



Department of Corrections

INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: X ADULT Operations Only _ JUVENILE Operations Only _ DEPARTMENT-WIDE

IMPP #: 11-101A

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DECISION MAKING: Resident Privileges and Incentives

Original Date Issued: 11-13-18 Replaces IMPP Issued: 04-23-19 **CURRENT EFFECTIVE DATE: 08-24-21**

Approved By:  , Secretary

Next Scheduled Review: April, 2024

POLICY

The Kansas Department of Corrections is to implement a comprehensive system of earnable resident privileges, which is to provide an effective means of managing the resident population and reinforcing constructive behavioral changes in residents. (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 12-120A.

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 12-120A.

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 Resident Privileges and Incentive Level System:

1. Audio-Visual Equipment;
2. Handicrafts;
3. Participation in organizations and formalized activities, except as indicated below;
 - a. The resident's incentive level status is not to 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 varies according to a resident'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 are to be grouped into four (4) levels for incarcerated residents. 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 are not subject to the Resident Privileges and Incentive Level System.
- C. Except as provided below, earnable privileges for Intake Level through Level III are to be administered in accordance with Attachment A. (ACI 4-4461)
 1. Residents 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 are eligible to earn privileges in accordance with applicable general orders.
 2. Residents released from Larned State Security Hospital (LSSH) after receiving mental health treatment are to 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 is to give the resident credit for time served if the resident has completed the treatment program.
 3. Parolees participating in a KDOC pre-revocation program are eligible to earn privileges in accordance with applicable general orders.
 4. Residents returned to Kansas who were incarcerated in another state as a Kansas compact resident, residents received in Kansas as interstate compact resident who were initially sentenced and housed in another state, or *in absentia* resident immediately prior to their return to Kansas for incarceration, are to be assigned the appropriate incentive level based upon their behavior while incarcerated in the other state. Example: If the resident 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 is not to be included in the advancement of a resident's incentive level.
 - a. Upon a resident'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, is to be adjusted by the number of days the resident was out of the Department's custody.

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

III. Progression Through Levels

- A. Intake Level
 - 1. Upon admission to the Department at an intake facility, residents are to be assigned to the Intake Level.
 - a. Included are residents 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 is to be considered successful completion of the Intake Level.
 - a. While housed at an RDU, all residents are to be assigned to Intake Level.
 - 3. Residents assigned to Intake Level are not eligible to earn incentive pay.
- B. Level I
 - 1. To complete Level I, a resident 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, are to be returned to Incentive Level I.
- C. Level II
 - 1. Upon successful completion of Level I, the resident is to 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 resident is to be promoted to Level III.
 - 2. A resident is to remain on Level III provided he/she does not demonstrate inappropriate behavior as outlined in Section IV. of this IMPP.
- E. The resident is not to advance to another incentive level if he/she has a pending disciplinary action. The decision as to whether the resident moves forward or backwards, or remains stationary, on the resident privileges and incentives level system is to be based upon the disposition of the disciplinary action.

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

IV. Reductions in Level

- A. A resident is to be reduced one (1) or more incentive levels based on case management recommendations. Proposed level drop and case plan are to 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 is to occur for all Disciplinary Convictions of R1 offenses.
- C. Residents may be placed on restriction by the disciplinary board without a level reduction. Upon serving the restriction, the resident's privileges are to be restored commensurate with his/her incentive level.
- D. Offenders returned to a correctional facility as condition violators with no new sentence are returned to Level I.
- E. If a resident's incentive level is reduced during a payroll period, canteen expenses for the entire period are not to exceed that which is authorized by the incentive level, per IMPP 04-108D, to which the resident is to be reduced.
 1. If at the time the resident is reduced to a lower incentive level the resident has already spent or exceeded the maximum amount allowed under the reduced incentive level, the resident is not to be permitted to spend any additional funds during that payroll period.

V. Residents 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, residents confined in restrictive housing are to be eligible, as much as possible, to earn and maintain privileges in the same amount and manner as any other resident in the general population.
- B. Disciplinary Restrictive Housing
 1. Residents confined in disciplinary restrictive housing are not to 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 12-120A;
 - (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 12-120A (females only);
 - (7) Shower shoes;
 - (8) Legal Copy Tickets;
 - (9) Soft toothbrush;
 - (10) Toothpaste;
 - (11) Comb or pick; and,
 - (12) Soap;
 - (13) One (1) primary religious text is to be the only personal publication allowed while on disciplinary restrictive housing status;
 - (14) Medication, restricted to over-the-counter medications, as specified in IMPP 12-120A, Attachment J;
 - (15) Drinking cups, per specifications of IMPP 12-120A; and,
 - (16) Personal and legal mail in accordance with the established limits of IMPP 12-120A.
2. No facility General Orders are to be written on access to privileges and property by residents in disciplinary restrictive housing except those necessary to carry out the pertinent procedures of this document.
- C. Residents on assigned restriction are to be limited to privileges in accordance with applicable regulations.
 1. Canteen expenditures are limited to the dollar amount and items specified in Section V.B.1.a. of this IMPP.

VI. Transfer During Case Management

- A. Each facility is to complete thorough and appropriate documentation in the level section of OMIS.
- B. The resident's comments/contacts section in the offender management system is to 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, residents and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents, or offenders, or an independent duty owed by the Department of Corrections to employees, residents, offenders, or third parties. Similarly, those references to the

standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure are not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

None.

REFERENCES

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

HISTORY

02-19-20 Original
08-24-21 Revised-1

ATTACHMENTS

Attachments	Title of Attachments	Page Total
A	Resident Privileges and Incentives Level System	1 page

**RESIDENT PRIVILEGES AND INCENTIVES LEVEL SYSTEM
(For All Residents 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 resident tablets via canteen. No other personal audio/visual equipment.	Not available.	Severely Limited ¹	Outgoing funds limited to fees for legal services and/or postage for legal mail.	Amount as set forth in IMPP 04-108D.	Intake property per IMPP 12-120A 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 resident 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 \$1000 per pay period, except for expenditures allowed per IMPP 04-103D, section VIII. B.	Amount as set forth in IMPP 04-108D.	Intake property per IMPP 12-120A; 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 12-120A.	May earn up to current .60 per day incentive pay. Residents @ 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 \$1000 per pay period, except for expenditures allowed per IMPP 04-103D, section VIII. B.	Amount as set forth in IMPP 04-108D; may purchase exempt canteen items additionally.	All post-intake property per IMPP 12-120A.	Eligible for any incentive pay level, including Industries; Level III residents 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 \$1000 per pay period, except for expenditures allowed per IMPP 04-103D, section VIII. B.	Amount as set forth in IMPP 04-108D; may purchase exempt canteen items additionally.	All post-intake property per IMPP 12-120A.	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 residents 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 residents 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.