

# KANSAS DEPARTMENT OF CORRECTIONS

 Kansas Department of Corrections	<b>I</b> NTERNAL <b>M</b> ANAGEMENT <b>P</b> OLICY AND <b>P</b> ROCEDURE	SECTION NUMBER <b>04-105A</b>	PAGE NUMBER 1 of 4
		<b>FISCAL: Determination of Cash Gratuity Payments,                  Clothing, and Transportation Upon Release</b>	
<b>Approved By:</b>  Secretary of Corrections		<b>Original Date Issued:</b> <span style="float: right;"><b>02-03-15</b></span>	
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<b>APPLICABILITY:</b>	<input checked="" type="checkbox"/> <b>ADULT Operations Only</b>	<input type="checkbox"/> <b>JUVENILE Operations Only</b>	<input type="checkbox"/> <b>DEPARTMENT-WIDE</b>
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## POLICY STATEMENT

With certain exceptions, a cash gratuity in the amount specified by statute and departmental regulation shall be paid to offenders at the time of their initial release or subsequent release from a Kansas Department of Corrections facility or from a local detention facility where they have been held while serving a sentence under the technical custody of the Secretary of Corrections. The Department may assess a Stored Value Card Fee on inmate trust fund and gratuity monies paid to an offender.

## DEFINITIONS

**Initial Release:** The first time an offender is released on an active Kansas sentence.

**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.

**Stored Value Card Fee:** A fee assessed to releasing offenders who received their inmate trust fund and/or gratuity over an established limit on a stored value card.

**Subsequent Release:** The release of an offender on an active Kansas sentence to parole, conditional release, post release supervision or upon expiration of a sentence when the release follows a period of incarceration based solely upon violation of conditions of prior release.

## PROCEDURES

### **I. Clothing**

- A. Except as indicated in Section I.F., offenders released through post-incarceration supervision or upon expiration of a sentence shall be provided with suitable civilian-type clothing.
  - 1. The cost of such clothing shall not be deducted from the amount of any cash gratuity issued to the offender.
  - 2. The State-issue clothing shall not bear markings, numbers, letters, words, or other information related to the KDOC or the facility that would identify him/her as an offender.
- B. Family and/or friends may supply dress out clothing for an offender, provided that the clothing meets minimum standards of appearance as established for those articles of clothing worn by visitors to the institution, per IMPP 10-113D.

- C. The clothing provided shall include the following items:
1. One pair trousers;
  2. One shirt;
  3. One pair shoes;
  4. One set underwear;
  5. One pair socks;
  6. One belt, if desired; and,
  7. A suitable jacket or coat when dictated by weather conditions.
- D. When possible, facilities shall use State contract purchases to provide release clothing for offenders.
1. When purchase through contract vendors is not possible or practical, care shall be exercised not to exceed the State contract prices in local purchases of release clothing.
- E. Under no circumstances shall an offender be issued cash in lieu of the clothing provided in this section.
- F. Offenders participating in a work release program shall not be eligible to receive State-issued clothing upon release from incarceration.

## **II. Transportation**

- A. Except as indicated in Section II.E., the following transportation arrangements shall be provided for offenders released on post-incarceration supervision who do not have transportation provided to them:
1. The offender shall be provided transportation to the offender's place of post-incarceration supervision; and,
  2. The means of transportation shall be at the discretion of the warden.
    - a. Transportation costs shall be paid in one of the following manners, at the discretion of the warden:
      - (1) By a voucher arrangement with the transportation provider wherein a "no refund" travel ticket is issued to the offender upon the offender's presentation of the voucher;
      - (2) By a check for the amount of the ticket price made payable to the transportation provider and given to the offender; or,
      - (3) By direct payment to the ticket provider by an agent of the releasing facility.
- B. The following transportation arrangements shall be provided for offenders released upon expiration of maximum sentence:
1. The offender shall be provided transportation to the offender's home (if within the State).
  2. If the offender's home is out of State, transportation shall be provided to the place of conviction, or to some other place not more distant, as selected by the offender.
  3. The means of transportation shall be in the manner provided by Section II.A.2.

- C. Under no circumstances shall an offender be issued cash in lieu of the transportation provided in this section.
- D. The cost of transportation shall not be deducted from the amount of any cash gratuity issued to the offender.
- E. Should an offender elect to employ a mode of transportation other than that provided under II.A. or B. above, then:
  - 1. Any additional cost must be paid by the offender from his or her personal funds or be paid by a source other than State funds; and,
  - 2. All transportation tickets must be purchased in the manner set forth in Section II.A.2., above.
- F. Offenders participating in work release and private industry employment programs shall not be eligible to receive State provided or paid for transportation upon release from incarceration.

### **III. Cash Gratuity**

- A. Offenders, at the time of their initial release on post-incarceration supervision or discharge upon expiration of the maximum sentence, shall receive a cash gratuity in the amount specified by statute.
- B. An offender shall be ineligible to receive the initial gratuity if:
  - 1. The offender's trust fund account balance is \$500 or more at the time of release, or if the account has been at that level at any time during the thirty (30) days preceding the offender's release;
    - a. The offender's previous account balance shall be verified by facility accounting staff through the KDOC automated inter-facility accounting or offender banking system.
  - 2. The offender is participating in a work release program;
  - 3. The offender is gainfully employed by a private business enterprise operating on the grounds of a correctional institution under K.S.A. 75-5288, or any other private business at which offenders are allowed to be gainfully employed; or,
  - 4. The offender is released under the following circumstances:
    - a. Court order or through civil commitment proceedings;
    - b. Bond;
    - c. Escape;
    - d. Release during the initial 120-day evaluation period, for offenders convicted of crimes committed prior to 07-01-93 only; or,
  - 5. Offenders paroled or released to a detainer, including offenders released to another jurisdiction pursuant to K.S.A. 59-29a01 *et seq.*, the Sexual Violent Predator Act, shall not be eligible to receive a cash gratuity payment, except as provided in section III.B.5.a. and b., as follows:
    - a. Offenders paroled or released to a detainer who are subsequently released from that or any other detainer within 30 days of their release from a facility shall be eligible for cash gratuity payments in accordance with applicable policies.

1. Offenders released to detainers upon reaching discharge or their maximum sentence expiration shall be responsible for contacting the business manager of the releasing facility to request eligibility for gratuity.
  2. Offenders released to detainers out of state shall be responsible for contacting the Central Office Interstate Compact Unit to request eligibility for gratuity.
- b. Prior to making the gratuity payment to the offender, verification with the agency to which the offender was released shall be made by the supervising parole officer.
- C. At the time of an offender's subsequent release, he/she shall receive a gratuity payment of up to \$40 if:
1. The offender's trust account balance is \$100 or less at the time of the offender's release; or,
  2. The offender is not engaged in any type of work release employment at the time of his/her subsequent release.
- D. Offenders re-incarcerated on a parole revocation that is not upheld by the Prisoner Review Board are ineligible to receive a cash gratuity upon release.
- E. Offenders released to the community from a pre-revocation program described within IMPP 14-122A shall be ineligible to receive a cash gratuity upon release.
- F. Estates of deceased offenders shall not receive any gratuity.
- G. The total amount of all gratuity payments an offender may receive over the life of an active sentence shall not exceed \$220.
- H. Exceptions to these procedures shall only be authorized by the Deputy Secretary of Facilities Management, and then only for good cause.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff 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 or offenders, or an independent duty owed by the Department of Corrections to employees, 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 is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

#### **REPORTS REQUIRED**

None.

#### **REFERENCES**

K.S.A. 59-29a01 et seq., 75-5211, 75-5288  
IMPP 10-113D, 14-122A

#### **ATTACHMENTS**

None.