
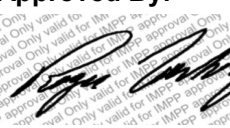


KANSAS DEPARTMENT OF CORRECTIONS

 <p>INTERNAL MANAGEMENT POLICY AND PROCEDURE</p>	<p>SECTION NUMBER</p> <p>11-101A</p>	<p>PAGE NUMBER</p> <p>1 of 6</p>
	<p>DECISION MAKING: Offender Privileges and Incentives</p>	
<p>Approved By:</p>  <p style="text-align: right;">Secretary of Corrections</p>	<p>Original Date Issued: 11-13-18</p> <p>Replaces Version Issued: 11-13-18</p> <p>CURRENT VERSION EFFECTIVE: 04-23-19</p>	

APPLICABILITY:	<input checked="" type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input type="checkbox"/> DEPARTMENT-WIDE
-----------------------	--	--	---

POLICY STATEMENT

The Kansas Department of Corrections shall implement a comprehensive system of earnable offender privileges, which will provide an effective means of managing the offender population and reinforcing constructive behavioral changes in offenders. (ACI 4-4461)

DEFINITIONS

Exempt Canteen/Property Items: Any non-consumable item with a canteen price of more than \$15.00. Regardless of price, athletic shorts, sweat shirts, personal fans, and sweat pants are exempt. The term “canteen price” has the meaning ascribed to it within the context of IMPP 12-120.

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 Intake: Property upon completion of Intake Level, items of personal property possessed in accordance with the specifications, quantity limits, and value limits set out in IMPP 12-120.

Self-Help Program or Activity: Those programs and activities listed in Attachment A of this IMPP.

PROCEDURES

- I. **Earnable Privileges (ACI 4-4461)**
 - A. The following earnable privileges are included in the Offender Privileges and Incentive Level System:
 1. Audio-Visual Equipment;
 2. Handicrafts;
 3. Participation in organizations and formalized activities, except as indicated below;
 - a. The offender's incentive level status shall not be used as a factor in consideration of placement into a formalized education or treatment program or service or participation in the self-help program or activities identified in Attachment A.
 4. Use of outside funds;

5. Canteen expenditures;
 - a. The maximum allowable canteen expenditures shall vary according to an offender's incentive level, disciplinary status, and housing as set forth in IMPP 04-108D.
6. Property;
7. Incentive Pay; and,
8. Visitation.

II. Incentive Levels

- A. Earnable privileges shall be grouped into four (4) levels for incarcerated offenders. These levels are: (ACI 4-4461)
 1. Intake Level;
 2. Level I;
 3. Level II; and,
 4. Level III.
- B. Offenders on post-incarceration supervision shall not be subject to the Offender Privileges and Incentive Level System.
- C. Except as provided below, earnable privileges for Intake Level through Level III shall be administered in accordance with Attachment A. (ACI 4-4461)
 1. Offenders participating in a KDOC work release program for reintegration at Wichita Work Release Facility (WWRF), Ellsworth Correctional Facility (ECF), Topeka Correctional Facility (TCF), or Hutchinson Correctional Facility (HCF) Work Release Unit shall be eligible to earn privileges in accordance with applicable general orders.
 2. Offenders released from Larned State Security Hospital (LSSH) after receiving mental health treatment shall have their incentive levels determined by the unit team upon their return to a KDOC facility.
 - a. When computing the proper incentive level, the unit team shall give the offender credit for time served if the offender has completed the treatment program.
 3. Parolees participating in a KDOC pre-revocation program shall be eligible to earn privileges in accordance with applicable general orders.
 4. Offenders returned to Kansas who were incarcerated in another state as a Kansas compact offender, offenders received in Kansas as interstate compact offenders who were initially sentenced and housed in another state, or *in absentia* offender immediately prior to their return to Kansas for incarceration, shall be assigned the appropriate incentive level based upon their behavior while incarcerated in the other state. Example: If the offender demonstrated appropriate and responsible behavior for eight (8) months prior to his/her return to Kansas, he/she would be awarded Level III privileges upon transfer from an RDU.
 5. Time spent while out to court shall not be included in the advancement of an offender's incentive level.
 - a. Upon an offender's return from court to KDOC custody he/she shall be reassigned to the incentive level he/she was assigned at the time of the release to court. The date for advancement, as applicable, shall be adjusted by the number of days the offender was out of the Department's custody

- D. There shall be no removal of an offender's property based solely on reduction in the offender's incentive level.
1. Regardless of incentive level:
 - a. If an offender is placed in Disciplinary Restrictive Housing, any property not permitted by IMPP 11-101A V. B. (including electronics) shall be stored and shall be returned to the offender upon his or her release from Disciplinary Restrictive Housing.
 - b. If an offender is housed in Administrative Restrictive Housing, any property not permitted by relevant facility General Orders shall be stored and shall be returned to the offender upon his or her release from Administrative Restrictive Housing.
 2. Nothing in this section shall be deemed to prevent removal of contraband or property that is unauthorized for reasons other than reduction in the offender's incentive level.

III. Progression Through Levels

- A. Intake Level
1. Upon admission to the Department at an intake facility, offenders shall be assigned to the Intake Level.
 - a. Included are offenders returned to Kansas as a violator after having served time in another state or jurisdiction.
 2. Completion of the assessment and evaluation process at the intake facility and transfer to a facility for housing shall be considered successful completion of the Intake Level.
 - a. While housed at an RDU, all offenders shall be assigned to Intake Level.
 3. Offenders assigned to Intake Level shall not be eligible to earn incentive pay.
- B. Level I
1. To complete Level I, an offender must remain free of R1 and R2 convictions for at least 120 consecutive days.
 2. Offenders returned to a correctional facility as violators of the conditions of supervised release, with no new sentence, shall be returned to Incentive Level I.
- C. Level II
1. Upon successful completion of Level I, the offender shall be promoted to Level II.
 2. Requirements for successful completion of Level II are the same as for Level I, as outlined in section III.B.1. of this IMPP.
- D. Level III
1. Upon successful completion of Level II, the offender shall be promoted to Level III.
 2. An offender shall remain on Level III provided he/she does not demonstrate inappropriate behavior as outlined in Section IV. of this IMPP.
- E. The offender shall not advance to another incentive level if the offender has pending disciplinary action. The decision as to whether the offender moves forward or backwards, or remains stationary, on offender privileges and incentives level system shall be based upon the disposition of the disciplinary action.

1. Included are charges filed with the county/district prosecutor.
2. An appeal shall not preclude movement.

IV. Reductions in Level

- A. An offender shall be reduced one (1) or more incentive levels based on case management recommendations. Proposed level drop and case plan shall be approved through Unit Team Manager or above.
 1. Considerations could include the following:
 - a. Removal and/or refusal of programs and work assignments.
 - b. Multiple R2 disciplinary convictions.
- B. Automatic level reduction shall occur for all Disciplinary Convictions of R1 offenses.
- C. Offenders may be placed on restriction by the disciplinary board without a level reduction. Upon serving the restriction, the offender's privileges shall be restored commensurate with his/her incentive level.
- D. Offenders returned to a correctional facility as condition violators with no new sentence shall return to Level I.
- E. If an offender's incentive level is reduced during a payroll period, canteen expenses for the entire period shall not exceed that which is authorized by the incentive level, per IMPP 04-108D, to which the offender shall be reduced.
 1. If at the time the offender is reduced to a lower incentive level the offender has already spent or exceeded the maximum amount allowed under the reduced incentive level, the offender shall not be permitted to spend any additional funds during that payroll period.

V. Offenders Confined in Restrictive Housing or Disciplinary Restrictive Housing or Assigned Restriction

- A. Restrictive Housing
 1. In accordance with the provisions of KAR 44-14-306, offenders confined in restrictive housing shall be eligible, as much as possible, to earn and maintain privileges in the same amount and manner as any other offender in the general population.
- B. Disciplinary Restrictive Housing
 1. Offenders confined in disciplinary restrictive housing shall not have access to privileges, except as described below:
 - a. Canteen expenditures, as authorized by the facility warden but not to exceed the amounts set forth in IMPP 04-108D, Section IV.A.3. and limited to the purchase of the following items only:
 - (1) Shampoo and approved hair care products listed as allowable property in IMPP 12-120;
 - (2) Denture adhesive creme or powder;
 - (3) Creme or stick deodorant;
 - (4) The following writing supplies:

- (a) Stamps (not to exceed 10);
 - (b) Writing paper (not to exceed 1 pad);
 - (c) Envelopes (not to exceed 10);
 - (d) Flexible pen;
 - (5) Chap stick and body lotion as carried in the facility canteen;
 - (6) Feminine hygiene products listed as allowable property in IMPP 12-120 (females only);
 - (7) Shower shoes;
 - (8) Legal Copy Tickets;
 - (9) Soft toothbrush;
 - (10) Toothpaste;
 - (11) Disposable razors (as permitted by facility General Order);
 - (12) Comb or pick; and,
 - (13) Soap;
 - (14) One primary religious text shall be the only personal publication allowed while on disciplinary restrictive housing status;
 - (15) Medication, restricted to over-the-counter medications, as specified in the facility's General Order;
 - (16) Drinking cups, per specifications of IMPP 12-120; and,
 - (17) Personal and legal mail in accordance within the established limits of IMPP 12-120. Personal photographs shall not be permitted while on disciplinary restrictive housing status.
2. No facility General Orders shall be written on access to privileges and property by offenders in disciplinary restrictive housing except those necessary to carry out the pertinent procedures of this document.
- C. Offenders on assigned restriction shall be limited to privileges in accordance with applicable regulations.
1. Canteen expenditures shall be limited to the dollar amount and items specified in Section V.B.1.a. of this IMPP.

VI. Limitation on Use of Incoming and Outgoing Funds

- A. For offenders assigned to Intake Level, outgoing funds shall be limited to fees for legal services and/or postage for legal mail.
- B. Except as provided below, there shall be a \$40.00 limit on outgoing funds.
 - 1. Offenders may exceed the \$40.00 limit, if necessary, to purchase a primary religious text if the cost of the text is greater than that amount.
 - 2. The \$40.00 limit shall not apply to payments for legal postage or to any of the following:

- a. The court for verified restitution and/or court costs;
 - b. Verified fees payable to an attorney for legal services;
 - c. Verified child support payments;
 - d. Specialized fees, expenses as authorized by the warden or designee;
 - (1) As possible, approval for such payments shall be payable to the vendor or service provider only.
 - e. Purchases of approved handicraft materials/supplies; and
 - f. Expenditures for subscriptions to magazines and newspapers and/or purchase of books.
- C. Upon recommendation of the unit team and approval of the warden or designee, offenders assigned to private industry (minimum wage) or those who receive government benefits may be authorized, on an individual basis, to send out funds in excess of \$40.00 per pay period limit.

VII. Transfer During Case Management

- A. Each facility shall complete thorough and appropriate documentation in Level section of OMIS.
- B. Offender's TOADS comments/contacts section shall be updated to ensure Case Management may continue upon transfer.

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

KAR 44-7-104, 44-14-306
IMPP 04-108D, 10-109A, 10-110D, 10-113D, 10-133, 12-120
ACI 4-4461

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Offender Privileges and Incentives Level System	1 page

**OFFENDER PRIVILEGES AND INCENTIVES LEVEL SYSTEM
(For All Offenders Except Those on “Exempt” Status)**

LEVEL	Audio/Visual Equipment	HANDICRAFTS	ORGANIZATIONS/ FORMALIZED ACTIVITIES	LIMITATION ON OUTSIDE FUNDS	CANTEEN EXPENDITURES	PROPERTY	INCENTIVE PAY	VISITATION
INTAKE	May purchase personal head-phones/earbuds for use with offender tablets via canteen. No other personal audio/visual equipment.	Not available.	Severely Limited ¹	Outgoing funds limited to purchase or subscriptions for publications including newspapers, magazines, religious texts and books, fees for legal services and/or postage for legal mail.	Amount as set forth in IMPP 04-108D.	Intake property per IMPP 12-120 and books, magazines, and newspapers.	Not available.	No visiting, except attorneys, clergy and law enforcement
LEVEL I	May purchase personal head-phones/earbuds for use with offender tablets via canteen. No other personal audio/visual equipment.	Not available except that they may retain in-cell handicraft materials and supplies purchased while on Incentive Level III.	Limited. ²	Allow outside funds; expenditures restricted to canteen and restrict outgoing funds to \$40 per pay period, except for expenditures related to the purchase of publications or subscriptions for newspapers, magazines, religious texts and books.	Amount as set forth in IMPP 04-108D.	Intake property per IMPP 12-120; athletic shorts, tennis shoes, work boots, hot pot, fan, alarm clock, blow dryer, extension cord, curling iron, lamp, ice chest sweat pants/tops and all consumable post-intake property per IMPP 12-120.	May earn up to current .60 per day incentive pay. Offenders @ HCF eligible for KCI Clothing @ \$1.05 per day.	Attorneys, clergy, law enforcement, primary visitor, and immediate family only; ³ follow KAR 44-7-104 and IMPP 10-113D.
LEVEL II	May purchase personal audio/visual equipment via canteen.	Not available except that they may retain in-cell handicraft materials and supplies purchased while on Incentive Level III.	Limited. ²	Allow outside funds; limit expenditures to canteen and restrict outgoing funds to \$40 per pay period, except for expenditures related to the purchase of publications or subscriptions for newspapers, magazines, religious texts and books.	Amount as set forth in IMPP 04-108D; may purchase exempt canteen items additionally.	All post-intake property per IMPP 12-120.	Eligible for any incentive pay level, including Industries; Level III offenders given higher priority.	Any approved visitor; follow KAR 44-7-104 and IMPP 10-113D.
LEVEL III	May purchase personal audio/visual equipment via canteen.	As allowed per IMPP 10-133.	Eligible to participate in all organizations / formalized activities.	Allow outside funds; limit expenditures to canteen and restrict outgoing funds to \$40 per pay period, except for expenditures related to the purchase of publications or subscriptions for newspapers, magazines, religious texts and books.	Amount as set forth in IMPP 04-108D; may purchase exempt canteen items additionally.	All post-intake property per IMPP 12-120.	As per IMPP 10-109A.	Any approved visitor; follow KAR 44-7-104 and IMPP 10-113D.

¹ At a minimum, self-help programs and activities for offenders on Intake Level shall include the following: library services, pastoral care/religious services, and gym and yard access. Other self-help programs may be designated by the facility Warden.

² At a minimum, self-help programs and activities for offenders in Level I and II shall include the following: Alcoholics Anonymous (AA), Narcotics Anonymous (NA), library services, the Victim/Offender Reconciliation Program (VORP), pastoral care/religious services, gym and yard access, DADS/WALC, M2W2, aftercare programming, and religious services in formal services/functions mandated by the religion, per IMPP 10-110D. Other self-help programs may be designated by the facility Warden.

³ Includes court/SRS appointed legal guardian of children.