



**KENTUCKY JUSTICE &  
PUBLIC SAFETY CABINET**

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**Commutations**

*Budget Review Subcommittee on Justice & Judiciary*

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The commutations were done to safeguard the health and safety of all Kentuckians, including corrections staff and those in custody, by reducing the risk of COVID-19 transmission for an at-risk population.

Due to the public health crisis of COVID-19 and to save lives, Governor Andy Beshear issued four executive orders granting conditional commutations for offenders.

### Executive Orders: Conditional Commutation of Sentence

**April 2, 2020** – Prison Inmates Who Were Medically Vulnerable: 186

**April 10, 2020** – Inmates with Less Than 6 Months Left to Serve: 697

**April 24, 2020** – Jail Inmates Who Were Medically Vulnerable/Offenders Over the Age of 65: 352

**August 25, 2020** – Inmates with Less Than 6 Months Left to Serve; Prison Inmates Who Were Medically Vulnerable or Over the Age of 65: 646

# Commutations Screening Criteria: **Non-violent, non-sex offense**

***Criteria were applied to not only screen the current charge the offender was serving on, but also any previous sentences served with Kentucky DOC.***

**Non-violent, non-sex offense** was determined by the crime for which they were serving time either because of conviction or guilty plea, not the crime for which they were charged. DOC does not have a way to track the crimes charged, but not convicted of or pled to.

- All crimes violent by statutes
- All crimes violent by ASCA (Association of State Correctional Administrators) definition of “violent”
- All sex crimes regardless of crime type
- All sentences of life and life without parole
- The additional search for these crimes which were eliminated:
  - Arson, Sex, Manslaughter, Homicide, Stalking, Assault, Robbery, Abuse, Torture, Kidnapping, Immoral Practice with another
- In addition, Class B felons not excluded under the above criteria were removed from the medically vulnerable list, but were kept on the list of offenders who had less than 6 months to serve of their sentence.

# Commutations Screening Criteria: **Medically Vulnerable**

***CDC identified medical conditions as causing an increased risk of severe illness or death – CDC revised the list of conditions between April and August commutations.***

## April medical conditions:

- Heart disease
- Lung (moderate to severe asthma, COPD, chronic bronchitis, emphysema)
- Diabetes
- Liver failure
- Kidney failure
- Cancer (receiving chemotherapy, radiation)
- HIV

## August medical conditions:


- Heart conditions (heart failure, coronary artery disease, cardiomyopathies)
- COPD (chronic obstructive pulmonary disease)
- Type 2 diabetes
- Chronic kidney disease
- Cancer
- Immunocompromised state from solid organ transplant
- Obesity (BMI of 30 or higher)
- Sickle Cell disease

# Commutations Screening Criteria: Over 65


CDC identifies as at an increased risk for severe illness or death

**CDC Has Information For Older Adults at Higher Risk**

**8** out of **10** COVID-19 deaths reported in the U.S. have been in adults 65 years old and older. Visit [CDC.gov/coronavirus](https://www.cdc.gov/coronavirus) for steps to reduce your risk of getting sick.



[cdc.gov/coronavirus](https://www.cdc.gov/coronavirus)



## Services provided by DOC:

- Enrolled in Medicaid
- Worked with CHFS to allow Inmate ID to be used for assistance programs (Medicaid, Food Stamps)
- Provided 90 days of prescription medication in April; 30 days in August (specific to inmates housed in DOC facilities only)
- Provided Narcan kit and instructions for use
- Provided community resource contact information
- Provided substance abuse resources



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