
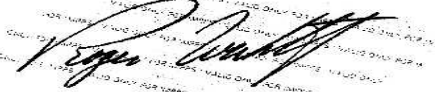
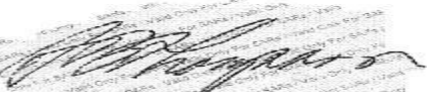


## KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  11-123	<b>PAGE NUMBER</b>  1 of 4
		<b>SUBJECT:</b>  <b>DECISION MAKING: Application of Program Credit Pursuant to K.S.A. 21-4722</b>	
<b>Approved By:</b>  Secretary of Corrections		<b>Original Date Issued:</b> <span style="float: right;"><b>06-09-08</b></span>	
		<b>Current Amendment Effective:</b> <span style="float: right;"><b>10-02-09</b></span>	
		<b>Replaces Amendment Issued:</b> <span style="float: right;"><b>05-29-09</b></span>	
<b>Reissued By:</b>  Policy & Procedure Coordinator		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature.  <b>Date Reissued:</b> <span style="float: right;"><b>11-09-10</b></span>	

### POLICY

An inmate shall be eligible to earn up to 60 days of Program Credit on the prison portion of their sentence for successful completion of programs designated by the Secretary of Corrections. To be eligible for program credit, an inmate must have been sentenced only for a non-drug grid severity level 4 through 10 offense, or for a drug grid severity level 3 or 4 crime. Except for inmates serving a composite sentence consisting of a non-Life indeterminate sentence and a determinate sentence, such crimes must have been committed on or after January 1, 2008. These credits shall be in addition to good time credits awarded pursuant to KAR 44-6-115a.

### DEFINITIONS

Composite Sentence: Any sentence formed by the combination of two 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 of Corrections which is eligible for the application of program credit pursuant to KSA 21-4722.

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 of Corrections. Program credits earned and retained while in prison shall be added to the offender'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. Eligibility Criteria**

- A. An inmate may be eligible for Program Credit if the following criteria are met:
  - 1. The inmate is incarcerated only for non-drug severity level 4 through 10; or drug grid severity level 3 or 4 offenses, subject to the exception set forth in Section I.B.1. below.

2. All of the offenses in the inmate's composite sentence occurred on or after January 1, 2008; and
  3. The inmate successfully completed a program designated by the Secretary of Corrections as eligible for Program Credit (Attachment A).
- B. Except as provided in Section I.B.1 below, if any portion of the inmate's composite sentence does not qualify for application of program credits; the inmate's entire sentence shall be ineligible for such credits.
1. Inmates 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.
- C. Inmates within 6 months of their projected guidelines release date from the date of admission shall not be eligible to earn program credit.
- D. Inmates admitted under the provisions of KSA 8-1567(g) (4<sup>th</sup> and subsequent DUI violators) shall not be eligible to earn program credits.
- E. If an inmate previously eligible to earn program credit becomes ineligible due to the receipt of new sentence information, he or she shall be allowed to retain previously awarded program credit.
1. If the inmate has not yet completed a program that is eligible for the application of program credit at the time he/she becomes ineligible, the inmate's status shall be revised to reflect that he or she is not eligible for program credit, and the inmate shall be so advised by his or her assigned unit team counselor.
- F. Inmates who have completed programs while housed out of state as inabsentia inmates shall not be eligible to receive program credits for those programs completed while in the custody of another state or while in Federal custody.
- G. Inmates who have completed programs while housed out of state on compact status may be eligible to earn program credits.
1. The inmate must request the program credit in writing and include a copy of the treatment or program discharge summary to the Deputy Secretary or Programs, Research and Support Services or designee.
  2. Based upon the review of the program, the Deputy Secretary of Programs, Research and Support Services or designee shall determine whether to award program credit to the inmate.
  3. In order to be processed, requests for program credits from the inmate must be received no less than 120 days prior to the inmate's projected release date on the Kansas sentence.

## **II. Eligible Programs**

- A. Those programs listed in Attachment A qualify for program credits.

- B. The Secretary of Corrections or designee shall 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 should be considered eligible.
- C. Programs shall be offered in accordance with IMPP 11-107 or, for certain high risk offenders, pursuant to a risk reduction case plan in the facility.
- D. In order to receive program credit for completing GED studies, the inmate must pass the standardized GED exam and receive a copy of the GED certification while incarcerated.
- E. In order to receive program credit for the facility portion of the risk reduction plan (attachment A: Number 16), the following criteria must be satisfied:
  - 1. The inmate's LSIR score must be 24 or greater,
  - 2. The inmate must be actively engaged in the release planning process for no less than 12 continuous months (no less than two documented contacts per month),
  - 3. At least three risk/need areas need to be identified,
    - a. At least two goals for each risk/needs area must be identified and at least two action steps for each goal must be taken.
  - 4. A termination code of "completion" must be created in the OMIS Facility Program Experience Record (FPER).

### **III. 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 shall update the Facility Program Experience Record (FPER).
- B. The corrections counselors shall be responsible for reviewing the names of inmates 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 an inmate whose name appears on the list is eligible to receive Program Credit, the corrections counselor shall prepare a Program Credit Award and notify the designated staff member(s) responsible for entering the Program Credit.
  - 2. If the counselor believes that an inmate whose name appears on the list is not eligible to receive Program Credit, they shall immediately notify their Unit Team Manager.
  - 3. If the unit Team Manager agrees that the inmate is not eligible for Program Credit, the Classification Administrator shall be advised.
  - 4. The Classification Administrator shall notify the Department's Classification Manager or designee at Central Office, who will correct information determined to be erroneous.
- C.. The designated facility staff shall enter the earned Program Credit in the Offender Management Information System (OMIS) within 3 business days of notification that an inmate 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 three (3) business days from the date the credit is applied, the Projected and Current Program Credit Release Dates shall be computed to be three (3) business days from the date the program credit was applied.
- D. Program Credit earned and subtracted from the prison portion of an inmate's sentence shall be added to the inmate's post release supervision obligation.

- E. Earned Program Credit will be added to the good time earned pool and will be eligible for forfeiture by the disciplinary administrator in accordance with KAR 44-6-125(e) in the same manner as earned good time credits.
- F. If an inmate is unable to earn the full sixty (60) days 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. If an inmate refuses to enter, refuses to participate in or is volitionally terminated from any program on his or her Inmate Program Plan (IPP), he/she shall not be eligible to earn program credit for an eligible program.
- H. An inmate may earn program credit on only one 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 and offenders and those entities who 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 either 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**

KAR 44-6-114e; 44-6-108; 44-6-127; 44-6-125e  
IMPP 10-101

#### **ATTACHMENTS**

Attachment A: Programs Eligible for Program Credits - 1 page.

## **Programs Eligible for Program Credits**

### **Programs designated by the Secretary of Corrections as eligible for Program Credit include:**

1. Therapeutic Community (TC);
2. Chemical Dependency Recovery Program (CDRP);
3. Substance Abuse Treatment (SAT) through the InnerChange Freedom Initiative (IFI) Program;
4. TC; through the IFI Program;
5. SAT through the SOTP Program;
6. SAT for females at Labette Boot Camp;
7. GED;
8. GED through the IFI Program;
9. GED certificate attainment through self study;
10. Vocational Programs;
11. Heating and Air Conditioning Vocational Program (TCF);
12. Plumbing Vocational Program (TCF);
13. Landscaping Vocational Program (TCF);
14. ARAMARK "Food Service Program as approved;
15. Cognitive Behavioral Program using the Thinking For a Change Curriculum;
16. Facility portion of risk reduction case plan (for certain high risk offenders); or,
17. Pre-Release Reintegration Program (WCF) – Effective for inmates beginning participation on or after January 1, 2009.

In order to receive program credit for completion of a GED, the inmate must pass the standardized GED examination