

Article 8.--WORK RELEASE

44-8-101 Definitions.

(a) "Community facilities and services administrator" means the person employed by the secretary of corrections with the responsibility for the statewide administration of the work release program and jail inspection.

(b) "Employer" means those persons, businesses, private interests, or corporations acting as agents of the secretary of corrections by providing paid employment to work release participants.

(c) "Facility" means the physical structure or location which houses work release participants and provides the operational base for a localized work release program.

(d) "Participant" means inmates in the custody of the secretary of corrections who are classified as being in work release status and placed in a work release program.

(e) "Supervisor" means the person in the employ of, or under contract with the secretary of corrections who is directly responsible for the operation of a facility which provides for, or includes a work release program.

(f) "Staff" means those persons either directly employed by the secretary of corrections, or those persons employed by an agent, who has a contract with the secretary of corrections, who are authorized to directly supervise and exercise legal authority over work release participants placed under their control.

(g) "Work release program" or "program" means the rehabilitation program concept and structure established by the secretary of corrections. The program permits participants to leave actual confinement to work in the community under the general supervision of staff and in conformity to the specifications contained in a written contract, remaining in extended limits of confinement as designated by secretary of corrections or designee.

(h) "Parent institution" means the last major institution to which an inmate was assigned prior to transfer to the Kansas reception and diagnostic center, Kansas correctional-vocational training center, honor camp or work release facility.

(Authorized by K.S.A. 75-5251, K.S.A. 1980 Supp. 75-5210, 75-5210(e), (f) and (g), 75-5267, 75-5268; effective May 1, 1980; amended May 1, 1981.)

44-8-102 Work release participation.

(a) Regulations on work release may be explained and interpreted in secretary of corrections' internal management policies and procedures (IMPP) and the inmate shall refer to them before reliance upon any specific provision of these work release regulations.

(b) Each participant in the work release program shall:

- (1) Actively seek and maintain full time gainful employment;
- (2) participate in any counseling, education, or other self-help programs and activities recommended in the inmate's program plan by the secretary of corrections, the Kansas adult authority, or the facility staff;
- (3) comply with all program regulations and general orders of the facility to which the inmate is assigned; and
- (4) remain within the limits of confinement.

(c) A per diem rate established by the secretary of corrections for each day in the program shall be charged to the participants for food and lodging. This per diem shall be returned to the funding source, for participants of state operated facilities, or shall be paid to the local governmental correctional centers, private facilities, or halfway houses in which the participant is housed. Transportation costs shall be charged against a participant, at the rate established by the secretary of administration pursuant to K.S.A. 75-3203, after the participant has begun full time employment.

(Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5267; effective May 1, 1980; amended May 1, 1984.)

44-8-103 Extended limits of confinement.

(a) Participant's place of confinement shall be designated to be that facility to which he or she is assigned for work release participation. He or she shall remain in that facility at all times except when going to, returning from, or engaging in approved:

- (1) Interviews with prospective employers.
- (2) Paid employment or employment related training activities.
- (3) Point-to-point passes or furloughs.

(b) Limits of confinement may be extended by the supervisor or his or her staff. Documents and agreements shall be signed by the participant acknowledging the specific period of time, the area, and the time for which the extension is made.

(c) The work release administrator shall formulate, publish, post and make available as a part of general orders the information which will enable the participants to determine: (1) Their eligibility for point-to-point passes and furloughs. The work release administrator may delegate the writing of general orders to the work release supervisors subject to approval by the work release administrator.

- (2) The identity of staff members authorized to grant passes or furloughs.
- (3) The procedure used to insure that furloughs or passes are used for the purposes for which they were granted.

(Authorized by K.S.A. 75-5251, K.S.A. 1979 Supp. 75-5210, 75-5210(b), (d), (e), (f) and (g), 75-5267; effective May 1, 1980.)

44-8-104 Work release plan agreements.

(a) A written agreement shall be executed between the secretary of corrections or designee and the participant which

- (1) Prescribes the standards for the participant conduct.
- (2) Describes the extended limits of confinement.
- (3) Describes who will provide transportation and the mode to be utilized.
- (4) Provides for the disbursement of the participant's earnings.

(b) A written agreement shall be executed between the secretary of corrections or designee and the employer which will provide

- (1) Information to the employer about the work release program and regulations.
- (2) The address and telephone number of the work release facility.
- (3) The name, address and telephone number of the employer.

- (4) The job or position title in which the participant is employed.
- (5) The rate of compensation and pay period interval.
- (6) The participant's regular work schedule.

(c) The work release plan agreements shall be maintained as permanent records in the department of corrections' official file on the participant.

(Authorized by K.S.A. 75-5251, 75-5268, K.S.A. 1979 Supp. 75-5210, 75-5210(f) and (g), 75-5267; effective May 1, 1980.)

44-8-105 Removal from work release status.

(a) The work release administrator may terminate or suspend an inmate's participation in the work release program if the work release center supervisor finds any of the following:

- (1) The participant is released on parole.
- (2) The participant exhibits a lack of interest or motivation in securing employment.
- (3) The participant refuses to accept offers of gainful employment.
- (4) The participant is terminated from employment due to his or her inability to adjust or perform as required.
- (5) The participant is the cause of conflict with co-workers or the employer.
- (6) The participant is subject to disciplinary action as a result of a serious rule violation or repeated minor conduct rule violations.
- (7) The participant becomes involved in criminal activity or is suspected of criminal activity which is reported to the district or county attorney for prosecution.
- (8) The administrator has cause to believe the participant is not able to conform to the program structure or facility rules based upon documented situations provided by the supervisor or staff.
- (9) The participant's activities may bring discredit to the overall work release program.
- (10) The participant requests, in writing, his or her voluntary removal from the program.
- (11) The participant violates the extended limits of confinement, or leaves the facility of placement without proper authorization.

(b) Medical treatment. Participants may be transferred to a correctional institution if extended hospitalization or treatment is recommended, or if he or she is financially unable to meet the cost of short term hospitalization. The participant may be removed from the program, or returned after treatment.

(Authorized by K.S.A. 75-5251, K.S.A. 1980 Supp. 75-5210, 75-5210(b), (f), (g) and (h), 75-5267, 75-5268; effective May 1, 1980; amended May 1, 1981.)

44-8-106 Authorized visits and use of telephone.

(a) Each facility supervisor shall provide an area separated from the dormitory or living units designated for visits between participants and approved visitors. The supervisor shall formulate, and upon approval by the work release administrator, publish as a part of general orders, post and make available to participants and visitors, rules for visiting within the facility.

(b) Each facility supervisor shall make at least one

(1) unmonitored coin operated telephone available in a designated area for participant use. The supervisor shall formulate and, upon approval by the administrator, publish as part of general orders, post and make available to participants, rules for the use of telephones within the facility.

(Authorized by K.S.A. 75-5251, K.S.A. 1979 Supp. 75-5210, 75-5210(d), (e), (f) and (g), 75-5256, 75-5267; effective May 1, 1980.)

44-8-107 Clothing. Participants shall not be required to wear issued clothing. Clothing may be issued to the inmate if needed and if available. Participants shall be permitted to dress in appropriate street attire.

(a) Participants may use clothing transferred on the inventory maintained at the parent institution.

(b) Subject to limitations established by the facility supervisor, the participant may purchase, or have delivered from his or her family, clothing for personal use. All clothing purchased or delivered shall be accounted for by facility staff and the participant in accordance with facility rules.

(c) The facility supervisor may formulate, and upon approval of the administrator, publish and make available to participants a rule limiting the amount of clothing permitted in the facility as determined by:

(1) Available storage space.

(2) Facility compliance with fire and safety requirements.

(3) Internal management consideration.

(Authorized by K.S.A. 75-5251, 75-5268, K.S.A. 1979 Supp. 75-5210, 75-5210(f) and (g), 75-5267; effective May 1, 1980.)

44-8-108 Religious services. Participants who wish to participate in religious services or activities may be permitted to attend services of recognized religious denominations available within the community in which the facility is located. The facility supervisor shall permit participants to leave the facility for religious practices as an extension of confinement unless chaplain services are available on the premises.

(Authorized by K.S.A. 75-5251, K.S.A. 1979 Supp. 75-5210, 75-5210(a), (d), (f) and (g), 75-5267; effective May 1, 1980.)

44-8-109 Medical care and services.

(a) Minor and emergency medical services shall be provided to participants of the work release program.

(1) Each facility shall maintain an adequate first aid kit for minor treatment.

(2) Key staff members shall be trained in basic first aid and life saving techniques within the first year of employment.

(3) The supervisor shall formulate, and upon approval by the administrator, publish and make part of general orders a procedure to be followed by staff members regarding medical emergencies in the facility.

(4) Participants requiring hospitalization of short duration may remain in the program if they are covered by adequate health care insurance or assume responsibility for expenses incurred.

(b) Participants may be required, or may be allowed to participate in counseling or treatment services provided by agencies in the community when the services are not available in the facility, or as part of the program.

(1) Participants shall be responsible for any charges for such services.

(2) The staff shall make initial arrangements for participants to receive medical treatment from public service agencies.

(A) To insure that the public service agency has adequate expertise in its field.

(B) To insure that the participant receives adequate services at the lowest cost.

(3) Participants shall acknowledge his or her responsibility to pay for the services and shall authorize the staff to disburse from his or her earnings the amount needed to pay for the services.

(Authorized by K.S.A. 75-5251, 75-5268, K.S.A. 1979 Supp. 75-5210, 75-5210(c), (f) and (g), 75-5256, 75-5267; effective May 1, 1980.)

44-8-110 (Authorized by K.S.A. 75-5251, 75-5254, 75-5257, K.S.A. 1980 Supp. 75-5210, 75-5210(f), (g) and (h), 75-5256, 75-5267, 75-5268; effective May 1, 1980; amended May 1, 1981; revoked March 22, 2002.)

44-8-111 (Authorized by K.S.A. 75-5251, 75-5268, K.S.A. 1979 Supp. 75-5210, 75-5210(b), (f), (g) and (h), 75-5267; effective May 1, 1980; revoked March 22, 2002.)

44-8-112 (Authorized by K.S.A. 75-5251, 75-5268, K.S.A. 1979 Supp. 75-5210, 75-5210(b), (f), (g) and (h), 75-5267; effective May 1, 1980; revoked March 22, 2002.)

44-8-113 (Authorized by K.S.A. 75-5251, 75-5268, K.S.A. 1979 Supp. 75-5210, 75-5210(b), (c), (f), (g) and (h), 75-5252, 75-5267; effective May 1, 1980; revoked March 22, 2002.)

44-8-114 (Authorized by and implementing K.S.A. 75-5210, 75-5251, 75-5267; effective May 1, 1980; amended May 1, 1984; amended May 1, 1987; revoked March 22, 2002.)

44-8-115 Private non-prison based employment as work release. Private non-prison based employment programs which operate within a community setting utilizing inmates with not more than a minimum security classification shall be work release programs. Criteria for eligibility set forth in K.A.R. 44-8-114 shall be applicable except that inmates meeting all other criteria for selection may be eligible for participation up to 36 months prior to their parole eligibility date.

(Authorized by and implementing K.S.A. 75-5210, 75-5251, 75-5267; effective June 4, 1990.)

44-8-116 Private prison based employment as work release. Private enterprises which operate on the grounds of a correctional institution and employ inmates shall be work release programs. Criteria for eligibility set forth in K.A.R. 44-8-114 shall be applicable except that inmates with a custody level higher than minimum and meeting all other

criteria may be eligible for participation without regard to their parole eligibility date.
(Authorized by and implementing K.S.A. 75-5210, 75-5251, 75-5267, 75-5288; effective
June 4, 1990.)