

Article 5.--INMATE MANAGEMENT

44-5-101 (Authorized by K.S.A. 75-5251, K.S.A. 1979 Supp. 75-5205; effective May 1, 1980; revoked March 22, 2002.)

44-5-102 (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5205, 75-5210, 75-5252; effective May 1, 1980; amended May 1, 1984; revoked July 11, 1994.)

44-5-103 (Authorized by K.S.A. 75-5251, 75-5253, K.S.A. 1983 Supp. 75-5210, 75-5252, 75-5268; implementing K.S.A. 58-208, 75-5254, K.S.A. 1983 Supp. 75-5257, 75-5268, 76-173, 76-174, 76-175; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; revoked March 22, 2002.)

44-5-104 Classification for security.

(a) The security classification assigned to each inmate shall determine the security measures which are to be applied to that inmate at any particular time and under various circumstances, according to:

- (1) The secretary of corrections' internal management policy and procedure (IMPP) number 011-107, which provides instructions for the classification process and for security designation;
- (2) internal management policy and procedure number 012-101, which provides a description of supervision requirements for each security level; and
- (3) the general and special orders of the principal administrator at the institution where the inmate is housed.

There shall be three basic security levels to which an inmate may be assigned during that inmate's period of incarceration. The security classification shall determine, in whole or in part, the security procedures applied to the inmate including the type of housing, area of assignment or activity, and the kind of supervision for maintaining control of that inmate. The level of security shall also partially determine the level of privileges and freedoms allowed to an inmate since the required security measures affect the availability of such privileges and freedoms. The security measures exercised over an inmate at any particular level may be greater, but shall never be less, than those prescribed as applicable to that level of security to which the inmate has been assigned.

(b) The basic levels of security classification are as follows:

- (1) Maximum;
- (2) medium; and
- (3) minimum.

(c) Security classification levels shall be assigned in accordance with the security classification manual, secretary of corrections' internal management policy and procedure (IMPP) 011-107.

(d) Each security classification is defined by the description of security measures applied to inmates with that security classification. The description shall be

developed and published in the security manual of the secretary of corrections' internal management policies and procedures, chapter 12.

(e) The institution director or facility supervisor shall establish security procedures to be applied to each security classification, which are appropriate for the operation of their respective institutions or facilities.

(f) Any change in an inmate's security classification shall be based on a recommendation of the program management committee of the institution or facility, consistent with the secretary of corrections' IMPP 011-107. The change in security classification shall be made under the authority and by the order of the principal administrator.

(g) The principal administrator may designate any needed security procedures for temporary or special situations, subject to other regulations of the secretary of corrections, that are not inconsistent with secretary of corrections' IMPP 012-101.

(Authorized by and implementing K.S.A. 75-5251, 75-5210, 75-5252; effective May 1, 1980; amended May 1, 1984; amended May 1, 1987.)

44-5-105 The program plan and timetable.

(a) Within one month after each inmate's admission or re-admission evaluation, an initial classification committee shall meet with the offender to develop a program plan. The development of an inmate's program plan and timetable for projected completion shall be based on an interview of the inmate by the initial classification committee and on review of available information concerning the inmate, including any specific recommendations made by state reception and diagnostic center or Kansas correctional institution at Lansing regarding needed features in the program plan for that particular inmate. The program plan shall then be modified according to the availability of programs and services at the institution or facility. The initial classification committee shall also consider the inmate's personal preference for particular programs. The committee shall consider opinions of the security officers as they relate to the formulation of a plan.

(b) The program plan shall include various tasks which the inmate agrees to perform over an estimated period of time. The tasks shall be designed to assist the inmate in making changes that will better allow the inmate to re-enter the community and live without coming in conflict with the law. The tasks shall be of several types and may include activities in education, vocational training, psychological or psychiatric counseling or therapy, work, hobbies or leisure time activities, and participation in social, special interest or special counseling groups. The program plan shall include, as a basic and continuing requirement, the assessment, development, and maintenance of the characteristics of acceptable social behavior, obedience to the regulations of the secretary and the orders of the principal administrator and all laws, and the effort to solve problems identified by valid psychological testing so the inmate may live in the community without coming in conflict with the law.

(c) (1) Any inmate may elect not to participate in a formal program plan. In such an event, that inmate shall not be prohibited from participating in any programs as are available, but the inmate shall first obtain the recommendation and approval of the unit team. The unit team may recommend the inmate for parole eligibility based on the inmate's rehabilitation progress accomplished by the inmate's own initiative. The

inmate shall not be penalized for refusal to participate in a formal program plan. The inmate shall nevertheless be subject to all the regulations of the secretary and the orders of the principal administrator, and shall be required to participate in any work assignments which are made by the unit team.

(2) Any inmate may, at any time, request the creation of a formal program plan.

The unit team shall, within 60 days, confer with the inmate and shall draft a program plan and timetable for the inmate.

(d) The unit team members shall be available to attend the Kansas adult authority initial hearing, at the order of the authority pursuant to K.A.R. 45-5-1, to confer with the Kansas adult authority and to assist the Kansas adult authority in establishing or identifying the parole eligibility date.

(Authorized by K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 1983 Supp. 75-5210, 75-5220, 75-5229; effective May 1, 1980; amended May 1, 1984.)

44-5-106 Use of force or restraint on inmates.

(a) K.S.A. 21-3215, regarding use of force by a law enforcement officer in making an arrest, shall be applied to correctional officers and parole officers in making arrests, preventing escapes, apprehending escapees or parole violators and absconders, and in maintaining security, control, and discipline in the correctional situation.

(b) The use of mechanical restraints on an inmate for punitive purposes shall be prohibited. Mechanical restraints may be used only when necessary in the following instances:

(1) When transporting the inmate;

(2) upon the advice of clinical personnel that the inmate may cause injury to self or others, or when, based on the past history or present behavior, it appears likely that the inmate will cause injury to self or others;

(3) when hospitalized outside the correctional security setting; and

(4) when part of authorized practice in routine security procedures applied to an inmate based on the inmate's security classification.

(c) No restraining device shall be applied in a manner which would cause significant physical pain or undue discomfort, restrict blood circulation or breathing, or otherwise injure or incapacitate the inmate beyond the extent necessary to maintain security and control.

(Authorized by K.S.A. 75-5251; implementing K.S.A. 21-4609, 75-5252, 75-5210; effective May 1, 1980; amended May 1, 1984; amended May 1, 1987.)

44-5-107 (Authorized by K.S.A. 75-5201, 75-5251, K.S.A. 1979 Supp. 75-5205, 75-5210, 75-5210(b) and (f), 75-5252; effective May 1, 1980; revoked March 22, 2002.)

44-5-108 (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5210(f), 75-5252; effective May 1, 1980; amended May 1, 1984; revoked March 22, 2002.)

44-5-109 (Authorized by K.S.A. 75-5251, K.S.A. 1979 Supp. 75-5205, 75-5206, 75-5210, 75-5210(c) and (f), 75-5252; effective May 1, 1980; revoked March 22, 2002.)

44-5-110 (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; revoked March 22, 2002.)

44-5-111 Disposition of contraband.

(a) Contraband shall be divided into three (3) categories as follows:

(1) Items which are contraband because mere possession is illegal in the state of Kansas or the United States.

(2) Items, including money, which are made contraband in the prison environment by the laws of the state of Kansas, by the regulations of the secretary of corrections, or by the orders of a principal administrator.

(3) Items which are neither illegal in themselves nor defined as contraband in a prison under all circumstances, but which because of their misuse or excessive accumulation, or because they constitute the subject of a rule violation or illegal act, have become contraband.

(b) Upon admission to the department of corrections, an inmate's property is restricted. Money and any property not permitted in the facility is disposed of according to the regulations of the secretary of corrections.

(c) If, at any time following admission to any correctional facility, the inmate is found in possession of any item which by law or regulations is contraband, including money, such items shall be confiscated and the inmate shall forfeit all rights to such item, and, where applicable, it shall be held as evidence in a prosecution for a crime or an administrative disciplinary process, or both. Following the completion of any prosecution and disciplinary proceedings, the contraband, depending on type, shall be disposed of as follows:

(1) If inherently illegal under laws of the United States or Kansas, it shall be left in the custody of local officials or destroyed, and a record shall be made and retained at the facility for three (3) years.

(2) If illegal only in the prison environment, in lieu of both options in (c) (1) above, it may be donated to any charitable not-for-profit corporation, and a record shall be made and retained at the facility for three (3) years; except that money which shall be placed in the inmate benefit fund.

(d) When it is determined that property held by an inmate should be confiscated because of its misuse, or excessive accumulation, but the property is otherwise not a violation, the following action shall be taken.

(1) If the inmate can show ownership of the property and the property has not been the subject of any rule violation, the property may be sent out of the correctional facility to some person designated by the inmate at the inmate's expense.

(2) If the property constitutes the subject of some violation, it shall be held as evidence in a prosecution or disciplinary hearing and thereafter may be disposed of by donation to any charitable not-for-profit corporation and a record made and retained for three (3) years, or by sending it to some person outside the correctional facility at the inmate's expense and at the principal administrator's discretion.

(3) If the property does not belong to the inmate, the property shall be returned to the rightful owner if such owner can be determined. If the property was stolen, it may be used as evidence in a disciplinary hearing or prosecution before being returned to its rightful owner. If the property was the subject of a loan or other violation of the property registration rules, or if the rightful owner of the property cannot be determined, then the property may be donated to any charitable not-for-profit corporation and a record made and retained for three(3) years.

(e) The inmate shall be given an opportunity to explain any mitigating or extenuating circumstances which would excuse his or her possession of the contraband. The principal administrator shall make the final decision.

(f) If a finding is made that the item is not contraband, it shall be returned to the inmate. (Authorized by K.S.A. 21-3826, 75-5254, 75-5257, K.S.A. 1979 Supp. 21-4206, 75-5205, 75-5210, 75-5210(f), 75-5252; effective May 1, 1980.)

44-5-112 Clinical services, inmate treatment.

(a) The principal administrator in cooperation with the administrator's chief physician shall arrange for services to inmates both on an outpatient and on a hospital basis, and shall also make proper plans and arrangements for an inmate to be taken, when necessary, to a medical facility outside the correctional institution. All such plans and arrangements shall be in compliance with internal management policies and procedures of the secretary of corrections. Procedures for inmates reporting a personal injury or medical problem shall be established, in writing, by order of the principal administrator and inmates shall be informed thoroughly regarding procedures.

(b) Adequate and necessary basic care shall be made available to inmates. The principal administrator shall establish, by order, a system for inmate medical care during normal working hours and for emergency medical care during evenings, weekends and holidays. The system shall be in compliance with internal management policies and procedures of the secretary.

(c) Medical assistants shall be certified according to current standards in Kansas and the principal administrator shall provide a program of continuing education.

(d) Adequate and necessary basic care, treatment and maintenance procedures shall be available for diabetics and hypoglycemics. The clinic shall provide diet requirements for these persons to the principal administrator and shall consult with the food service staff to plan necessary dietary modifications. A diet from which reasonable selection may be made and which is sufficient for their needs, may be used in lieu of special menus. Other dietary needs, verified by clinical personnel as being necessary and basic for adequate health care, shall be met.

(Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984.)

44-5-113 (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; revoked March 22, 2002.)

44-5-114 (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; effective May 1, 1984; revoked March 22, 2002.)

44-5-115 Service fees.

(a) Each inmate in the custody of the secretary of corrections shall be assessed a charge of one dollar each payroll period, not to exceed \$12.00 per year, as a fee for administration by the facility of the inmate's trust account. The facility shall be authorized to transfer the fee from each inmate's account from the balance existing on the first of each month. If an inmate has insufficient funds on the first of the month to cover this fee, the fee shall be transferred as soon as the inmate has sufficient funds in the account to cover the fee. All funds received by the facility pursuant to this subsection shall be paid on a quarterly basis to the crime victims' compensation fund.

(b) (1) Each offender under the department's parole supervision, conditional release supervision, postrelease supervision, and interstate compact parole and probation supervision in Kansas shall be assessed a supervision service fee of a maximum of \$25.00 dollars per month. This fee shall be paid by the offenders to the department's designated collection agent or agents. Payment of the fee shall be a condition of supervision. All fees shall be paid as directed by applicable internal management policy and procedure and as instructed by the supervising parole officer.

(2) A portion of the supervision service fees collected shall be paid to the designated collection agent or agents according to the current service contract, if applicable. Twenty-five percent of the remaining amount collected shall be paid on at least a quarterly basis to the crime victims' compensation fund. The remaining balance shall be paid to the department's general fees fund for the department's purchase or lease of enhanced parole supervision services or equipment including electronic monitoring, drug screening, and surveillance services.

(3) Indigent offenders shall be exempt from this subsection of the regulation, as set forth by criteria established by the secretary in an internal management policy and procedure.

(4) The fees authorized by subsection (d) of this regulation shall not be considered a portion of the monthly supervision service fee.

(c) Each inmate in the custody of the secretary of corrections shall be assessed a fee of \$2.00 for each primary visit initiated by the inmate to an institutional sick call. A primary visit shall be the initial visit for a specific complaint or condition. Inmates shall not be charged for the following:

- (1) Medical visits initiated by medical or mental health staff;
- (2) institution intake screenings;
- (3) routinely scheduled physical examinations;
- (4) clinical service reports, including reports or evaluations requested by any service provider in connection with participation in the reentry program;
- (5) evaluations requested by the Kansas parole board;
- (6) referrals to a consultant physician;
- (7) infirmary care;

- (8) emergency treatment, including initial assessments and first-aid treatment for injuries incurred during the performance of duties on a work detail or in private industry employment;
- (9) mental health group sessions;
- (10) facility-requested mental health evaluations;
- (11) follow-up visits initiated by medical staff; and
- (12) follow-up visits initiated by an inmate within 14 days of an initial visit.

No inmate shall be refused medical treatment for financial reasons. If an inmate has insufficient funds to cover the medical fee, the fee shall be transferred as soon as the inmate has sufficient funds in the account to cover the balance of the fee.

(d) Each offender shall be assessed a fee for each urinalysis or other test approved by the secretary of corrections that is administered to the offender for the purpose of determining the use of illegal substances and that has a positive result. The amount of the fee shall be adjusted periodically to reflect the actual cost of administering these tests, including staff participation.

(e) Each offender shall be assessed a fee, if applicable, for the following:

- (1) Global positioning system (GPS) tracking;
- (2) electronic monitoring;
- (3) an application for transfer under the interstate compact for adult offender supervision;
- (4) polygraph examinations;
- (5) community residential bed housing; and
- (6) sexual abuser's treatment services.

The fee for each service specified in this subsection shall be assessed only if the service is required as a part of postincarceration release supervision.

If applicable, each offender on postincarceration release supervision shall also be assessed a fee for the collection of specimens of blood and saliva for the purpose of providing DNA profiles to the Kansas bureau of investigation, pursuant to K.S.A. 21-2511 and amendments thereto.

(Authorized by K.S.A. 2003 Supp. 75-5210, K.S.A. 75-5251, K.S.A. 75-52,139; implementing K.S.A. 2003 Supp. 22-3717, as amended by 2004 SB 422, ;st 5, K.S.A. 75-52,139; effective Jan. 3, 1995; amended, T-44-3-19-04, March 19, 2004; amended July 2, 2004.)