



Department of Corrections

# INTERNAL MANAGEMENT POLICY & PROCEDURE

**Applicability:**  ADULT Operations Only  JUVENILE Operations Only  DEPARTMENT-WIDE


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IMPP #: 11-123A

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**DECISION MAKING: Application for Program Credit Pursuant to K.S.A. 21-6821**

Original Date Issued: 08-19-15 Replaces IMPP Issued: 11-30-20 **CURRENT EFFECTIVE DATE: 03-15-22**

Approved By:  , Secretary Next Scheduled Review: 04/2024

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## POLICY

A resident must be eligible to earn up to 120 days of Program Credit on incarceration portion of his/her sentence for successful completion of programs designated by the Secretary of Corrections. These credits must be in addition to good time credits awarded pursuant to K.A.R. 44-6-115a.

## DEFINITIONS

Composite Sentence: Any sentence formed by the combination of two (2) or more sentences.

Current Program Credit Release Date: The aggregate guidelines term adjusted for good time credits and program credits earned and retained to date.

Earliest Program Credit Release Date: The aggregate guidelines term or sentence less the maximum amount of allowable good time credits and the maximum amount of program credits.

Eligible Program: An educational or treatment program designated by the Secretary that is eligible for the application of program credit pursuant to K.S.A. 21-6821.

Program Credit: A pool of credits that serve to decrease the term of actual imprisonment awarded for completion of a program designated by the Secretary. Program credits earned and retained while incarcerated must be added to the resident's post release supervision period.

Projected Program Credit Release Date: The earliest program release date adjusted for good time withholdings and forfeitures to date.

## PROCEDURES

### **I. Related Policies**

- A. Programs being offered for all risk level offender shall be in accordance with IMPP 11-107 DECISION MAKING: Offender Program Plans

### **II. Eligibility Criteria**

- A. A resident may be eligible for Program Credit if the following criteria are met:
  - 1. The resident is incarcerated only for crimes committed on or after January 1, 2008 and before July 1, 2012, that include only Non-drug Grid level 4 through 10 offenses and Drug Grid level 3 and 4 offenses.
  - 2. The resident is incarcerated only for crimes committed on or after July 1, 2012 that include only Non-drug Grid level 4 through 10 offenses and Drug Grid level 3 through 5 offenses.

3. The resident is incarcerated for a composite sentence consisting of a non-life indeterminate sentence and a determinate sentence that meets the criteria of A.1 or A.2 and is serving the determinate portion of the sentence.
  4. The resident successfully completed a program designated by the Secretary as eligible for Program Credit (Attachment A), any time on or after October 2, 2009, and the completed program fit the resident's risk/need level/profile.
  5. After successfully completing the Sex Offender Program, residents managed as sex offenders are eligible for program credit under this policy, except that no credit will be awarded for completing the Sex Offender Program.
    - a. Female sex offenders are to be assigned, when assessed as appropriate by the Clinical Director or designee, to Thinking for a Change (T4C) in groups comprised of only sex offenders or to Dialectical Behavioral Therapy (DBT). These are not considered as Sex Offender Programs, and thus female sex offenders are eligible for program credit upon successfully completing a sex offender T4C group or DBT.
- B. Except as provided in Section II.B.1. below, if any portion of the resident's composite sentence does not qualify for application of program credits; the resident's entire sentence is to be ineligible for such credits.
1. Residents serving a composite sentence involving a non-life indeterminate sentence and a determinate sentence for an offense committed while on release that meets the criteria set forth in this policy, upon being paroled to the determinate sentence, attaining conditional release or reaching the maximum sentence expiration date on the indeterminate sentence, may be eligible to earn program credits on the remaining determinate sentence.
  2. If a resident with lifetime post release returns with a new determinate sentence and is paroled to the new sentence, they may be eligible for program credit.
- C. Residents who have 90 days or less to serve to their Earliest Program Credit Release Date at the time of admission to RDU are not eligible to earn program credit. Exceptions to this are allowed if the resident's particular risk/need can effectively be met by the facility's programs within the available timeframe, as approved by the Executive Director of Programs and Risk Reduction or designee, in consultation with the Warden.
1. Facility programming schedules may not provide programs that meet the resident's risk/need level/profile for residents who are within three (3) to six (6) months of their earliest Program Credit Release Date at the time of transfer to their receiving facility from RDU. Facilities have discretion to decide if they can provide the appropriate dose in the time available.
- D. If a resident previously eligible to earn program credit becomes ineligible due to the receipt of new sentence information, he or she must be allowed to retain previously awarded program credit on the portion of the sentence that is eligible to earn program credit.
1. If the resident has not yet completed a program that is eligible for the application of program credit at the time he or she becomes ineligible, the resident's status must be revised to reflect that he or she is not eligible for program credit, and the resident must be so advised by his or her assigned unit team counselor.
- E. Residents who have completed programs while housed out of state on compact or in absentia status may be eligible to earn program credits.
1. The resident must request the program credit in writing and include a copy of the treatment or program discharge summary to the Deputy Secretary of Facilities Management or designee.

2. Based upon the review of the program, the Deputy Secretary of Facilities Management or designee must determine whether to award program credit to the resident.
3. In order to be processed, requests for program credits from the resident must be received no less than 180 days prior to the resident's projected release date on the Kansas sentence.

### **III. Eligible Programs**

- A. Those programs listed in Attachment A qualify for program credits.
- B. The Secretary or designee must review programs on an annual basis to ensure that programs designated as eligible for program credit remain eligible, and to determine if any other programs must be considered eligible. In the event that a program is designated as eligible, and the designation is to be applied retroactively, all awards of program credit must comply with the provisions of procedure IV. C. 1. below.
- C. Programs must be offered in the right dose for all risk levels in accordance with IMPP 11-107, or for certain high-risk residents, pursuant to a risk reduction case plan in the facility.
  1. The associated record in the program tracking system must be closed with a code of "program completed," which populates into the OMIS Facility Program Experience Record (FPER).
- D. Programs staff, KDOC or contract, must deliver programming in full dose and in-person, so long as safely an option; when/where/if that is not an option, during periods of pandemic posture, declared emergency and/or other exceptional circumstances, programming may be delivered in any form and dose as approved by the Executive Director of Programs and Risk Reduction (ED) or designee in collaboration with the Warden; and program credit may be awarded for all such programming, and in accordance with Attachment A.
  1. This may include delivering programs virtually/remotely and through hard copy, implementing adjusted programs schedules and group sizes, or any other strategy that is identified as available, or any hybrid of these strategies.

### **IV. Data Entry and Awarding of Program Credit**

- A. Within three (3) business days of successful completion of an eligible program, the Contract Provider or the designated facility staff must update the program tracking system which populates into the OMIS Facility Program Experience Record (FPER).
- B. The corrections counselors must be responsible for reviewing the names of residents listed in the "Inmates in need of Program Credit Award" located under OMIS, KDOC Main Menu option to ensure that Program Credit is applicable.
  1. If it is determined that a resident whose name appears on the list is eligible to receive Program Credit, the corrections counselor must prepare a Program Credit Award and notify the designated staff member(s) responsible for entering the Program Credit.
  2. If the counselor believes that a resident whose name appears on the list is not eligible to receive Program Credit, they must immediately notify their unit team manager.
  3. If the unit team manager agrees that the resident is not eligible for Program Credit, the Classification Administrator must be advised.
  4. The Classification Administrator must notify the Department's Classification Manager or designee at Central Office, who must correct information determined to be erroneous.
- C. The designated facility staff must enter the earned Program Credit in the Offender Management Information System (OMIS) within three (3) business days of notification that a resident has successfully completed a Program Credit eligible program.

1. If upon entering the earned Program Credit, the Projected and Current Program Credit Release Dates are less than five (5) business days from the date the credit is applied, the Projected and Current Program Credit Release Dates must be computed to be five (5) business days from the date the program credit was applied.
- D. Program Credit earned and subtracted from the incarcerated portion of a resident's sentence must be added to the resident's post release supervision obligation.
- E. Earned Program Credit must be added to the good time earned pool and be eligible for forfeiture by the disciplinary administrator in accordance with K.A.R. 44-6-125(e) in the same manner as earned good time credits.
- F. If a resident is unable to earn the full amount of Program Credit due to the length of their sentence, the remaining balance of program credits cannot be earned upon a subsequent admission in regard to the original sentence or a new conviction sentence.
- G. A resident may earn program credit on only one (1) program per Court admission (New Court Commit 010-1010, Probation Violator 010-2010, Probation Violator – New Sentence 010-2020, Parole/Conditional Release Violator – New Sentence 020-1020, Post Release Violator - New Sentence 020-1020 and Paroled to Detainer – Returned with New Sentence 020-1025).

**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**

K.S.A. 21-6821  
K.A.R. 44-6-108, 44-6-114e, 44-6-115a, 44-6-125(e), 44-6-127  
IMPP 11-107

## **HISTORY**

08-19-15 Original  
11-24-15 Policy Memorandum #15-11-001  
01-20-16 Rev. 1  
04-27-16 Rev. 2  
06-11-19 Rev. 3  
09-19-19 Policy Memo #19-09-001  
04-17-20 Policy Memo #20-04-001  
11-30-20 Rev. 4  
03-15-22 Rev. 5

## **ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Program Eligible for Program Credits	2 pages

## Programs Eligible for Program Credits

**Programs designated by the Secretary of Corrections as eligible for Program Credit to be applied according to the risk principle (high dose program to high risk resident, moderate dose to moderate risk, low dose for low risk resident) include (and when applicable under Section III.D., may be modified as indicated in italics):**

1. Any approved **substance abuse program** delivered in any correctional facility of the KDOC;
2. Any **GED readiness class**, provided (a) the resident passes the standardized GED exam and receives a copy of the GED certification; (b) the resident provides a letter of verification that s/he received a passing score on the exam and a certification is forthcoming; or (c) the resident completes the entire GED readiness class (whether or not s/he is able to take or pass the test); or, any academic success/achievement class, whether or not leading to a high school credential (HSD or GED) or college credit, if the resident completes the class; or any **education support program (specific programming developed at the facility to increase successful completion rates in GED readiness classes)**, whether provided through KDOC staff, a KDOC contractor, community provider or volunteer, if it has been approved to be delivered in the facility; any college course for which college credit of one (1) or more hours is awarded with a passing grade as required by the college. All academic education programs must be approved by the Kansas Consortium for Corrections in Higher Education (KCCHE) and by the statewide Education Director.
3. Any Career and Technical Education (CTE) **program** whether provided through KDOC staff, a KDOC contractor, community provider or volunteer, if it has been approved to be delivered in any facility, under the supervision of the statewide Education Director, provided:
  - a. WorkReady is not eligible for program credit standing alone, but only if part of a 3-pack per item 11 below; if it is delivered as part of a GED or Vocational Training program, the entirety of the GED or Vocational Training program must be completed per items 2 and 3.
  - b. If college credit is received as part of a vocational training program, the entirety of the vocational program must be completed in order to receive program credit.
4. Any **cognitive behavioral program** that has been approved to be delivered in the facility, including Thinking for a Change.
5. Facility-based **risk reduction case planning**, if the resident engages in risk reduction work for no less than four (4) months, with three (3) documented contacts with a unit team counselor or R3 staff per month; with two (2) goals stated in a case plan; and, with two (2) action steps completed per goal and documented that they were done (no less than two (2) months, with two (2) documented contacts with a unit team counselor or R3 staff per month; with two (2) goals stated in a case plan under Section III.D);
6. Any **skills-building pre-release program**, whether provided through KDOC staff, a KDOC contractor, community provider or volunteer, if it has been approved to be delivered in the facility and includes 40 classroom hours or more.
7. OWDS-based or other approved **job readiness program**, high or moderate dose; or any other job or work release readiness program, whether provided through KDOC staff, a KDOC contractor, community provider or volunteer, if it has been approved to be delivered in the facility.
8. Any **family or parenting program** approved to be delivered in a correctional facility under the supervision of the Statewide Family Specialist.
  - a. Moderate or high-risk male residents in the family/marital domain must be enrolled in Improving Family Relationships only, to address that risk/need area. Moderate or high-risk female residents in the family/marital domain must be enrolled in Healthy Relationships for Women only, to address that risk/need area. This is a prerequisite to any resident moderate or high in the family/marital domain participating in any other parenting or family group or program.

- b. Any other programs for parenting must be delivered by volunteer or community organizations, rather than KDOC program providers. Any resident can enroll in a parenting program, provided per Section 8.a. above program credit is not an option for residents who are moderate or higher on the family/marital domain other than through Improving Family Relationships for males or Healthy Relationships for Women for females.
    - c. Any parenting group underway at the time this amendment goes into effect can be completed for full program credit.
9. **Work release program** if the resident is employed for six (6) months and sets and completes one (1) financial goal.
10. **KCI or private industry employment or any specialized employment as approved by the warden**, whether at full market pay or KDOC pay, if the resident completes six (6) months of employment with satisfactory performance; and sets and completes one (1) financial goal. In the alternative, program credit can be awarded for successfully completing a certification offered by a private industry employer;
11. Any **combination of three (3) risk reduction classes or activities**, which have been approved by the warden, in any combination of the following listed in a, b, and c below. The assigned Unit Team counselor shall be the first point of contact and responsible for creating the appropriate entry in the program tracking system, conferring with the Case Management and Reentry Administrator and/or R3 Coordinator if needed:
  - a. Complete a short class from the list approved by the facility;
    - (1) If the three (3) pack is satisfied with short classes only, not using b. or c. below, the classes must add up to 20 classroom hours;
  - b. Participation in group activities lasting a minimum of three (3) months, with documentation of satisfactory attendance (one-time events or interventions, self-help and resident-led groups are not eligible), to include:
    - (1) Low Dose- Pro-Social/Self Improvement,
    - (2) Low Dose-Behavioral Health,
    - (3) Low Dose-Advanced Practice,
    - (4) Low Dose-Spiritual.
  - c. Work with a mentor for three (3) months, pursuant to an approved mentoring plan, and with contacts done in accordance with the mentoring plan.

Except:

  - (1) If a resident is 24 or higher on the latest RDU admission LSIR, unless an updated LSIR was completed specifically for purposes of determining what programming must be provided, s/he is not eligible for credit under this subsection 11.
  - (2) The warden or designee may make an exception on a case-by-case basis for a resident above 24, provided the resident and his/her unit team counselor have a case plan that they are working on together, and the resident's risk/need profile and facility behavior warrant doing so.
12. KDOC Batterer's Intervention Program or Family Peace Initiative Program.
13. Dialectical Behavioral Therapy provided it is at least 26 weeks in length with groups meeting at least twice per week and has been approved by the Reentry Director in consultation with the Medical Director for program credit.