



INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: ADULT Operations Only JUVENILE Operations Only DEPARTMENT-WIDE

IMPP #: 15-102A

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WORK RELEASE & PRISON/NON-PRISON BASED PRIVATE INDUSTRY PROGRAMS: KCI Industry and Private Industry Employment Selection Criteria and Placement Procedures

Original Date Issued: 04-19-22 Replaces IMPP Issued: N/A **CURRENT EFFECTIVE DATE: 04-19-22**

Approved By: , Secretary

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POLICY

In order to reduce recidivism and facilitate reentry and transition to the community at release, it is the policy of the KDOC to prepare residents for, and provide access to, prison-and-non-prison-based private industry employment, when it is safe for the community and the resident has a need for such a program. The department will balance the needs of the industry employers for continuity and to recoup their training investment with the needs of the residents to develop job skills and prepare for successful reentry.

DEFINITIONS

Clinical Services Report: A report prepared by clinical professional staff that provides information about risk and need of potentially violent residents, including sex offenders.

Kansas Correctional Industries (KCI) Industry: Resident employment for Kansas Correctional Industries (KCI), managed by KCI Staff Members, that operates within a community setting inside or outside of a correctional facility on correctional facility property.

Private Non-Prison Based Industry: Minimum-custody resident employment for a private business enterprise that operates within a community setting outside a correctional facility, pursuant to K.A.R. 44-8-115.

Private Prison Based Industry: Resident employment for a private business enterprise that operates on the grounds of a correctional facility, pursuant to K.A.R. 44-8-116.

Program Management Committee (PMC): The committee, consisting of the warden or designee and an administrative/supervisory representative from the Programs and the Security divisions of the facility responsible to review and approve or deny proposed classification exceptions, program placements including amendments to program plans, and transfer requests/recommendations.

Sex Offender Specialist: A position in the Programs and Risk Reduction division that screens residents managed as sex offenders for placement in programs and jobs in particular situations.

PROCEDURES

I. Preparing Residents for Industry Employment

- A. As part of ongoing case management, unit team staff are to review resident files to determine whether the resident is a likely candidate for future referral to private industry employment and/or KCI industry employment. Unit team is to work with the resident to help him/her prepare for KCI or private industry, addressing the following areas:

1. Readiness, motivation, and responsivity towards working the risk reduction plan,
2. Barriers to minimum custody (such as detainers, community identification, disciplinary reports, other behavior issues, etc.),
3. Job readiness, (including skills and prepared portfolio), education, employment, and Cognitive Based Intervention (CBI) programs, and
4. Use of EPICS tools, and any other issues necessary for the resident to be ready for industry employment.

II. Eligibility and Placement in Industries Employment

- A. Every resident is to be reviewed for placement in a KCI or private industry job.
- B. A resident is eligible to be placed in an industry job, whether KCI or private, if the following criteria are met:
 1. The resident has the custody necessary for working in the job, depending on where the job is located within the custody units, with minimum custody required for any off-site job.
 2. The resident is physically capable of seeking and maintaining employment, with reasonable and available assistance for any physical limitation.
 3. The resident's medical and behavioral health treatment needs can be managed while employed.
 4. The resident has the skill and aptitude for the work, in consideration of what training is available on the job.
 5. The resident's program needs will be addressed, so that the resident has received, or alongside employment can receive, necessary programming to reduce risk and continue preparing the resident for achieving sustained livable wage employment after release.
 6. The resident can be safely placed in the job considering disciplinary infractions involving serious injury, property damage, a pattern of violent, assaultive, or otherwise behavior that represents a significant danger to others such as arson, weapons, and statutory violations (felony crime).
- C. For private industry jobs, the resident must be a United States citizen and have a current social security card in the master file.
- D. For off-site private industry, the follow criteria apply:
 1. The resident does not have a diagnosis of pedophilia or an Axis I diagnosis of not otherwise specified exhibitionism, fetishism, frotteurism, sexual masochism, sexual sadism, transvestic fetishism or voyeurism.
 2. The resident is managed as a sex offender who is not precluded by criteria in D.1 above, and s/he has successfully completed sex offender programming or has been assessed as not requiring sex offender programming during incarceration.
 3. The resident does not have a pending felony detainer or a misdemeanor detainer that is known that will require the resident to serve more than 60 days in

a local jail after release from KDOC.

- a. Staff are to assist residents in resolving detainers, if possible, to increase their ability to work private industry.
4. There are no other indicators that the resident is too great a risk to the community if employed off site, including recent behavior, programs or a Clinical Services Report reflecting high risk for violent behavior.
- E. The timing for placement in/out of an industry job, whether KCI or private, is as follows:
1. A resident who is maximum or medium custody may be placed in an industry job, whether KCI or private, if the job is within those custody units, and may remain in the job for up to 7 years. An exception for cause may be granted by the Warden.
 2. Once a resident reaches minimum custody, that resident may be placed in an industry job, whether KCI or private (whether the resident had a prior industry job in maximum or medium custody or not) and may remain in the job for up to 5 years. An exception for cause may be granted by the Warden.
 - a. The time in the job is to be reviewed annually to ensure it continues to be a good fit, and to ensure continued employment in that job by that resident does not interfere with the need of another resident to achieve job skills and wages.
 3. Once the period of employment ends, the unit team assigned is to address what steps will be taken next to continue to prepare the resident for sustained livable wage employment upon return to the community.

III. Posting and Filling Industry Employment

- A. KCI and private industry are to post positions that are opened to be filled, indicating the skills, aptitude, and training for that position. Such work opportunities may be advertised utilizing technology-based applications available to eligible residents.
- B. Residents who seek to be placed in an industry job are to submit a form 9 to their unit team, including any resume or related information about skills, experience, education, aptitude or interest the resident has in the position.
 1. For private industry jobs, the Private Industry Employment Application (Attachment A) is to be completed by the resident.
 2. If the private employer has a specific application form to be completed, the unit team must ensure the application is provided to the resident for completion in addition to Attachment A.
- C. For KCI positions, after ensuring eligibility requirements are met, unit team are to forward the form 9 and related information to the designated person for the position with KCI.
- D. For private industry jobs that are within maximum and medium custody units, unit team are to forward the application to the designated person with the private employer, using the Private Industry Employment Referral (Attachment B).

- E. For private industry jobs that are off-site, the form 9 and application are to be submitted through the Unit Team Manager to the Classification Administrator for review. The Classification Administrator is to:
1. Seek input from medical or behavioral health staff when appropriate,
 2. Notify Victim Services, and seek input from Victim Services when appropriate,
 3. If the resident is managed as a sex offender, send to the Sex Offender Specialist for review.
 - a. The Sex Offender Specialist is to indicate approval or disapproval of placement, in consideration of sex offending history, risk/need assessments, program participation and progress, status or review for or potential as a sexually violent predator, diagnoses, parole violations, institutional behavior, or any other information relevant to current risk for sexually reoffending.
 - b. The Sex Offender Specialist may recommend approval subject to specific conditions, which must be met by the resident to gain final approval and maintain employment.
 - c. The recommendations of the Sex Offender Specialist are to be forwarded to the Deputy Secretary of Facilities Management or designee, who is to provide the final determination whether the sex offender is approved for placement in the job. This information is to be sent to the Classification Administrator.
 - d. Upon completion of these steps, and if the sex offender is approved, the Classification Administrator is to refer to the PMC for final review to ensure eligibility and approval of the placement.

IV. Placement in and Ending Industry Employment

- A. Once the resident has completed the application process and been approved for industry employment, s/he is to be notified by the Classification Administrator/designee.
- B. If the resident is housed in a different facility, the Classification Administrator is to arrange for transfer of the resident for placement in industry employment.
- C. Each resident approved for private industry employment is to complete the following prior to employment:
 1. Acknowledgment and Agreement for Private Industry Employment (Attachment C).
 2. Consent of Employment Form (IMPP 04-109A, Attachment D).
- D. Before a resident is removed from an industry job, KCI or private industry, the assigned unit team is to ensure steps have been taken to retain the employment if possible, addressing behavior and risk/need areas appropriately to stabilize the job placement. This includes convening a multi disciplinary team, if necessary and useful, to review the case and assist the resident in maintaining employment.
 1. Unit team is to maintain good communication with the employer to identify issues that may arise jeopardizing the resident's employment, and work with the resident and the employer to address and resolve those issues if possible.

2. If after efforts are made, the resident cannot remain in the job, assigned unit team is to address what steps will be taken next to continue moving the resident towards the ability to build skills and experience towards achieving sustained livable wage employment upon release.
3. If it is time for a resident to be taken out of a job without cause, because of the time frame, to complete a program, or otherwise, assigned unit team is to establish with the resident next steps in preparing for employment, whether it be a work release referral, or otherwise.

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.A.R. 44-8-115; 44-8-116
IMPP 04-109A

HISTORY

04-19- 2022 Original

ATTACHMENTS

Attachments	Title of Attachments	Page Total
A	Private Industry Employment Application	2 pages
B	Private Industry Employment Referral	1 page
C	Acknowledgement and Agreement for Private Industry Employment	1 page

Private Industry Employment Application

Name/#: _____ Facility: _____ Custody: _____

DOB: ___/___/___ SSN: ___-___-___ PGR: ___/___/___ PE: ___/___

Current Offense(s): _____

Current Job Assignment: _____

US Citizen: Yes No Social Security Card on file: Yes No
If No – Date requested ___/___/___

High School Diploma / GED: Yes No If No – Highest Grade Completed: _____

Higher Education / Special Training: _____

Completed Programs/Dates: _____

Work Experience – During Incarceration

Employer/Position	Dates (From-To)	Job Duties	Reason for Leaving

Work Experience – Prior to Incarceration

Employer/Position	Dates (From-To)	Job Duties	Reason for Leaving

Other Comments/Information: _____

Resident Signature

Printed Name

___/___/___
Date

Unit Team Signature

Printed Name

___/___/___
Date

Private Industry Employment Referral

**Attach Private Industry Application*

Name/#: _____ Date: ____/____/____

Medical Classification: _____ BH Classification: _____ STG Validation: Yes No

Disciplinary History: _____

Escape History Info/Dates: _____

Detainers: Yes No

If yes – list details: _____

Managed as Sex Offender: Yes No

If yes –**Sex Offender Specialist Notified**: ____/____/____

Comments/Recommendations: _____

SOP Discharge Summary Recommendations: _____

Victim Services Notified: ____/____/____

Comments/Input: _____

Medical/Behavioral Health Notified: ____/____/____

Comments/Input: _____

PMC Review

_____ ____/____/____ _____ Approve _____ Disapprove

_____ ____/____/____ _____ Approve _____ Disapprove

_____ ____/____/____ _____ Approve _____ Disapprove

Acknowledgement and Agreement for Private Industry Employment

I _____, # _____, agree to accept employment with a private industry company in KDOC. I fully understand, agree and acknowledge the following:

- 1. I may be terminated from employment at the discretion of the employer or the facility for any of the following reasons:
 - a. My behavior interferes with my employment.
 - b. My behavior is deemed to be incompatible with the employer.
 - c. My behavior jeopardizes the security or operations of the facility.
 - d. My behavior is inconsistent with K.A.R. 44-12-328 and IMPP 02-118D defining staff relationships which includes but is not limited to:
 - i. Any exchange or gift of items such as money, tobacco, food, etc.
 - ii. Any attempt to place a civilian employee on the resident visiting list.
 - iii. Any correspondence with a civilian employee.
 - iv. Any attempt to meet with a civilian employee other than during work.

- 2. I understand and agree that there is no due process protection against or upon termination from employment. I am not entitled to any type of hearing prior to, after or in connection with termination from employment.

- 3. I understand and agree that any attempt to engage in personal relationship with any staff including civilian employees of the employer is grounds not only for termination from employment, but also may result in disciplinary action against me for violation of provisions of the Inmate Rule Book.

	#	/ /
Resident Signature		Date

		/ /
Witness Signature		Date