



# INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability:  ADULT Operations Only    JUVENILE Operations Only    DEPARTMENT-WIDE

---

IMPP #: 12-128A

PAGE #: 1 of 4

## SECURITY AND CONTROL: Provision and Use of State Issue and Resident Owned Fans

Original Date Issued: 09-30-21   Replaces IMPP Issued: N/A   **CURRENT EFFECTIVE DATE: 09-30-21**

Approved By:  Secretary

Next Scheduled Review: 09/2023

---

### POLICY

Except as required for safety and/or security considerations, residents housed in facilities with or without appropriate circulation or air-handling systems are to be permitted to have an electric fan in their cell/bunk-area. Such fans are to be purchased with Inmate Benefit Fund monies for indigent residents housed in facilities without appropriate circulation or air-handling systems or, at the discretion of non-indigent residents, may be purchased by the resident through the facility's canteen.

### DEFINITIONS

**Indigent:** A resident whose bank account during the previous month has a cumulative spendable amount of less than \$12.00. The cumulative spendable amount is to 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 Amounts voluntarily withdrawn from the resident's account are not to be subtracted from the sum of the beginning balance and deposits.

### PROCEDURES

#### I. Exceptions

- A. Living units which have appropriate circulation or air-handling systems in place are to be exempt from the provisions of this document which require that a state-owned fan be provided.
  - 1. Those living units are:
    - a. El Dorado Correctional Facility:
      - (1) Central Unit – A, B, C, D, and E Cell Houses only
      - (2) Southeast Unit (Oswego)
    - b. Wichita Work Release Facility
    - c. Topeka Correctional Facility
    - d. Norton Correctional Facility
      - (1) East Unit
    - e. Hutchinson Correctional Facility

- (1) Central Unit - E Dormitory and D3
    - f. Lansing Correctional Facility
    - g. Larned Correctional Mental Health Facility
    - h. Any other living unit designated by memorandum by the Deputy Secretary of Facility Management in consultation with the Correctional Manager - Capital Improvements and Facility Maintenance.
  2. Residents housed in the above exempted living units may possess personal fans but the facility is to have no obligation to provide fans for indigent residents housed in such units.
- B. Individual state fans are not to be provided to indigent residents in restrictive housing status, nor are non-indigent residents permitted to possess personal fans if the following conditions apply:
1. The resident is found guilty of K.A.R. 44-12-208 involving misuse of a state fan and is serving disciplinary restrictive housing for that violation.
  2. The resident is in any form of restrictive housing and there is documentation that the possession of a fan poses an immediate threat to the wellbeing of the resident or safety of other staff or residents.
  3. In such cases, a sufficient number of floor/pedestal fans are to be placed in the restrictive housing areas to provide an appropriate level of air movement into the cells.
- C. Fans are not to be provided to indigent residents housed in an infirmary, nor are personally owned fans to be permitted, when the following conditions exist:
1. The unit in which the infirmary is located has an appropriate circulation or air-handling system.
  2. The health authority has determined that the possession of a fan poses an immediate threat to the well-being of the resident or safety of other residents or staff.
- D. If/when an indigent resident who has been provided a fan is moved or transferred from a living unit where a state-owned fan is permitted to a living unit where a state-owned fan is not permitted, the resident is to surrender the state-owned fan for re-issue.

## **II. Implementation**

- A. Purchase/Ownership of Fans.
1. With the exception of those living units identified in Section I., each facility is to purchase, with Inmate Benefit Fund monies, a fan for each cell/bunk-area occupied by an indigent resident.
    - a. Submissions of requests and reviews of requests for Department of Corrections Inmate Benefit Funds are to follow the procedures contained in IMPP 04-104D.
  2. Residents who are non-indigent may, at their choosing, elect to purchase a personal fan.

3. Residents wishing to possess a personal fan are to purchase those fans through the facility's canteen.
    - a. Fans sold to residents through the facility's canteen are not to be required to meet the same blade size specifications for individual fans issued by the facility, but rather are to meet those specifications set forth within appropriate provisions of IMPP 12-120A as they pertain to such items of personal property.
    - b. If/when it becomes necessary for a personal fan purchased after the effective date of this policy to be removed from the facility, the removal procedures specified in IMPP 12-120A, Control of Resident Personal Property, are to apply.
      - (1) The cost of shipping is to, generally, be borne by the resident.
  4. Residents electing to possess a personal fan are not to have a state provided fan made available to them should they become indigent at a later date.
- B. Placement of Inmate Benefit Fund Purchased Fans and Resident Responsibility.
1. When not assigned to a unit with fans already provided, individual fans purchased with Inmate Benefit Fund monies for indigent residents are to be considered assigned to a particular indigent resident.
  2. At such time as a resident's cell/bunk-area changes, the fan assigned to the resident is to be moved with him or her.
    - a. Whenever an indigent resident is moved out of or into a cell/bunk-area, the condition of the fan assigned to the resident is to be checked for damage by the Unit Team Manager or designee.
  3. Indigent residents are to be responsible for all damages to the fan in their assigned cell/bunk-area except for normal wear and tear.
    - a. Intentional or wanton damage to a fan assigned to an indigent resident is to be cause for disciplinary action pursuant to K.A.R. 44-12-208.
    - b. If found guilty of K.A.R. 44-12-208, in which a fan was involved, the penalty is to include, but need not be limited to, a fine or restitution in the amount equal to the full purchase price of a new fan.
      - (1) A new fan is not to be provided for such residents until such time as restitution or fine in the amount equal to the full purchase price of the fan is paid.
    - c. If found guilty of K.A.R. 44-12-208 in which a fan is involved, the disciplinary board or hearing officer, subject to approval of the Warden, may suspend fan privileges for a specified period of time as a part of the disciplinary sentence.
- C. Engraving/Marking, Inventorying, and Registration of Fans.
1. All Inmate Benefit Fund purchased fans assigned to indigent residents are to be engraved/marked as state property and in a manner which facilitates appropriate record keeping of each fan's assignment location.
    - a. State property is to be inventoried in accordance with K.S.A. 75-3729.
  2. Resident personal fans are to be marked and registered in accordance with procedures established in IMPP 12-120A, Control of Resident Personal Property.

3. Tampering with or altering a fan's identification marking is to be considered a violation of K.A.R. 44-12-208.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff, residents, 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, residents, or offenders, or an independent duty owed by the Department of Corrections to either 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**

K.S.A. 75-3729  
K.A.R. 44-12-208  
IMPP 04-104D, 12-120A

### **HISTORY**

09-30-21 Original

### **ATTACHMENTS**

None.