Responding to Legislative Claims

Kansas Department of Administration Office of Chief Counsel
Fall 2022 CLE
October 14, 2022

Presented by Libby Snider
Kansas Department of Corrections
KDOC Legislative Claims

Majority of claims heard by the Committee are KDOC claims

Issues range from medical to sentence computation to claims of violation of civil rights, but most KDOC claims concern resident property
Relevant Internal Policies

KDOC Policy:
Residents are permitted to purchase, receive, and possess personal property in accordance with the policy.

Policy includes quantity and value limits.
Relevant Internal Policies

- Property gets moved with resident, sometimes placed in storage
- Property is inventoried, and inventories require signatures
- Policy requires residents to note any discrepancies whenever they sign an inventory
Other Useful Information

Useful background information for the Committee members might include:

* Defining unfamiliar terms
* Facility tours
Investigating Claims

We Receive claims throughout the year

Forward each claim to the relevant correctional facility to request relevant information:

• Was the internal claims process followed?
• What was the result?
• Response to any new allegations included in the legislative claim?
Rule 2 The Committee may determine that before a claim will be considered on its merits a claimant should first exhaust any administrative or judicial remedies that may be available to claimant.

Upon such determination, the Committee shall deny the claim without prejudice to it being refiled.
Internal Claims Process

Resident Claims vs Staff and Public Claims

Informal Resolution

Kansas Department of Corrections
Internal Claims Process

Warden’s Review

Secretary’s Review
Written Response

• Brief summary of the nature of the claim
• Summary of Any Internal Claim Investigation
• Summary of Legislative Claim Investigation
• Recommendation

2022
Senator Brenda Dietrich, Chair
Joint Committee on Special Claims Against the State
State Capital Building
300 SW 10th Avenue
Topeka, Kansas 66612-1504

Re: Claimant Name # - Claim No. #
Dear Senator Dietrich:

Mr. ___ requests $22.95 for property loss. He states that he was transported from _____ Facility on January 21, 2022, for a surgery. ... he did not get the necklace back. ....

FACILITY CLAIM
On January 29, 2022, Mr. ___ filed facility claim # for $22.95, based on the alleged loss of his necklace. There, he stated ... The facility claims investigator verified ....

LEGISLATIVE CLAIM
In his present claim, Mr. ___ alleges instead ... Facility staff responding to the present claim indicated that .... According to K.A.R. 24-2-11 and IMPP ..., based on the additional information provided, facility staff have recommended that this claim be approved.

CONCLUSION
Based on the foregoing, the Department recommends that the claim be approved in the amount of $22.95.

It is hoped that this information will be of assistance to the Committees in their deliberations on this claim. If there are any questions, or if additional information is required, please do not hesitate to contact me.

Sincerely,

KDOC (File)

cc: Claimant, Facility
Claimant Name #, Facility

Kansas Department of Corrections
Written Response

• Applicable Policies and Regulations

• Conclusion with Recommendation
  o Approve
  o Deny
  o Dismiss Without Prejudice (Rule 2)
  o Carry Over to Later Date

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LEGISLATIVE CLAIM

In his present claim, Mr. alleges instead. Facility staff responding to the present claim indicated that . According to K.A.R. and IMPP 22-22-22, based on the additional information provided, facility staff have recommended that this claim be approved.

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Sincerely,

KDOC [Title]  
Warden, Facility  
Claimant Name #, Facility

Kansas Department of Corrections
Hearings

Written responses/recommendations sent in advance

Committee will send a copy of the agenda and instructions for appearing/connecting

Because KDOC has custody of the claimants, we provide a phone contact list to the Committee in advance.
Hearings

Claim Calls
  claimant → agency → claimant

Voting
  Occurs throughout the day, as time permits

Decision letters
  Sent to the parties within 20 days
Thank you