

KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 01-122	PAGE NUMBER 1 of 3
		SUBJECT: ADMINISTRATION: Donations to the Department of Corrections	
Approved By: <div style="text-align: center;">  Secretary of Corrections </div>		Original Date Issued: 02-17-92	
		Current Amendment Effective: 04-21-95	
		Replaces Amendment Issued: 05-21-94	
Reissued By:  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. Date Reissued: 05-26-11	

POLICY

Gifts/donations of property may be accepted and received on behalf of the Department of Corrections if the gift/donation would enhance the services of the Department of Corrections and would not be incompatible with statutes, the Department of Corrections' goals, as stated in the "Kansas Department of Corrections Mission Statement," or policies. Gifts shall not be accepted: that are obscene or illegal; that would pose a threat to the safety or security of any KDOC facility or office, or, any persons within such facilities or offices; or, that would create a conflict of interest situation.

The Secretary of Corrections shall be the final approving authority in accepting donations of real property and/or buildings.

All donated property received within a KDOC office or facility, including real property, supplies and other assets, shall be inventoried in accordance with procedures established by the Department of Administration, Division of Accounts and Reports.

DEFINITIONS

Principal Administrator: The person directly responsible for the overall administration of a KDOC facility, parole region, or Central Office work unit.

PROCEDURES

I. Approval Process and General Guidelines for Accepting Donations of Real Property

- A. All requests to donate real property and buildings to the Department of Corrections shall be reviewed by the Deputy Secretary of Facility Management and designated staff.
 1. All wardens, parole directors and Central Office division supervisors shall ensure that requests they receive to donate real property or buildings to the Department of Corrections are immediately forwarded to the Deputy Secretary of Facility Management.
 - a. All KDOC office or facility staff shall immediately forward to their principal administrator *any* requests they receive to donate real property to the Department of Corrections.
 2. In reviewing requests for the donation of buildings or real property, the Deputy Secretary of Facility Management shall consult with and elicit the recommendations of the Chief Legal Counsel regarding the propriety, logistics, and legal consequences of any decision concerning the gift and any acceptance formalities that may need to be followed.

3. A written recommendation regarding the acceptance of building or real property donations shall be submitted to the Secretary by the Deputy Secretary of Facility Management.

II. Approval Process and General Guidelines for Accepting Donations Other Than Real Property

- A. Wardens, parole directors and Central Office division supervisors shall serve as the Secretary of Corrections' designees for review and disposition of non-real property and non-building donation requests received within their facilities, offices, or office areas.
 1. Prior to deciding whether to accept a proposed donation, the warden, parole director, or Central Office division supervisor shall consult with and elicit the recommendations of the Legal Counsel assigned to their office or facility regarding the propriety, logistics, and legal consequences of any decision concerning the gift and any acceptance formalities that may need to be followed.
- B. If the approving official is uncertain whether the proposed donation would enhance the services of the Department of Corrections, or would be compatible with Department of Corrections' goals, the approving official shall forward the donation request to the Secretary of Corrections, through the appropriate Deputy Secretary of Corrections, for review and disposition.
- C. Donations of equipment or materials for use in religious programs or services shall be reviewed and approved by the chaplain to ensure that the proposed donations are appropriate to the programs need and do not result in the accumulation of duplicate materials or items. Final approval of any such donations shall rest with the principal administrator.

III. Recording and Inventorying of Accepted Donations

- A. The approving official shall document, in writing, the receipt of any gift/donation to the Department of Corrections. At a minimum, the documentation shall state the nature, source and date of the donation.
 1. The documentation shall be kept in the facility or office of the approving official for three (3) years following receipt of the gift/donation, or for as long as the gift/donation is retained by the Department, whichever is later.
- B. It shall be the duty of the Chief Legal Counsel to record or cause to be recorded all deeds to real estate acquired by donation to the Department of Corrections with the register of deeds of the county where the real estate is located and any other instruments provided by law to be recorded, and to file necessary documents to obtain exemption of the property from real estate taxes.
 1. The Chief Legal Counsel shall obtain and maintain the legal custody of all deeds, abstracts of title, and title insurance policies relating to any real property donated to the Department of Corrections.

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

KSA 75-3515, 75-3516, 75-5205

IMPP 01-107

ACO 2-1A-28, 2-1B-08, 2-5E-01

ACI 3-4023, 3-4037, 3-4463

ACRS 2-2016, 2-2029

ACRS 3rd Edition 3-ACRS-1A-21, 3-ACRS-1B-11

APPFS 2-3015

FCWC 11013, 11041

ATTACHMENTS

None.