to vote and hold public office, and may be restricted in their ability to practice a profession and earn a livelihood. In almost all states, and under the federal gun control laws, conviction of a felony results in loss or restriction of the right to possess or carry firearms. These and other "collateral" consequences of a felony conviction are burdens that follow the commission of a crime, in addition to any penalty imposed by the courts. Most jurisdictions provide for eventual relief, either automatically with the passage of time, or through some affirmative executive or judicial act based on evidence of rehabilitation.

POSSESSION OF FIREARMS AND OTHER DESTRUCTIVE DEVICES

United States Code, Title 18, Section 922(g) provides that it is unlawful for anyone who has been convicted of a felony, a crime punishable by a term of imprisonment exceeding 1 year, to possess a firearm or ammunition. The term "firearm" is statutorily defined to include any weapon, including a starter gun which will, or is designed to, or may be converted to, expel a projectile by the action of explosion; the frame or receiver of any such weapon; any firearm muffler or silencer; or any destructive device. Violation of this provision is punishable by up to 10 years imprisonment and/or fine of up to $250,000. In addition, possession of a firearm is a violation of probation, supervised release and parole pursuant to 18 U.S.C. §§ 3563(a)(1) and 3583(d), and U.S. Parole Commission Rules (28) C.F.R. §2.40 (a)(11). For offenses occurring on or after December 31, 1988, revocation of probation is mandatory pursuant to 18 U.S.C. § 3565(b). Revocation of supervised release is also mandatory under 18 U.S.C § 3583 (g)(2).

Therefore, if you have been convicted of a felony, you are not to possess a firearm or any other destructive devices as previously described in this section. If you have been convicted of a misdemeanor offense and the Court has imposed a condition prohibiting possession of a firearm or other destructive devices, possession of such would be in violation of your supervision conditions.

Prohibition of possession of a firearm or other destructive devices by a felon is not limited to the period of time you are under supervision, but is for a **LIFETIME**, unless you receive approval from the proper authorities. After you have been discharged from supervision, the Federal Gun Control Act of 1968 prohibits you from owning or possessing a firearm. Currently, with respect to a federal felony conviction, the only way to receive relief is to get a Presidential pardon.

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To determine whether you are eligible to apply for a presidential pardon, contact the pardon attorney at the following address:

The Office of Pardon Attorney
U.S. Department of Justice
1425 New York Avenue, N.W.
Suite 11000
Washington, D.C. 20530

Include in your letter the date and place of your conviction, the nature of the offense, the sentence you received, when released from prison and/or when released from supervision. A pardon does not erase or expunge the record of conviction. It is, however, an indication of forgiveness and should lessen the stigma of conviction. It is usually helpful in obtaining a license, bonding or employment.

Many states also have laws that govern the possession of firearms by convicted felons. Those provisions are separate from federal requirements. In Kansas, the law prohibits possession of all firearms for certain violent and drug offenders following a state conviction. There is automatic restoration 10 years after completion of the sentence for violent and drug offenders, 5 years for others. However, your federal felony conviction prohibition is for a lifetime, regardless of the state law. This can become a complicated issue, and we recommend that you never possess a firearm unless you are completely sure your right to possess a firearm has been restored.

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RIGHT TO VOTE

The United States Constitution does not set qualifications for voting, however, it does recognize the states' authority to determine the qualifications for voting, even in federal elections. Therefore, the effect of a federal felony conviction upon the right to vote is determined by the law of the state in which the felon seeks to vote and thus varies from state to state.

In Kansas, you are disqualified from voting by reason of death, federal or state felony convictions, or declaration by a Kansas court of law.

Conviction of either a state or a federal felony results in the loss of voting rights until you complete the terms of the sentence. If you are granted probation or parole, your term of sentence is not completed until the probation or parole is finished. The law prohibits a person who has been convicted of a felony from all of the following: registering to vote, voting, holding public office, or serving on a jury.

1. Federal convictions: the National Voter Registration Act directs the U.S. Attorney in each federal judicial district to notify the Secretary of State's office of federal felony convictions. The Secretary of State's office forwards the notice to the appropriate county election officer for cancellation of the felon's voter registration.

2. State convictions: the county election officer is required to cancel the voter registration of all persons convicted of state felonies.

Note: A felon who loses voting rights may re-register to vote after their sentence is completed. The county election officer does not automatically restore the person's name to the registration list. When registering to vote, the felon is not required to submit proof of final discharge. The voter registration application form contains an affidavit above the signature line attesting that the person's rights have been restored. Signing a false affidavit is a felony, which could result in loss of voting rights upon conviction.

RIGHT TO SERVE ON A FEDERAL JURY

Conviction in federal or state court of a felony disqualifies an individual from serving on a federal grand or petit jury unless "his civil rights have been restored." 28 U.S.C. § 1865. Inasmuch as federal law provides no procedure for restoring civil rights, presumably § 1865 refers to restoration of civil rights under state law. A presidential pardon restores right to serve on a jury. Additionally, once a person has completed their sentence, they would be considered eligible to serve on a jury as any other qualified candidate.

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FEDERAL BENEFITS

Certain federal benefits may be revoked or modified upon conviction of a crime. Drug offenders convicted after September 1, 1989 may have restrictions placed upon their receipt of grants, licenses, contracts, and other federal benefits, excluding retirement, welfare, Social Security, health, disability, public housing, and benefits based on military service. 21 U.S.C. § 862. At the time of sentencing the Court would impose, if any, period of ineligibility of these benefits.

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SELECTIVE SERVICE REGISTRATION

If you are a man ages 18 through 25 and living in the U.S., then you must register with Selective Service. It's the law. You can register at any U.S. Post Office and do not need a Social Security Number. **When you do obtain a social security number, let Selective Service know.** Provide a copy of your new social security number card; being sure to include your complete name, date of birth, Selective Service registration number, and current mailing address; and mail to the Selective Service System, P.O. Box 94636, Palatine, IL 60094-4636.

Be sure to register before your 26th birthday. After that, it's too late! Also, failure to register with Selective Service will prevent you from receiving financial assistance and grants for skills training and educational programs.

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OTHER MISCELLANEOUS RIGHTS AND ISSUES

A felony conviction may also affect your right to hold certain federal offices or federal jobs. However, as a general matter, a felony conviction does not disqualify a person from federal employment, but is a factor in determining suitability for it, according to the Office of Personnel Management.

A conviction may also result in the loss of a federal license, for example, a customs broker's license or a locomotive engineer's license. Further, a person who has been convicted of any criminal offense involving dishonesty or breach of trust may not become, or continue as, an institution-affiliated party with respect to a federally insured depository institution; own or control such an institution; or otherwise participate in the conduct of the affairs of such an institution. 12 U.S.C. § 1829.

Conviction of certain offenses may disqualify an individual from serving in several capacities relating to labor organizations and employee benefit plans. 29 U.S.C. § 504, 1111. This disability may last up to 13 years after conviction.

Finally, an individual convicted of a felony is ineligible for enlistment in any service of the armed forces.

A felony conviction in federal court may also impact certain rights you have under state laws. This may include real estate licenses, registrations for nurses or doctors, or other related health professions. A conviction may not automatically prevent you from getting those types of jobs; however, it may require that you take additional steps which are not necessary for those without a felony conviction.

THE U.S. PROBATION OFFICE HAS MORE INFORMATION REGARDING THE CIVIL DISABILITIES OF CONVICTED FELONS. IF YOU HAVE ANY QUESTIONS, ASK YOUR SUPERVISING U.S. PROBATION OFFICER.

PRESIDENTIAL PARDONS

All inquiries regarding information and instructions for presidential pardons should be directed to:

Pardon Attorney
Department of Justice
500 First Street N.W., 4th Floor
Washington, D.C. 20530
(202) 616-6070

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