

# INTERNAL MANAGEMENT POLICY & PROCEDURES

## STATEMENT OF ANNUAL REVIEW

**IMPP #01-115**

**Title: ADMINISTRATION: Payment of Inmate Funeral Expenses to an Inmate's Next-of-Kin**

The above referenced Internal Management Policy and Procedure (IMPP), issued effective 12-07-02, was reviewed during February 2006 by the KDOC Policy Review Panel per IMPP 01-101. At the time of this annual review, the Policy Review Panel determined that: no substantive changes and/or modifications to this IMPP are necessary at this time, and the IMPP shall remain in effect as issued on the above stated date.

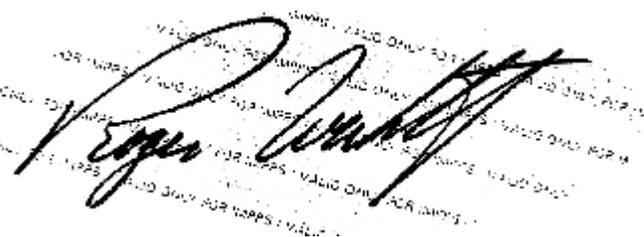
**The next scheduled review for this IMPP is February 2007.**

**This statement of annual review shall be placed in front of the referenced IMPP in all manuals.**

05/26/06

\_\_\_\_\_  
Debi Holcomb, Victim Services Director  
Policy Review Committee Chairperson

\_\_\_\_\_  
Date

A handwritten signature in black ink, appearing to read 'Roger Werholtz', is written over a circular stamp. The stamp contains the text 'IMPP REVIEW ONLY' repeated multiple times around the perimeter.

05/30/06

\_\_\_\_\_  
Roger Werholtz, Secretary of Corrections

\_\_\_\_\_  
Date

## KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  01-115	<b>PAGE NUMBER</b>  1 of 2
		<b>SUBJECT:</b>  <b>ADMINISTRATION: Payment of Inmate Funeral Expenses to an Inmate's Next of Kin</b>	
<b>Approved By:</b>   <div style="text-align: center;"><b>Acting Secretary of Corrections</b></div>		<b>Original Date Issued:</b> <span style="float: right;"><b>08-15-82</b></span>	
		<b>Current Amendment Effective:</b> <span style="float: right;"><b>12-07-02</b></span>	
		<b>Replaces Amendment Issued:</b> <span style="float: right;"><b>11-02-92</b></span>	

### POLICY

In limited cases, the Secretary of Corrections will review the funeral and burial expenses incurred by family or friends of deceased inmates and may recommend up to \$2,500.00 financial assistance.

### DEFINITIONS

Next of Kin: That party designated by the inmate as the party to notify in the event of a serious accident, illness, or death. Although usually an immediate family member, the next of kin need not necessarily be related to the inmate.

### PROCEDURES

- I. Recommendation for Payment of Funeral Expenses
  - A. Facility staff responsible for the notification of next of kin concerning the death of an inmate shall advise them of the provisions of this IMPP.
    1. A claim for reimbursement of funeral expenses shall be made on a claim form to the Legislative Joint Committee on Special Claims Against the State ("Committee").
      - a. A copy of this form can be found at Attachment B, IMPP 01-117 (Claims Procedure for Department Employees or General Public).
        - (1) The warden shall ensure that a supply of current claim forms are available to staff and the general public in accordance with IMPP 01-117.
        - (2) This form is also available through the Ombudsmen's and Legislative Research offices.
    2. Facility staff shall advise the next of kin of the existence and availability of this form, and shall offer assistance in the preparation and submission of the form, if the inmate's death is one for which reimbursement will be recommended in accordance with this policy.
    3. A claim for reimbursement of funeral expenses shall be filed with the Committee directly. The claim shall not be submitted to the department through the facility or Secretary.
  - B. Upon receipt of a request from the Committee regarding the payment of funeral expenses filed under the provisions of this IMPP, a recommendation by the Secretary of Corrections for payment of financial assistance to defray funeral and burial expenses shall be made to the Committee in the following cases:

1. When the deceased inmate was housed in a state correctional facility, and
2. When the death occurred under one of the following circumstances only:
  - a. When the deceased inmate was the victim of a homicide at the facility, or
  - b. When the inmate dies of accidental causes at the facility or while under the supervision of departmental staff.
- C. A recommendation favoring payment shall constitute an effort by the Department of Corrections to provide financial assistance for funeral and burial expenses.
- D. The favorable recommendation shall be made in the form of a letter from the Secretary after the claim is forwarded to the Secretary by the Committee for review and input.

## II. Payment Process

- D. Payment shall be made in accordance with legislative intent after the required funds have been appropriated for that purpose.
- E. Payment shall be made to the next of kin who has incurred the cost of the funeral and burial as specified in the legislation authorizing payment.
  1. The Secretary may require the next of kin making the claim to exhibit the appropriate paid invoices or otherwise demonstrate to the Secretary's satisfaction that the person receiving the financial assistance has incurred the expenses for the funeral and/or burial.
  2. The next of kin receiving the financial assistance shall acknowledge, in writing, that the financial assistance constitutes a gratuity, and in no way is considered as an admission of liability regarding the death.
  3. The financial resources of the next of kin shall not be a pertinent factor in determining whether the gratuity should be paid or the amount paid therein.

## III. Payments Prohibited Under Certain Circumstances

- A. No financial assistance for funeral or burial expenses shall be favorably recommended in the following cases:
  1. Inmates dying of natural causes.
  2. Inmates involved in the initiation or furtherance of a riot or other violent activity at the time of death or fatal injury.
  3. Inmates dying as the result of the application of necessary and reasonable force used by correctional officials to maintain or regain custody or control of inmate(s).
  4. Inmates who either commit suicide or otherwise contribute in a substantial or direct manner  
To their own demise.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff, inmates and parolees and those entities who are contractually bound to adhere to them. They are not intended to establish state created liberty interests for employees, inmates or parolees, or an independent duty owed by the Department of Corrections to either employees, inmates, parolees, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand up on existing constitutional rights or duties.

### REPORTS REQUIRED

None.

REFERENCES

KSA 46-912 et. seq.  
IMPP 01-114, 01-117

ATTACHMENTS

None.