



INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: ADULT Operations Only JUVENILE Operations Only DEPARTMENT-WIDE

IMPP #: 12-127D

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SECURITY AND CONTROL: Issue of Resident Hygiene Items, Writing Supplies, Postage and Copying Services

Original Date Issued: 03-28-22 **Replaces IMPP Issued:** N/A **CURRENT EFFECTIVE DATE:** 03-28-22

Approved By: , Secretary

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POLICY

Residents shall be provided access to such items necessary for maintaining proper personal hygiene. Personal hygiene items shall be available for purchase by residents from each facility's canteen process. Indigent residents shall be issued basic personal hygiene items as specified by this IMPP.

Writing supplies and postage shall be available for purchase by residents from the canteen process. Indigent residents shall be issued writing supplies and postage as specified by this IMPP. Copying services shall be available for purchase by residents. Indigent residents shall be provided with copying services as specified by this IMPP. Insolvent residents shall be provided credit for writing supplies, postage, and copying services when needed for access to courts or official mail as specified by this IMPP.

DEFINITIONS

Basic Indigent Hygiene Supplies (BIHS): Personal hygiene items, issued at no cost to indigent residents, consisting of a soft toothbrush, toothpaste, disposable razor (general population inmates only), comb or pick, and soap.

Indigent: A resident whose resident bank account during the previous month has a cumulative spendable amount of less than \$12.00. The cumulative spendable amount shall be determined by adding all deposits made during the month to the beginning account balance and subtracting fines, fees, restitution, garnishments, forced savings, and payments or encumbrances for court filing fees applied during the month. Amounts voluntarily withdrawn from the resident's account shall not be subtracted from the sum of the beginning balance and deposits.

Insolvent: A resident who lacks sufficient funds at the time of a requested purchase with which to make the purchase, in whole or in part, unless the resident has voluntarily withdrawn funds from the resident's account during the previous sixty (60) days for the purchase of non-essential items.

Non-Essential Items: Any and all items except for those items that would be included in basic indigent hygiene supplies, non-prescription medications and replacements for lost or destroyed "intake property" as set forth in IMPP 12-120A, Attachment A.

PROCEDURES

I. Issue of Personal Hygiene Items

- A. Personal hygiene items shall be available for purchase by residents who are not indigent. Indigent residents shall be issued Basic Indigent Hygiene Supplies.

- B. Toilet paper shall either be issued by the reception unit staff or the officer in charge of the assigned living unit.
- C. All KDOC facilities shall maintain sufficient supplies of hygiene items for distribution to indigent residents and sale through the canteen process. BIHS items shall be made available for sale at cost to any resident; other hygiene items sold shall be subject to the usual mark-up.
 - 1. All residents shall adhere to all personal hygiene requirements contained within IMPP 12-129D and the Regulations of the Secretary irrespective of whether they are indigent.

II. Writing Supplies, Postage and Copying Services

- A. Writing supplies consisting of stationery, envelopes, pencils, and pens shall be available for purchase in the canteen. Indigent residents shall receive a pencil, sufficient writing paper, envelopes, and postage for not more than four (4) first-class, one-ounce, domestic letters per month.
- B. All postage for legal and official mail shall be paid by the residents.
 - 1. Credit for the postage required for the mailing of legal and official mail shall be given to insolvent inmates. Such credit shall be deducted from the resident's funds when available.
 - 2. In order to prevent abuse, the Warden has the authority to deny credit to residents and may promulgate general orders setting forth appropriate procedures related to such abuse prevention.
 - a. A denial of credit due to abuse shall be determined on an individual basis. Credit shall always be extended when necessary to provide a resident with required access to the courts.
 - b. Each Warden and Superintendent may employ thresholds for various levels of review in determining whether or not credit is to be approved dependant upon the amount of credit previously extended to, or currently sought by, a given resident. However, the requested credit may only be denied to prevent abuse.
- C. Copy machines shall be available to residents, and no charge or fee may be assessed for the first 100 copied pages provided in response to an open records request made by any resident of Kansas under the Kansas Open Records Act (KORA). A fee of up to 25 cents per page may be assessed beginning with the 101st copied page and shall be paid for by the resident with all proceeds deposited into the facility's general fees fund. All other copies of either a resident's or library materials not subject to copyright protections, and all printouts of electronic legal research database search results shall be paid for by the residents at ten [10] cents per page to be deposited into the facility's inmate benefit fund.
 - 1. Credit for reasonable amounts of copying required for the resident to have access to the courts for criminal or non-frivolous civil litigation relating to the inmate's conviction or conditions of confinement shall be given to insolvent inmates. Such credit shall be deducted from the resident's funds when available. In the event copying services are provided on credit, the total amount of such copying expenses shall not exceed \$50.00, unless the Warden finds that special circumstances exist.
 - 2. In order to prevent abuse, the Warden has the authority to deny credit to residents and may promulgate general orders setting forth appropriate procedures related to such abuse prevention.
 - a. A denial of credit due to abuse shall be determined on an individual basis. Credit shall always be extended when necessary to provide a resident with access to the courts for criminal or non-frivolous civil litigation relating to the resident's conviction or conditions of confinement; provided, however, that such credit shall not exceed \$50.00, unless the warden finds that special circumstances exist.
 - b. Each Warden and Superintendent may employ thresholds for various levels of review in determining whether or not credit is to be approved dependant upon the amount of credit previously extended to, or currently sought by, a given resident. However, the requested credit may only be denied to prevent abuse.

3. Residents may forward their legal materials to family, friends, lawyers, etc. in the community to have them copied. No copying services will be provided to a resident on credit until that resident establishes that he/she has tried but is not able to have the legal materials copied by family, friends, lawyers, etc. in the community. If the resident utilizes this option for obtaining copying services, the resident shall not be limited by the "one ounce" rule set forth at K.A.R. 44-12-601.
4. In the event copying services are provided on credit, the materials to be copied may be sent out of the facility for the copying to be done by an outside provider if the Warden determines that such procedure will result in more economical copying services.

III. Facility General Orders

- A. To implement this policy, facility general orders shall be developed and shall address the assignment of specific responsibilities to staff and address the following procedures:
 1. The distribution of toilet paper to residents;
 2. The procedures for claim and verification of a resident's indigent status;
 3. The procedures for the notification to the canteen vendor of indigent residents;
 4. The procedures for the distribution of basic indigent hygiene supplies, writing supplies and postage;
5. The procedures for the application and deduction of credit for legal and official mail and,
 6. The procedures for the application and deduction of credit for copying services.

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 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 44-12-601
IMPP 12-120A, 12-129D

HISTORY

03-28-22 Original

ATTACHMENTS

None.