




# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  20-109	<b>PAGE NUMBER</b>  1 of 2
		<b>SUBJECT:</b>  <b>SEGREGATION: General Lockdown, Waiver of Rights, &amp; Transfer of Inmates in Administrative Segregation</b>	
<b>Approved By:</b>  <b>Secretary of Corrections</b>		<b>Original Date Issued:</b> <span style="float: right;"><b>02-15-02</b></span>	<b>Current Amendment Effective:</b> <span style="float: right;"><b>07-21-04</b></span>
		<b>Replaces Amendment Issued:</b> <span style="float: right;"><b>02-15-02</b></span>	
<b>Reissued By:</b>  <b>Policy &amp; Procedure Coordinator</b>		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>08-12-11</b></span>	

**POLICY**

Each facility shall carry out general lockdowns, effect waivers of rights, and transfer administrative segregation inmates in concert with the provisions of this IMPP.

**DEFINITIONS**

None.

**PROCEDURES**

**I. General Lockdown**

- A. In cases of emergencies, disturbances, or disruptions of a general nature or that involve substantial numbers of inmates, a general lockdown of the institution and confinement of all inmates to their cells shall be permitted.
- B. In these situations, the hearing and review requirements of all IMPPs appertaining to administrative segregation placements shall not apply.

**II. Waiver of Rights**

- A. The inmate shall be permitted to voluntarily waive the right to any time limit or process afforded by any IMPPs applicable to the segregation procedures carried out within the facilities of the Department.
  - 1. The waiver shall be in writing and shall state with specificity the particular time limit or process being waived.
  - 2. The waiver shall be made in the form and manner approved or prescribed by the secretary of corrections and shall be witnessed by one impartial correctional employee not involved in the placement decision or process.

3. It shall be signed by the inmate and the chairperson of the administrative segregation review board.
- B. The inmate shall be informed of the nature of the time limit or process being waived and of the impact and consequence of the waiver.
- C. The inmate shall be questioned by the board chairperson prior to accepting the waiver to determine if it is knowingly and voluntarily made.

### **III. Transfer of Inmates in Administrative Segregation**

- A. An inmate held on administrative segregation status may be transferred to another facility.
- B. Unless released from administrative segregation status by the warden of the sending facility prior to transfer, the inmate shall be held on that same status at the receiving facility pending the inmate's next regularly scheduled review pursuant to the time lines set forth in IMPP 20-106, procedure II.A.
- C. These transfers shall not require issuance and service of an administrative segregation report or an initial appearance before the administrative segregation review board of the receiving facility unless those procedures were not employed at the sending facility due to a serious emergency or major disturbance.
- D. In appropriate cases, a recommendation that an inmate's status be changed prior to the inmate's next regularly scheduled review may be made to the warden of the receiving facility by that facility's administrative review board.

**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 75-5210, 75-5251, 75-5252

### **ATTACHMENTS**

None