



Andy Beshear
GOVERNOR

JUSTICE AND PUBLIC SAFETY CABINET

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Frankfort, Kentucky 40601
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Keith L. Jackson
SECRETARY

October 14, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 501 KAR 6:300. News media;
501 KAR 6:310. Monitoring and operation of private prisons;
501 KAR 6:320. Corrections policies and procedures: inmate funds;
501 KAR 6:340. Corrections policies and procedures: research and information;
501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification;
501 KAR 6:370. Corrections policies and procedures: security and control;
501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners;
501 KAR 6:390. Corrections policies and procedures: inmate diet;
501 KAR 6:400. Corrections policies and procedures: inmate health care;
501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline.
501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting.
501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property.
501 KAR 6:450. Corrections policies and procedures: classification.
501 KAR 6:460. Corrections policies and procedures: inmate work programs.
501 KAR 6:470. Corrections policies and procedures: inmate education and training.
501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities.
501 KAR 6:500. Religious programs.

501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release.

501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs.

501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits, the Justice and Public Safety Cabinet proposes the attached substitutes to 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and

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Sincerely,



Nathan Goens, Attorney
Justice and Public Safety Cabinet
125 Holmes Street, 2nd Floor
Frankfort, Kentucky 40601

enclosure

SUGGESTED SUBSTITUTE

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections**

501 KAR 6:300. News media.

RELATES TO: KRS Chapters 196, 197, 439, 610.015, 610.320, 610.340, 635.120

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 439.470

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.470 requires the commissioner to promulgate administrative regulations for the conduct of persons placed on probation or parole but not conflict with conditions of the parole board or court. This administrative regulation establishes procedures concerning news media for the Department of Corrections.

Section 1. Definitions.

- (1) "DOC" means the Department of Corrections.
- (2) "News media" means a form of mass media that focuses on delivering news to the general public, but does not include broadcast programs syndicated by independent producers, television stations, networks, or others for the primary purpose of entertainment.
- (3) "PIO" means public information officer.
- (4) "VSB" means the Victim Services Branch.

Section 2.

- (1) A news media request or inquiry shall be handled by the Division of Public Affairs at the DOC headquarters in Frankfort, Kentucky.
- (2) A request by a news media representative to visit an institution, probation and parole office, or other DOC office shall be reviewed on a case-by-case basis and a decision ***shall be*** rendered by the Division of Public Affairs in conjunction with the warden, director, or commissioner.
- (3) Credentials. A state issued photo ID shall be required to verify the identity of a news media representative. An identification card issued by the reporter's place of employment may also be required if needed to verify the credentials of a media representative. In the absence of an employee identification card, the DOC may refuse admittance if the identification is suspect.
- (4) Live broadcasts including television, radio, phone, and virtual communication from inside the perimeter of an institution shall not be permitted at any time.
- (5) Arrangements for interviews and visits by representatives of the media shall be made in advance to the Division of Public Affairs. A brief summary of the purpose of the visit or interview shall be provided and shall be subject to approval. Approved interviews shall primarily be conducted virtually. Private prison and community center administrators shall refer all news media inquiries concerning DOC policies, DOC inmates, or DOC clients to the Division of Public Affairs.
- (6) The Division of Public Affairs staff shall make this administrative regulation available in advance of a media visit to ensure that members of the news media are aware of the requirements. Each news media representative shall sign a Corrections Media Release Form upon each visit to a DOC institution or office, indicating familiarity with this administrative regulation and agree to abide by it. Failure by a news media representative to comply with this administrative regulation may result in immediate

removal from the institution or office and may constitute grounds for denying the representative or his or her agency permission to attend future media events within a DOC institution or office.

Section 3. Inmate interviews and photographs.

- (1) Media representatives may be permitted to interview an inmate if the inmate gives written consent to be interviewed. A news media representative wishing to interview an inmate shall submit to the Division of Public Affairs a brief summary of the purpose of the interview, which is subject to approval.
- (2) An approved interview by a news media representative shall include only the news media representative, the inmate, and DOC staff. There shall not be anyone else present including family members, lawyers, or others.
- (3) The Division of Public Affairs may establish time limits for an interview or other media event coverage.
- (4) A news media interview shall not be permitted for an inmate in a high security unit, in protective custody, on watch, or on other significant medical or mental health status. An inmate involved in an internal affairs investigation may also be prohibited from granting interviews until that case is closed.
- (5) The news media shall not interview an inmate away from institutional grounds except with direct authorization from the commissioner.
- (6) An inmate shall not receive compensation or anything of value, in exchange for or as a result of participating in an interview. A media representative or entity who violates this stipulation may be restricted from further access to inmate interviews.
- (7) The Division of Public Affairs may grant or deny an interview request. The Division of Public Affairs may consider safety and security concerns in an interview denial. The Division of Public Affairs may terminate an interview or coverage within a DOC facility if a disruption of any type occurs.
- (8) A recording device may be used by a media representative during an interview with prior approval.
- (9) If an inmate interview is approved, the Victim Services Branch shall review the inmate's information to determine if the inmate has any registered victims. The VSB shall attempt to contact a registered victim to notify the victim of the interview in advance of the interview.
- (10) If a media visit has been approved, the media representative may take photographs of specific parts of the correctional institution or probation and parole office with approval of the appropriate warden or director.
 - (a) Media shall be escorted at all times while on institutional or office grounds by the designated staff.
 - (b) If news media films or photographs an inmate or an offender under supervision in which the inmate or offender may be identified, a signed copy of the Corrections Release Form shall be obtained from the inmate or offender to provide written consent before the video or photo may be shown or shared.
- (11) Parole hearings. Because parole hearings are considered an open proceeding, an inmate who appears may be filmed, photographed, or recorded without signing a consent form; however, the general provisions of this section shall still apply to any interview before or after the hearing. Interviews shall not be conducted outside the parole hearing without prior DOC approval and the inmate's written permission using the Corrections Release Form.

Section 4. DOC Institutional Grounds.

- (1) News media wanting to video or photograph the exterior of a correctional institution shall notify the Division of Public Affairs. News media shall remain in the parking lot. Any video or photograph obtained shall not include an identifiable inmate.
- (2) High security areas, control centers, control panels and any other area designated by the warden for safety or security reasons shall not be filmed or photographed.

Section 5. Dissemination of Information.

- (1) Dissemination of DOC information shall be the responsibility of the Division of Public Affairs including contact from a national or international news media representative.
- (2) Institutional PIOs shall assist with the announcement of an escape or other incident within an institution as needed. Every effort shall be made to notify the family of an inmate involved in the

emergency prior to the release of information to the media. Names of involved staff shall not be released to the media until the designated next of kin or family is notified.

(3) Individual staff members, contractors, or volunteers shall not respond to media inquiries unless they have received prior approval from the Division of Public Affairs.

(4) The Division of Public Affairs shall be informed of all correspondence sent to or received from a news media representative.

Section 6. Release of Information.

(1) The following information about an inmate, parolee, probationer, or other releasee may be provided to the news media:

- (a) Name;
- (b) Age;
- (c) Sex;
- (d) Physical description;
- (e) Photograph;
- (f) County where crime was committed;
- (g) Crime;
- (h) Sentence;
- (i) Disciplinary information including incident and penalty;
- (j) Institutional work assignments;
- (k) Prior DOC incarceration; and
- (l) Release eligibility.

(2) Any information regarding an ***inmate beyond the items listed in subsection (1) of this section, including[~~inmate's personal identifiers,~~ health,[~~mental health, medical, or~~ juvenile criminal history, or substance use disorder treatment shall not be released except with prior approval from the Commissioner or designee and*** in compliance with KRS 610.015, 610.320, 610.340 and 635.120.

Section 7. Procedures During Emergency ***Situations[Conditions]***. Admittance of a media representative to a correctional institution may be denied or limited during an emergency situation, including an escape, disturbance, fire, or natural disaster. However, with approval of the Deputy Commissioner of Adult Institutions and the Commissioner, the news media may be granted access to the institution once it is determined that access will not jeopardize the security or safety of any person.

(1) Media staging area. A pre-designated area shall be established for the media to use as a staging area during an emergency ***situation[condition]***. This area shall be as close to the emergency scene as possible without inhibiting the resolution of the situation. News media representatives shall be directed to the staging area upon arrival.

(2) Press briefings. A briefing location for the media shall be established near the staging area. The news media shall be advised of developments by ~~[frequent news briefings held in the designated briefing location or]~~ press releases. A final briefing shall be held or press release provided as soon as possible after the emergency situation is resolved.

(3) Media pools. With approval of the Deputy Commissioner of Adult Institutions and the Commissioner ***, a media pool may be formed to enter a correctional institution]***, ~~a media pool may be formed to enter a correctional institution, if it is determined that doing so no longer jeopardizes the security or safety of any person].~~ Efforts shall be made to allow the media to use their equipment while serving as a pool reporter. The media pool shall be chosen from the media representatives assembled at the staging area with the selections made by ~~[the media representatives present in conjunction with]~~ DOC designated staff.

(4) Media pool agreement. Media selected for the media pool shall agree to ensure that all news material generated by the media pool will be made available to all media without right of first publication or broadcast.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Corrections Release Form", 2024; and
- (b) "Corrections Media Release Form", 2024.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

CONTACT PERSON: Nathan Goens, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegContact@ky.gov.



Andy Beshear
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Re: 501 KAR 6:300. News media;
501 KAR 6:310. Monitoring and operation of private prisons;
501 KAR 6:320. Corrections policies and procedures: inmate funds;
501 KAR 6:340. Corrections policies and procedures: research and information;
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501 KAR 6:500. Religious programs.

501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release.

501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs.

501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

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Sincerely,



Nathan Goens, Attorney
Justice and Public Safety Cabinet
125 Holmes Street, 2nd Floor
Frankfort, Kentucky 40601

enclosure

SUGGESTED SUBSTITUTE

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections

501 KAR 6:310. Monitoring and operation of private prisons.

RELATES TO: KRS Chapters 196, 197, ~~[KRS]~~197.500-197.540, Chapter 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 197.525

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 197.525 requires the department ~~to~~**[shall]** promulgate administrative regulations governing the standards, operation, and management of adult correctional facilities that may be contracted for pursuant to KRS 197.505. ~~[This administrative regulation establishes policies and procedures concerning personnel for the Department of Corrections.]~~**[This administrative regulation establishes the procedures concerning the monitoring and operation of private prisons for the Department of Corrections.]**

Section 1. Definitions.

(1) "On-site contract monitor" means a Department of Corrections employee assigned on-site at the private prison that is responsible for ensuring that operations are in compliance with contract terms.

(2) "Private provider" is defined by KRS 197.500(2)~~[and the private provider shall have a contract with the Department of Corrections to house prisoners committed to the custody of the department].~~

~~[(3) The private provider shall operate the private prison in accordance with statutory requirements, contract terms, Corrections Policies and Procedures, and ACA standards to obtain or maintain accreditation.]~~

~~[(4) The Department of Corrections shall ensure that the requirements and terms provided by statute and the contract are monitored.]~~

Section 2. Private Provider.

(1) A private provider shall have a contract with the Department of Corrections to house prisoners committed to the custody of the department.

(2) A private provider shall operate the private prison in accordance with statutory requirements, contract terms, Corrections Policies and Procedures, and ACA standards to obtain or maintain accreditation.

(3) The Department of Corrections shall ensure that the requirements and terms provided by statute and the contract are monitored.

Section 3. Monitoring.

(1) One (1) on-site contract monitor shall be assigned to each private prison.

(2) An on-site contract monitor shall be a full-time position.

(3) The on-site contract monitor shall not normally carry out routine duties of the private prison including manning posts. However, the on-site contract monitor may provide support in the form of specialized training and advice or during an emergency situation, with the approval of both the warden of the private prison and the Deputy Commissioner of Adult Institutions or designee.



501 KAR 6:320
MIR Attached

Andy Beshear
GOVERNOR

JUSTICE AND PUBLIC SAFETY CABINET

125 Holmes St.
Frankfort, Kentucky 40601
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Keith L. Jackson
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Sincerely,



Nathan Goens, Attorney
Justice and Public Safety Cabinet
125 Holmes Street, 2nd Floor
Frankfort, Kentucky 40601

enclosure

SUGGESTED SUBSTITUTE

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections**

501 KAR 6:320. Corrections policies and procedures: inmate funds.

RELATES TO: KRS Chapter 196, 196.270, Chapter 197

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, and government of the prisoners in their department and conduct. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes the policy and procedures concerning inmate funds for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 2", October~~May~~ 15, 2024, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 2 includes:

2.1	Inmate Canteen <u>(10/15/24)</u> (5/15/24)
2.12	Abandoned Inmate Funds <u>(10/15/24)</u> (4/12/18)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

Changes to Material Incorporated by Reference:

CPP 2.1

Page 1, Date Filed Box

Insert "October".

Delete "May".

Page 1, Header

Insert "Supersedes Effective Date" box.

CPP 2.12

Page 1, Date Filed Box

Insert "October 15, 2024".


Delete "April 12, 2018".

Pages 1-3, Effective Date Box

Delete "June 1, 2018".

Page 1, Header

Insert "Supersedes Effective Date" box.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	2.1	2
	Date Filed	Effective Date
	October 15, 2024	
	Supersedes Effective Date	
References/Authority	Subject	
KRS 196.035, 196.270, 197.020 ACA 5-ACI-1B-18, 5-ACI-1B-19, 5-ACI-1B-20, 2-CO-1B-10, 2-CO-1B-12, 2-CO-1B-13 CPP 16.4	INMATE CANTEEN	

I. DEFINITIONS


None.

II. POLICY and PROCEDURES

- A. Each institution shall make available an inmate canteen through which inmates may purchase approved items. The operations of each canteen shall be strictly controlled using standard accounting procedures.
- B. The Deputy Commissioner of Adult Institutions or the Director of the Administrative Services Division shall provide each institutional canteen with an annual financial status report and shall inform each institution when Kentucky Centralized Inmate Commissary, Incorporated has caused the canteen funds to be independently audited following standard accounting procedures.
- C. An annual financial status report shall be printed and posted in each institution in an area accessible to the inmate population. This site shall be determined by the Warden.
- D. Profits from the canteen and any vending system connected with the canteen, including interest earned and the sale of handicrafts made by inmates to the general public, shall be used as required by KRS 196.270. All profits of the canteen shall be used exclusively for the benefit of the inmates.
- E. The Commissioner or the Deputy Commissioner for Adult Institutions shall determine the amount each inmate may spend per week at the canteen. A Warden at an institution or designee may make periodic exceptions to the weekly spending limit. An inmate shall not exceed the weekly spending limit without prior approval of the Warden or designee.

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- F. Prices charged at each canteen shall be posted or provided in a location clearly visible or accessible to all inmates.
- G. The canteen shall be responsible for publishing all price lists and shall indicate whether the price of each item includes applicable Kentucky sales tax. All sales taxes shall be remitted to the Kentucky Department of Revenue.
- H. Items available for sale in each institutional canteen or vending system shall be determined by the Warden or designee with consideration given to the security requirements at the institution. A variety of female and male items shall be made available at each institution.
- I. The central and institutional canteen funds shall be audited annually by an independent auditor.
- J. Purchases made with inmate canteen funds are not sales tax exempt. The Commonwealth's tax-exempt status shall not be used for purchases with inmate canteen funds, including from the Commonwealth's Amazon Business account.

 <p style="text-align: center;">KENTUCKY CORRECTIONS</p> <p style="text-align: center;">Policies and Procedures</p>	Policy Number	Total Pages
	2.12	3
	Date Filed	Effective Date
	October 15, 2024	
	Supersedes Effective Date	
Authority/References KRS 196.035, 197.020(1)(c), 197.110, KRS Chapter 393, 441.137 20 KAR Chapter 1 CPP 15.7	Subject <p style="text-align: center;">ABANDONED INMATE FUNDS</p>	

I. DEFINITIONS

“Abandoned property” means an inmate account abandoned by the inmate at the institution in which the inmate previously resided. Abandoned property also includes checks issued to inmates which were uncashed and inmate funds that were placed on debit cards which expired 90 days after issuance and the funds were returned to the institution upon expiration of the debit card.

“Inmate account” means an inmate’s account at an adult institution, halfway house or other facility that is maintained by the facility in which the inmate resides. “Inmate Account” does not refer to an inmate account or prisoner canteen account of a jail, unless the funds are inmate pay which have been returned as undeliverable.

“Unclaimed property” means the unclaimed property fund maintained and administered by the Kentucky State Treasurer.

II. POLICY AND PROCEDURES

- A. Each institution shall maintain inmate accounts according to applicable Corrections Policy and Procedure (CPP) 15.7, Kentucky Revised Statute (KRS) 197.110, and Finance Administration Policy (FAP) 111-56-00.
- B. Upon the release of an inmate from an adult institution, halfway house or other institution, the facility shall remit the balance on the inmate’s account to the inmate.
- C. Upon the transfer of an inmate, the facility shall remit the balance of the inmate’s account to the facility the inmate is transferred to within a period of two weeks from the transfer date.

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- D. If an inmate escapes, the facility from which the inmate escapes shall maintain the inmate's account and remit the funds on his account to the assigned institution upon apprehension. If the inmate has not been apprehended within one year of escape, the facility shall consider the inmate's funds abandoned property and follow the procedures outlined in this policy.
- E. Each institution shall maintain an account within the Kentucky Offender Management System (KOMS) for abandoned property and the institution shall report and transmit abandoned property to the Kentucky State Treasurer on an annual basis. The abandoned property list shall reconcile with the appropriate account in KOMS.
- F. Annually, the facility shall remit to the Kentucky State Treasurer, the amount of abandoned property maintained by the institution. The facility may deposit funds via Cash Receipt (CR) to the Unclaimed Inmate Funds account (fund 721 L) or follow the procedures for transmitting Unclaimed Property through the Kentucky State Treasurer.
- G. Inmates whose account balances have been submitted to the Kentucky State Treasurer and wish to claim those funds shall contact the Unclaimed Property Division for remittance of their funds.
- H. An inmate may, at his discretion, donate the remaining funds on his inmate account upon separation from the institution to the institutional inmate canteen or club fund of his choice. The inmate shall sign a statement indicating his voluntary desire to make a donation. A staff member shall be present and sign as a witness to this statement.
- I. Funds remaining on a deceased inmate's account shall be held by the institution until the institution receives a request for the funds with a copy of the order of appointment from the executor or administrator of the inmate's estate. Funds released to an executor or administrator shall be made payable to the person in his official capacity as executor or administrator. If funds are held for a period of one (1) year without receiving a request from the executor or administrator, the funds shall be deposited into the Unclaimed Inmate Funds account or transferred to the Kentucky State Treasurer as unclaimed property.
- J. A former inmate may request the disbursement of funds deposited into the Unclaimed Inmate Funds account on his or her behalf. The request shall be made in writing to the institution which deposited the funds in the Unclaimed Inmate Funds account. The request shall be signed and dated and shall include the requestor's date of birth, social security number or inmate number, and current mailing address.

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- K. Prior to disbursement of any funds from the Unclaimed Inmate Funds account, the institution shall:
1. Verify in KOMS:
 - a. the amount of funds remitted on behalf of the inmate to the fund,
 - b. the inmate's date of birth, and
 - c. the inmate's social security number or inmate number.
 2. Verify the amount remitted on behalf of the inmate to the fund and the amount matches KOMS.
 3. Prepare a GAX2 document in eMARS and attach to the document a copy of the inmate's written request and a copy of the KOMS inmate bank account record verifying the amount deposited.
 4. Prior to administering final approval of the GAX2 document to disburse the funds to the inmate, the Division of Administrative Services staff shall review the document attachments to verify the amount and shall review the inmate bank account record in KOMS as a second level of verification.
- L. The Director of the Division of Administrative Services or designee shall review a report of all disbursements issued from the Unclaimed Inmate Funds account annually.



501 KAR 6:340
MIR Attached

Andy Beshear
GOVERNOR

JUSTICE AND PUBLIC SAFETY CABINET

125 Holmes St.
Frankfort, Kentucky 40601
Phone: (502) 564-7554
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Keith L. Jackson
SECRETARY

October 14, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 501 KAR 6:300. News media;
501 KAR 6:310. Monitoring and operation of private prisons;
501 KAR 6:320. Corrections policies and procedures: inmate funds;
501 KAR 6:340. Corrections policies and procedures: research and information;
501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification;
501 KAR 6:370. Corrections policies and procedures: security and control;
501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners;
501 KAR 6:390. Corrections policies and procedures: inmate diet;
501 KAR 6:400. Corrections policies and procedures: inmate health care;
501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline.
501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting.
501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property.
501 KAR 6:450. Corrections policies and procedures: classification.
501 KAR 6:460. Corrections policies and procedures: inmate work programs.
501 KAR 6:470. Corrections policies and procedures: inmate education and training.
501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities.
501 KAR 6:500. Religious programs.

501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release.

501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs.

501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits, the Justice and Public Safety Cabinet proposes the attached substitutes to 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and

activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Sincerely,



Nathan Goens, Attorney
Justice and Public Safety Cabinet
125 Holmes Street, 2nd Floor
Frankfort, Kentucky 40601

enclosure

SUGGESTED SUBSTITUTE

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections**

501 KAR 6:340. Corrections policies and procedures: research and information.

RELATES TO: KRS Chapters 196, 197, 439, KRS 439.510

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 439.470.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes the policy and procedures concerning research and criminal justice data base use for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 5", ~~October~~May 15, 2024, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 5 includes:

5.1	Research, Surveys, and Data Request (10/15/24) <u>(5/15/24)</u>
5.4	LINK, NCIC, and NLETS (10/15/24) <u>(5/15/24)</u>

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

CHANGES TO MATERIAL INCORPORATED BY REFERENCE:

CPP 5.1

Page 1, Date Filed Box

Insert "October".
Delete "May".

Page 1, Authority/References Box

After "45 C.F.R. § 46.110," insert "45 C.F.R. § 46.111(a)(3)".

Page 4, II.H.1.b.(7)

After "if applicable;" delete "and".

Page 4, II.H.1.b.(8)

After "to be used;" insert "and".

Page 4, II.H.2.a.

After "Parole supervisor;", insert "and".

Page 8, II.J.2.b.

After "Open Records Law", insert a period.

Attachment I, Pages 1-3, Top Right Corner

After "Attachment 1 |", insert "2024".

Delete "2023".

Attachment I, Page 3, 4th bullet point

After "or the public;", delete "and".

Attachment I, Page 3, 5th bullet point

After "against the DOC", insert "; and".

Delete the period.

CPP 5.4

Page 1, Date Filed Box

Insert "October".

Delete "May".

Page 2, II.C.4.a.

After "or retirements)", insert ",".

Delete the period.

Page 2, II.C.4.h.


After "or related", insert ",".

Delete the period.

Page 5, II.K.5.d.

After "from the terminal", insert "and".

Delete "amd".

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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<p>Authority/References</p> <p>ACA 5-ACI-1F-13 through 5-ACI-1F-18, 5-ACI-6C-09; 2-CO-1E-01, 2-CO-1F-09 through 2-CO-1F-15 CPP 6.1, 26.1 KRS 196.030, 196.035, 197.020, 439.510, 439.990 45 C.F.R. § 46.101, et seq., 45 C.F.R. § 46.110, 45 C.F.R. § 111(a)(3), 45 C.F.R. § 46.114 P & P ACA 3D-16, 3D-35, 3D-36, 3D-37, 3D-38</p>	<p>Subject</p> <p style="text-align: center;">RESEARCH, SURVEYS, AND DATA REQUESTS</p>	

I. DEFINITIONS

“Commissioner” means the Commissioner of the Department of Corrections.

“Consent” means an Institutional Review Board approved document that meets required federal standards of human subject research protections in informed consent.

“Data request” means a request for data that would normally be generated from the offender information database and is not associated with a cooperative research proposal.

“Department” or “DOC” means the Department of Corrections.

“Employee”, for purposes of this policy only, means full-time, part-time, contract, and interim employees of the Department of Corrections.

“Institutional Review Board” or “IRB” means a federally recognized entity that reviews and approves research that meets federal standards for human subject research protections.

"Medical research" means any medical, dental, or pharmaceutical study that includes medications, medical devices, procedures, or medical information. Medical research may also refer to clinical trials.

"Offender" means any inmate or supervised individual under the jurisdiction of the Department of Corrections. Research and data requests may include current or prior

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inmates and supervised individuals who have an incarceration or supervision record in the offender management system.

“Research” means any research approved by the Department that involves the collection of information pertaining to offenders under the jurisdiction of the Department of Corrections or employees of the Department.

"Research activities" means the application of procedures for solving a problem or testing a hypothesis.

“Research study” means an Institutional Review Board approved research protocol that is approved by the Department.

“Researcher” means a person who is qualified by academic degrees, institutional membership, or other nationally recognized certification to conduct Institutional Review Board approved research with offenders.

"Survey" means a written data collection instrument or research tool from a researcher with a series of questions submitted to the Department.

II. POLICY and PROCEDURE

The Department supports and engages in research activities relevant to its programs and operations. The Department encourages and uses research conducted by outside professionals. Research shall be conducted within the following parameters:

- A. Participation shall be voluntary for inmates in non-medical, non-pharmaceutical, and non-cosmetic research programs. No penalty shall be imposed for inmates or employees declining to participate in a research program.
- B. Designated staff from the Office of Research and Legislative Services shall review and make recommendations concerning all research projects to the Commissioner or designee. Staff may request additional documentation from the researcher concerning any aspect of the research prior to a decision to recommend a cooperative research project.
- C. The Commissioner or designee shall review and approve all research projects prior to their implementation.
- D. The Department may seek financial support for its research programs from private funding agencies.
- E. The Department may support and engage in internal research relevant to its programs, as well as research conducted by outside professionals.

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- F. Appropriate department personnel shall assist the Office of Research and Legislative Services staff in determining what questions will be addressed, what data will be provided, and how that data may be presented.
- G. All approved research shall be conducted in compliance with professional and scientific ethics and all relevant state and federal guidelines as set forth by the Department for Health and Human Services. Proposed medical and pharmaceutical research, including voluntary participation in clinical trials based on an offender's need for a specific medical intervention, shall be submitted to the Medical Services Administrator for approval prior to submission to the Commissioner for review. If a biomedical research project is approved, it shall be conducted in compliance with all state and federal guidelines.

H. Research

1. Application to Conduct Research

Applications to conduct research shall be directed to the Office of Research and Legislative Services.

a. A research project shall meet the following criteria:

- (1) The researcher or the sponsoring organization has professional standing in corrections or an education or research institution;
- (2) The design of the research proposal is of sufficient quality to predict that the results will be reliable and valid;
- (3) The project has identifiable benefits for the Department, particularly projects that support the Department's mission or include information that may be used by the Department; and
- (4) The researcher agrees to abide by the Conditions of Participation specified herein.

b. A research application shall contain the following:

- (1) Title of project;
- (2) Name, contact information and qualifications of each principal researcher, and name and address of sponsoring organization, if applicable;

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- (3) Specific correctional institution or supervision office where the research is proposed to take place, type, and the intended number of subjects (i.e. inmates, staff, parolees, etc.);
- (4) Abstract of proposed research to include description of anticipated benefits to the Department, criminal justice profession, or others;
- (5) Beginning and ending dates of the project;
- (6) Specific description of data that will be needed from the offender information database, if applicable;
- (7) A copy of questionnaires, tests, or interviews that are proposed to be administered directly to subjects, if applicable;
- (8) A copy of the consent form or script to be used; and
- (9) A copy of Institutional Review Board approval, if applicable.

2. Conditions of Participation

The researcher shall ensure the protection of the rights and well-being of the individuals involved in the study. Prior to receiving Department approval, the researcher shall agree to abide by the following conditions of participation:

- a. Approval to use electronic devices shall be at the discretion of the institutional Warden or Probation and Parole supervisor; and
- b. The privacy of subjects shall be maintained during all research. Information that identifies an individual shall be used only for research or statistical purposes and shall not be revealed for any purpose other than approved research. Identifying information shall not be included in reports or publications, unless specifically agreed to by the subject, and shall be maintained under secure conditions. At the termination of the project, names and identifying numbers of subjects shall be destroyed or otherwise separated from the data and maintained securely as expressly stated in the original, approved research proposal.

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c. Research Consent Document

- (1) Researchers shall obtain consent from each subject prior to participation in an approved research project. The researcher's IRB approved research consent form shall inform the offender that the researcher shall disclose the offender's participation to the Department.
- (2) The researcher shall maintain participants' signed IRB approved consent forms and shall send a copy to the Department to also maintain.
- (3) Electronic or phone surveys may, under IRB approval and with approval of the Department, use IRB approved scripts that substitute for signed consent forms.

d. Information designated as privileged in KRS 439.510 shall not be disclosed without an order by the Commissioner allowing disclosure in approved research projects, subject to the penalties specified in KRS 439.990.

e. The Department shall be given access to aggregate data collected through an approved cooperative research project, if requested.

f. Information or data collected or obtained through cooperative research shall not be transferred to a third party without the approval of the DOC. Recipients of transferred data shall be subject to the same conditions of participation stated herein.

g. Researchers shall not release information or data obtained through cooperative research as part of legal proceedings against the Department.

h. All researchers shall be informed of, and shall be required to adhere to, security procedures as outlined in CPP 26.1 Citizen Involvement, Volunteer, and Reentry Mentor Service Programs.

i. The Commissioner, Warden, or Director reserves the right to suspend or terminate any research activity if at any time there is reason to believe the project violates policy or becomes detrimental to offenders, inmates, staff, or operations.

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- j. The researcher shall not modify any part of an approved project, including extending the end date, broadening the pool of subjects, or changing the research focus, without approval from the Department.
- 3. Processing of Proposed Cooperative Research
 - a. Review

Designated Office of Research and Legislative Services staff shall review each proposal to determine if it meets the terms specified herein. If the proposal does not meet the terms, the reviewer shall return the proposal to the researcher with a statement of explanation. If the proposal meets the terms and involves offenders or Department employees, the reviewer shall email the proposal to the appropriate Warden(s) or Director. The Warden(s) or Director(s) shall evaluate the impact on programs or operations, and communicate his or her recommendation, with the approval of their Deputy Commissioner, to the Office of Research and Legislative Services.
 - b. Approval

Designated Office of Research and Legislative Services staff shall forward the project proposal, along with any comments received from the Warden(s), Director(s), or Deputy Commissioner, to the Commissioner or designee who shall make the final determination.
 - c. Notification

Designated Office of Research and Legislative Services staff shall notify the researcher in writing of approval or disapproval. The appropriate Warden(s), Director(s), or Deputy Commissioner shall be notified if approved.
- 4. Letters of Support
 - a. Requests for letters of support for proposed research projects pending receipt of grant funding shall be submitted to the Office of Research and Legislative Services for review, and then forwarded to the Commissioner or designee for approval.

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- b. Letters of support for proposed research projects shall require authorization from the Commissioner or designee.
- c. Letter of support may be issued to community partners or organizations with whom the Department has an existing partnership.

5. Publication Rights

- a. Researchers shall submit drafts of all research reports, peer-reviewed article submissions, or other publications to the Department prior to publication submission. All draft research reports or other publications shall be submitted to the Office of Research and Legislative Services, and reviewed by the Department's subject matter expert and the Commissioner or designee before publication.
- b. Publications shall contain a statement that acknowledges the Department participation in the project, but disclaims approval or endorsement of the findings.

I. Surveys

- 1. Surveys requesting participation by Department employees or offenders shall require an Application to Conduct Survey Research as required by this policy.
- 2. The Office of Research and Legislative Services shall review surveys sent to the Department by an academic or professional organization seeking statistical or other data. Participation in a survey shall require review and approval by the Commissioner. Surveys received by other staff members shall be forwarded to the Office of Research and Legislative Services for response to ensure continuity and comprehensive recordkeeping.
- 3. A request from a community agency or private entity or organization to post a survey through the Department's email groups shall require approval from the Department. The community agency or organization shall submit the questions contained in the survey for review and approval by the Commissioner or designee prior to distribution. Surveys requesting participation by Department employees or offenders shall require an Application to Conduct Cooperative Research as required by this policy.

J. Data Requests

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1. Requests for data, including requests for data from the electronic offender management system that are not part of an approved cooperative research project, shall be subject to approval of the Commissioner or designee.

2. Requests for data shall require the following:
 - a. The requester shall complete a Data Request Form and submit it to the address printed on the form.
 - b. It shall be determined if the data is available and complete. If the data is determined to be an existing document, the requester shall be referred to follow CPP 6.1 Open Records Law.
 - c. Information or data obtained through a data request shall not be transferred to a third party without the approval of the DOC. Recipients of transferred data shall be subject to the same conditions stated herein.
 - d. The recipient shall not publish information obtained from an approved data request without approval by the DOC.
 - e. Any request for data that is confidential pursuant to state or federal law shall be denied.
 - f. Any request for data shall be processed in compliance with applicable law.

K. Non-Compliance

Failure to comply with this policy may result in termination of the project and denial of future research proposals by the researcher and the sponsoring agency or institution.

NAME OF REQUESTOR

DATE

ORGANIZATION

MAILING ADDRESS

CITY

STATE

ZIP

EMAIL

TELEPHONE

Kentucky Department of Corrections policy can be reviewed at corrections.ky.gov): [Corrections Policy & Procedure 5.1 Research, Surveys & Data Requests](#). Submit completed form and attachments to corrections.datarequest@ky.gov.

PROPOSAL INFORMATION

TITLE

RESEARCHER(S), QUALIFICATIONS, & SPONSORING ORGANIZATION

LOCATION & TARGET POPULATION OF PROPOSED
RESEARCH (EX: INMATES, STAFF, PAROLEES, ETC.)

BEGINNING & END DATES
OF PROJECT

**STATEMENT OF PURPOSE FOR THE RESEARCH & BENEFIT TO THE KENTUCKY
DEPARTMENT OF CORRECTIONS**

DESCRIPTION OF RESEARCH DESIGN, METHODOLOGY, DATA TO BE COLLECTED, AND/OR SERVICES REQUESTED, TARGET NUMBER OF PARTICIPANTS, AND PARTICIPANT ELIGIBILITY CRITERIA

(Attach additional pages as needed. Research shall adhere to KY DOC security protocols.)

DOES THE PROJECT PROPOSE TO USE ANY RECORDING DEVICES?

*Approval to use electronic devices shall be at the discretion of Kentucky Department of Corrections (KY DOC).
Provide justification for the request as well as an alternate plan if use of a recording device is not approved.*

Yes No _____

DOES THE PROJECT PROPOSE COMPENSATION FOR THE PARTICIPANTS?

Approval shall be at the discretion of KY DOC.

Yes No _____

DESCRIPTION OF DATA REQUESTED FROM THE OFFENDER MANAGEMENT SYSTEM

Include date range and all data fields. The requester may be required to pay the cost of developing any queries or other required programing that does not already exist.

The Researcher agrees and acknowledges that:

- He or she has read and understands *Corrections Policy and Procedure (CPP) 5.1 Research, Surveys, and Data Requests* and agrees to comply with the provisions therein;
- He or she shall adhere to DOC's security procedures, including while the Researcher is on DOC property;
- DOC reserves the right to monitor the research project while in progress and may immediately suspend or terminate any research activity at DOC's discretion if there is reason to believe the project violates policy or becomes detrimental to offenders, DOC employees, other staff, or facility operations;
- He or she shall submit a completed research project report to the Office of Research and Legislative Services upon completion of the project and prior to publication or dissemination to funding sources or the public;
- No research findings, information, or data collected or obtained through this research project shall be used in any proceeding against the DOC; and
- He or she shall adhere to the requirements found in KRS 61.931-934, including but not limited to a duty to implement, maintain, and update security and breach investigation procedures that are appropriate to the nature of the information disclosed, that are at least as stringent as the security and breach investigation procedures and practices referenced in subsection KRS 61.932(1)(b), and that are reasonably designed to protect the personal information from unauthorized access, use, modification, disclosure, manipulation, or destruction.

 Project Title

 Researcher Signature

 Date

FOR OFFICE USE ONLY	
Signature: Department Subject Matter Expert/Director/Deputy Commissioner <input type="checkbox"/> RECOMMEND APPROVAL <input type="checkbox"/> RECOMMEND DENIAL (Provide reason below)	Date
Signature: Commissioner or designee <input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED	Date
Signature: Office of Research, Grants & Legislation Services <input type="checkbox"/> COMPLETED	Date
<i>Additional Notes</i>	



KENTUCKY DEPARTMENT OF CORRECTIONS - RESEARCH CONSENT FORM

I, _____, voluntarily choose to participate in the research study entitled: *(Please print)*

_____ (hereinafter "research study").

Sponsored by (Researcher's Name & Organization): _____

PARTICIPANT *(check one)*

- Inmate Offender under Supervision by the Division of Probation & Parole

My decision to participate or not participate in the research study will have no impact on my incarceration or supervision, and there is no penalty for not participating. My decision whether or not to participate will not affect my release date, parole eligibility, or supervision status.

INDIVIDUAL IDENTIFICATION *(check one)*

I am aware that my data will be used for research purposes only, and the researcher will not individually identify me in any reports or publications without my permission.

- I consent to having my identity revealed in the research study and any reports.
 I **DO NOT** consent to having my identity revealed in the research study or any reports.

GENERAL PROVISIONS *(check all)*

- The project has been clearly explained to me and all my questions have been satisfactorily answered.
 I understand that my participation is voluntary and of my own choosing. I know that I can choose to discontinue participation at any time without penalty.
 I understand that the researcher shall provide acknowledgement of my participation in the research study to the Kentucky Department of Corrections. Beyond that, the confidentiality of my identity is controlled by the researcher and is not under the control of the Department of Corrections. All other information related to my participation in the research study will be confidential to the researcher. Exceptions would include information about a crime, intent to commit a future crime, or intent to hurt myself or someone else.
 I understand and agree to additional exceptions or sharing of information between the researcher and Kentucky Department of Corrections: N/A As follows: _____

PARTICIPANT AGREEMENT

I have read the above information (or it has been read aloud to me). I voluntarily agree to be in this study.

The signed and witnessed research consent form shall be maintained in the electronic offender management system.

Printed Name of Participant

Inmate/PID Number

Participant Signature

Date

Printed Name of Staff Witness

Position

Signature of Staff Witness

Date

Name	Date		
Organization			
Mailing Address	City	State	Zip
Email			Telephone

Describe in detail the data you are requesting and purpose for intended use.

- Pursuant to *Corrections Policy and Procedure (CPP) 5.1*, requests for data from the Kentucky Department of Corrections, including requests for data from the Kentucky Offender Management System (KOMS) shall be made by completing this form and emailing it to the Kentucky Department of Corrections (DOC) at: corrections.datarequest@ky.gov.
- The Department’s policy can be referenced on the Kentucky Department of Corrections website: *Corrections Policy & Procedure 5.1 Research, Surveys & Data Requests*.
- Security of data shall be maintained by the requester. I agree that information or data obtained through a data request shall not be transferred to a third party without the approval of the Department of Corrections.
- I agree I shall not publish information obtained from an approved data request without approval by the Commissioner of the DOC.
- I agree I shall adhere to the requirements found in KRS 61.931-934, including but not limited to a duty to implement, maintain, and update security and breach investigation procedures that are appropriate to the nature of the information disclosed, that are at least as stringent as the security and breach investigation procedures and practices referenced in subsection KRS 61.932(1)(b), and that are reasonably designed to protect the personal information from unauthorized access, use, modification, disclosure, manipulation, or destruction.

Requestor Signature	Date
---------------------	------


FOR OFFICE USE ONLY	
Signature: Research Office or Office of Information Technology <input type="checkbox"/> RECOMMEND APPROVAL <input type="checkbox"/> REQUESTED DATA NOT AVAILABLE	Date
Signature: Commissioner or designee <input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED	Date

Signature: Information Technology or Research Staff

Date

COMPLETED

Additional Notes (*i.e. method of delivery*)

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective Date
	Supersedes Effective Date	
References/References 502 KAR 40:010, 40:020, 40:030 CPP 3.23	Subject LINK, NCIC, and NLETS	

I. DEFINITIONS

“CJI” means criminal justice information.

“CJIS” means Criminal Justice Information Services.

“CSA” means CJIS Systems Agency.

“Hit” means a message indicating that a person or item is entered in the LINK or NCIC system.

“ISO” means the Kentucky State Police Information Security Officer.

“KSP” means Kentucky State Police.

“LINK” means Law Information Network of Kentucky.

“NCIC” means National Crime Information Center.

“NLETS” means a specific entity that is an international criminal justice and public safety information sharing hub.

“OAN” means Owner Applied Number.

“TAC” means Terminal Agency Coordinator as designated by the Warden or Director of Probation and Parole.

II. POLICY and PROCEDURE

A. The Kentucky Department of Corrections (DOC) uses the LINK/NCIC in the performance of daily operations. The ability to access records, make inquiries, and communicate with the criminal justice community is vital in providing a safe and secure environment.

B. Each institutional Warden and the Director of Probation and Parole shall appoint a

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staff member to serve as the TAC.

C. General Use and Restrictions

1. Staff provided access to use the LINK/NCIC and all CJIS systems shall adhere to federal and state laws, regulations, procedures, and policies adopted by the NCIC Advisory Policy Board, FBI/NCIC, NLETS, LINK and CSA relating to system operation and the security and privacy of criminal justice and law enforcement information.
2. The Kentucky Department of Corrections shall adhere to the CJIS Security Policy located on the Kentucky State Police website in the CJIS area at <https://www.kentuckystatepolice.ky.gov/c-j-i-s>.
3. All LINK/NCIC terminals shall be monitored continuously while on duty.
4. The LINK, NCIC, and NLETS systems shall not be used to send regional broadcast messages for the following:
 - a. Social announcements (i.e., holiday messages or retirements);
 - b. Personnel recruitment;
 - c. Messages in which the complainant is interested *only* in the recovery of property;
 - d. Attempt to locate vehicles when no prosecution will be pursued;
 - e. Excessively long messages;
 - f. Support or opposition of political, legislative bills, or labor issues;
 - g. Announcements of political, legislative bills, or labor oriented meetings;
 - h. Requests for information on salary, uniforms, personnel or related;
 - i. Advertisement for sale of equipment;
 - j. Messages regarding wanted subjects or vehicles if they can be entered into NCIC;
 - k. Requests for criminal history record information (IQ, FQ, & AQ shall be used);
 - l. No reply only if wanted (ROIWS);
 - m. Solicitation of funds; or
 - n. Training announcements identifying the name of "FOR PROFIT" companies providing training.
5. The LINK, NCIC, and NLETS systems shall be used for official business only and shall not be used for personal business or interests.

D. User Agreements

1. Each DOC institution shall maintain on file the appropriate and current user agreement between the institution and the Kentucky State Police.

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2. The DOC shall implement and maintain on file the CJIS Security Addendum with each servicing private contractor and vendor.
3. A new user agreement shall be completed by a DOC institution and submitted to the KSP upon the appointment of a new Warden or as directed by the KSP.

E. Security Awareness Training

Terminal operators shall be LINK/NCIC certified. All other staff who are authorized to view information provided from the terminal shall complete training as needed per the KSP. The TAC shall have the responsibility to make sure these trainings are kept up to date. Basic security awareness training shall be required within six (6) months of initial assignment, and biennially thereafter, for all staff who have access to CJI, to include all staff who have unescorted access to a physically secure location. This shall apply to DOC employees as well as to vendors and contractors who access the location or system.

F. Auditing and Accountability

The TAC and KSP shall be responsible for any auditing and accountability associated with LINK/NCIC terminals.

G. Incident Response

Each institution shall be required to maintain an incident handling and response plan if any of the following occur:

1. Accidental or malicious computer attack;
2. Physical media breach; and
3. Digital media breach.

H. Identification and Authentication

1. The TAC shall follow CJIS Security Policy for password authentication. Each password shall:
 - a. Be a minimum in length of eight (8) characters on all system;
 - b. Not be a dictionary word or proper name;
 - c. Not be the same as the User ID;
 - d. Expire within a maximum of 90 calendar days;
 - e. Not be identical to the previous ten (10) passwords;
 - f. Not be transmitted in the clear outside the secure location; and

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g. Not be displayed when entered.

2. The DOC shall use advanced authentication for staff who access or manage information systems containing CJI from non-secure locations. (Examples include tokens, smartcards, etc.)

I. Configuration Management

The Commonwealth Office of Technology (COT) shall maintain on file a detailed network configuration diagram.

J. Media Protection

To ensure that access to digital and physical media in all forms is restricted to authorized individuals, the TAC shall:

1. Securely store all media within physically secure locations and controlled areas;
2. Restrict access to all media to authorized individuals;
3. Protect and control all media during transport outside of controlled areas and restrict the activities associated with transport of such media to authorized personnel; and
4. Ensure all physical media is destroyed by shredding or incineration; and ensure the disposal is witnessed or carried out by authorized personnel.

K. Physical Protection

The TAC shall document and implement all physical protection policy requirements according to the CJIS Security Policy, to include:

1. The perimeter of the secure location shall be prominently posted and separated from non-secure locations by physical controls;
2. Issue credentials to authorized personnel or maintain a current list of personnel with authorized access to the secure location;
 - a. Only authorized persons may be permitted access to the terminal location without following visitor related policies.
 - b. Authorized persons shall be those who have successfully completed security awareness training or CJIS user training.
 - c. Lists of authorized persons who have successfully completed CJIS user level training or security awareness training may be accessed in the CJIS folder in the NCIC/LINK area approved by the TAC.

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3. Control physical access points and verify individual access authorizations before granting access;
 4. Control physical access to information system distribution and transmission lines within the physically secure location;
 5. Control physical access to CJI on the CJIS terminal by:
 - a. Positioning information system devices that display and print CJIS information in such a way as to prevent unauthorized individuals from accessing and viewing CJI;
 - b. Ensuring information on the LINK/NCIC terminal is not viewed by unauthorized persons;
 - c. Ensuring only actively manned consoles have the CJIS terminal screen operational. All unmanned consoles shall have the CJIS screen turned off or locked;
 - d. Prohibiting the use of removable storage devices in the CJIS terminal to store information from the terminal; and
 - e. Obtaining prior approval from the TAC and ISO and a teletype through LINK shall be sent sixty (60) days before moving or relocating the LINK/NCIC terminal or printer to a location approved by the ISO;
 6. Monitor physical access to the information system to detect and respond to physical security incidents;
 7. Authorize and control information system-related items entering and exiting the physically secure location; and
 8. All information transmitted through LINK, NCIC, or NLETS shall be considered CONFIDENTIAL and shall be disseminated only for official purposes.
- L. Personnel Screening Requirements for Individuals Requiring Unescorted Access to Unencrypted CJI
- The institution shall adhere to the requirements of the FBI CJIS Security Policy and Law Information Network of Kentucky Provisions and Guidelines Responsibilities of LINK Terminal Agencies.
- M. Misuse
1. Reports of violation of departmental, state or federal policies and regulations concerning CJIS, CJI, NCIC, NLETS or LINK, misuse of CJIS equipment or information shall be reported to KSP by the TAC.

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2. Reports of violation of departmental, state or federal policies and regulations concerning CJIS, CJI, NCIC, NLETS or LINK, misuse of CJIS equipment or information shall be investigated in accordance with CPP 3.23.
3. Persons found to be in violation of departmental, state, or federal policies and regulations regarding CJIS, CJI, NCIC, NLETS or LINK, or misuse of CJIS equipment or information shall be subject to disciplinary action in accordance with applicable departmental policies up to and including termination.



501 KAR 6:360
MIR Attached

Andy Beshear
GOVERNOR

JUSTICE AND PUBLIC SAFETY CABINET

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Keith L. Jackson
SECRETARY

October 14, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 501 KAR 6:300. News media;
501 KAR 6:310. Monitoring and operation of private prisons;
501 KAR 6:320. Corrections policies and procedures: inmate funds;
501 KAR 6:340. Corrections policies and procedures: research and information;
501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification;
501 KAR 6:370. Corrections policies and procedures: security and control;
501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners;
501 KAR 6:390. Corrections policies and procedures: inmate diet;
501 KAR 6:400. Corrections policies and procedures: inmate health care;
501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline.
501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting.
501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property.
501 KAR 6:450. Corrections policies and procedures: classification.
501 KAR 6:460. Corrections policies and procedures: inmate work programs.
501 KAR 6:470. Corrections policies and procedures: inmate education and training.
501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities.
501 KAR 6:500. Religious programs.

501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release.

501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs.

501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits, the Justice and Public Safety Cabinet proposes the attached substitutes to 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and



activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Sincerely,



Nathan Goens, Attorney
Justice and Public Safety Cabinet
125 Holmes Street, 2nd Floor
Frankfort, Kentucky 40601

enclosure

SUGGESTED SUBSTITUTE

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections**

501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification.

RELATES TO: KRS Chapters 196, 197

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110(5) authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes policies and procedures concerning safety and notification of critical incidents for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 8", ~~October~~**May** 15, 2024, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 8 includes:

8.2	Fire Safety (5/15/24)
8.7	Notification of Critical Incident (5/12/20) (10/15/24)
8.10	Radiation Safety Program (5/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

Changes to Material Incorporated by Reference:

CPP 8.7

Page 1, Date Filed Box

Insert "October 15, 2024".

Delete "May 12, 2020".

Pages 1-3, Effective Date Box

Delete "September 1, 2020".


Page 1, Header

Insert "Supersedes Effective Date" box.

Page 1, I., Definition of "Serious physical injury"

After "KRS 500.080", insert "(19)".

Delete "(15)".

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	8.7	3
	Date Filed	Effective Date
	October 15, 2024	
	Supersedes Effective Date	
Authority/References CPP 9.8 KRS 72.020, 72.025, 196.035, 197.020, 218A.010, 500.080, 520.010 ACA 4-4202, 4-4206, 2-CO-1E-01	NOTIFICATION OF CRITICAL INCIDENT	

I. DEFINITIONS

"Contraband" is defined by KRS 520.010(1), and shall include a dangerous instrument as defined in KRS 500.080(3), an escape device, any amount of controlled substance as defined in KRS 218A.010(8), marijuana, or intoxicant.

"Serious physical injury" is defined by KRS 500.080(19).

II. POLICY and PROCEDURE

An appropriate and expedient response to a critical incident shall be essential for safety and restoration of normal operations. It is essential that appropriate assisting agencies, personnel or family be notified promptly.

A. State Police Notification

If the institution suspects felonious activity, the Kentucky State Police shall be notified immediately by the Warden, Duty Officer, or Internal Affairs Officer. Pending arrival of the State Police, the Warden or Duty Officer shall:

1. Place all suspects and inmate witnesses or complainants in custody, as may be necessary to maintain security.
2. If the scene of the occurrence and its condition may be relevant to the investigation, take necessary steps to maintain the location in the condition it appeared during the alleged offense.
3. Identify and preserve all physical property which may be relevant to the investigation including any weapon and clothing of suspect and victim in order to ensure its availability for use as evidence.

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4. Require written reports from all institutional personnel who may have any relevant knowledge or information concerning the offense.
 - a. The report shall be completed prior to the employee's departure from the institution at the end of his tour of duty.
 - b. If there is doubt if a particular individual has full knowledge or information concerning the occurrence, a written report shall be completed.
5. If in the opinion of the Warden or Duty Officer, the crime scene may not remain stable or intact and may be disturbed due to an unavoidable circumstance, every effort shall be made to obtain photographic or videotaped documentation of the scene.
6. A private citizen may be ordered to leave an institution or other Department of Corrections operated property. If the person refuses to leave, the State Police shall be called immediately. The State Police shall be requested to evict the person from the grounds.
7. If the staff at a particular institution has reasonable suspicion to suspect a person possesses contraband, that person may be detained and the State Police shall be immediately notified (See CPP 9.8 – Search Policy).

B. Notification of Central Office Staff

In the case of homicide or other unnatural death, serious assaults on staff, visitor or inmate, escape, riots, major fire or other serious disruption of institutional operations, the warden shall, as circumstances allow, personally inform the Commissioner and Deputy Commissioner of Adult Institutions of the event.

C. Deaths

1. In any occurrence of death, the Warden or Duty Officer shall immediately contact the institutional physician or doctor on call and the appropriate officials as set forth in KRS 72.020.
2. Once the physician at the scene pronounces the person dead, the body shall not be moved without the authorization of the county coroner.

D. Notification of Family

In any case of death or serious physical injury the immediate family, if known, shall be notified by telephone as soon as possible. Inmate families shall not be notified

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of inmate hospitalizations unless the reasons for the admission are deemed to be life threatening. It shall be the decision of the warden if family will be allowed to visit during hospitalization.

E. Employee Criminal Activity

All investigations involving employee criminal activity shall be coordinated with the Warden, the State Police and both the Office of Legal Services and the Department of Corrections Personnel Office.



501 KAR 6:370
MIR Attached

Andy Beshear
GOVERNOR

JUSTICE AND PUBLIC SAFETY CABINET

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Keith L. Jackson
SECRETARY

October 14, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 501 KAR 6:300. News media;
501 KAR 6:310. Monitoring and operation of private prisons;
501 KAR 6:320. Corrections policies and procedures: inmate funds;
501 KAR 6:340. Corrections policies and procedures: research and information;
501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification;
501 KAR 6:370. Corrections policies and procedures: security and control;
501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners;
501 KAR 6:390. Corrections policies and procedures: inmate diet;
501 KAR 6:400. Corrections policies and procedures: inmate health care;
501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline.
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501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities.
501 KAR 6:500. Religious programs.

501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release.

501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs.

501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits, the Justice and Public Safety Cabinet proposes the attached substitutes to 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and



activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Sincerely,



Nathan Goens, Attorney
Justice and Public Safety Cabinet
125 Holmes Street, 2nd Floor
Frankfort, Kentucky 40601

enclosure

SUGGESTED SUBSTITUTE

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections**

501 KAR 6:370. Corrections policies and procedures: security and control.

RELATES TO: KRS Chapters 196, 197

STATUTORY AUTHORITY: KRS 196.035, 197.020; 197.022, 197.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.020(1)(c) further authorizes the department to promulgate administrative regulations for the disposition of abandoned, lost, or confiscated property of prisoners. KRS 197.022(5) requires the cabinet to promulgate an administrative regulation concerning the transport of a prisoner to court for a civil action if ordered by the court. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes policies and procedures concerning security and control for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 9", ~~October~~May 15, 2024, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 9 includes:

9.4	Transportation of Inmates to Funerals or Bedside Visits (10/15/24) <u>(5/15/24)</u>
9.6	Contraband (10/15/24) <u>(2/26/16)</u>
9.8	Search Policy (5/15/24)
9.13	Transport to Court - Civil Action (10/15/24) <u>(7/9/07)</u>
9.18	Informants (10/15/24) <u>(9/13/10)</u>
9.19	Found, Lost or Abandoned Property (10/15/24) <u>(10/14/05)</u>

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CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.

Changes to Material Incorporated by Reference:

CPP 9.4

Page 1, Date Filed Box

Insert "October".

Delete "May".

Page 1, Header

Insert "Supersedes Effective Date" box.

CPP 9.6

Page 1, Date Filed Box

Insert "October 15, 2024".

Delete "February 26, 2016".

Pages 1-2, Effective Date Box

Delete "August 5, 2016".

Page 1, Header

Insert "Supersedes Effective Date" box.

CPP 9.13

Page 1, Date Filed Box

Insert "October 15, 2024".

Delete "May 14, 2007".

Page 1-2, Effective Date Box

Delete "August 31, 2007".

Page 1, Header

Insert "Supersedes Effective Date" box.

CPP 9.18

Page 1, Date Filed Box

Insert "October 15, 2024".

Delete "September 13, 2010".

Pages 1-4, Effective Date Box

Delete "January 3, 2011".

Page 1, Header

Insert "Supersedes Effective Date" box.

CPP 9.19

Page 1, Date Filed Box

Insert "October 15, 2025".


Delete "October 14, 2005".

Pages 1-2, Effective Date Box

Delete "February 3, 2006".

Page 1, Header

Insert "Supersedes Effective Date" box.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	9.4	5
	Date Filed	Effective Date
	October 15, 2024	
	Supersedes Effective Date	
Authority/References KRS 196.035, 197.020 200 KAR 2:006 ACA Standard 5-ACI-5F-04	Subject <p style="text-align: center;">TRANSPORTATION OF INMATES TO FUNERALS OR BEDSIDE VISITS</p>	

I. DEFINITIONS

- A. "Bedside visit" means a visit to an immediate family member, who is critically ill and, in the opinion of the attending physician, is not expected to survive.
- B. "Immediate family" means the following:
1. Parents, including step-parents and those who may have reared the inmate in place of parents;
 2. Grandparents;
 3. Brothers, sisters, and other sibling relations, for example half and step siblings;
 4. Spouse and children, including step-children or adopted children;
 5. Son-in-law, daughter-in-law, sister-in-law, brother-in-law, mother-in-law, father-in-law;
 6. A child to whom the inmate, although not a natural parent, acted as a parent; and
 7. Grandchildren.
- C. "Virtual visit" means a meeting held through the use of video telecommunications and is not physically in person with the immediate family member.

II. POLICY and PROCEDURE

- A. When feasible, arrangements may be made to allow an inmate to make a bedside or funeral home visit for an immediate family member. An inmate shall not attend both a bedside visit and a funeral home visit for the same person.

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- B. The visit shall be limited to the confines of the Commonwealth of Kentucky, unless the bedside or funeral visit is a virtual visit. The in person bedside visit may be made only at a hospital, nursing home, or convalescence center.
- C. If the inmate's custody and other considerations permit, a furlough may be used for the visit.
- D. A community center inmate who qualifies for a furlough under CPP 25.6 may be issued an emergency twenty-four (24) hour furlough without a staff escort. A community center inmate who is not eligible for a furlough shall be transported in accordance with the provisions of this procedure.
- E. Approval Process
 - 1. The final decision concerning an inmate visiting a funeral home, virtual visit, or making a bedside visit shall be made by the warden or his designee. The Commissioner or designee shall determine whether a community center inmate may make a funeral home or bedside visit. Decisions shall be made on a case-by-case basis considering factors like:
 - a. Institutional behavior;
 - b. History of escapes or violence;
 - c. Mental condition of inmate;
 - d. Community attitude toward the inmate;
 - e. Conditions at the site of the visit;
 - f. Legitimate security concerns that may create a risk to staff, inmate, or other person;
 - g. Objections from immediate family; or
 - h. Facility staffing levels.
 - 2. The relationship of the family member shall be verified through the inmate record. If the relationship is not clear, local law enforcement agencies or probation and parole officers may be contacted for verification as to the relationship of the family member.
 - 3. The necessity for a bedside visit shall be verified through the attending physician.

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4. Confirmation of death shall be verified through the funeral home.
5. The Warden or designee denying a visit shall justify the denial in writing and shall place the reason for denial in the inmate record on the offender management system.

F. Transporting Staff

1. In accordance with this policy, an inmate shall be transported by an on-duty staff member. An off-duty officer may be scheduled to transport an inmate. However, an officer shall be on-duty when placed in charge of an inmate.
2. An inmate with medium, close, or maximum custody shall require two (2) correctional officers for transport. In a minimum security institution, other staff may provide transport. A community center inmate approved for a funeral visit and who does not qualify for an emergency furlough shall be transported by a local probation and parole officer.

G. Time Limits

1. The trip shall be completed within a twenty-four (24) hour period except when feasible or necessary to lodge the inmate overnight at an institution with a security rating appropriate to the inmate's custody.
2. For an escorted funeral visit, arrangements shall be made through the funeral director for the inmate to visit at a private time prior to the funeral. The visit shall be scheduled at least two (2) hours before the service is open to the public. The inmate may be allowed a thirty-minute visit with the deceased. Immediate family and the public shall not be present during this visit due to security reasons. The inmate shall not be allowed to attend the funeral or go to the cemetery.

H. Security Procedures

1. An inmate shall travel and remain in restraints appropriate to his custody level. The Warden, Deputy Warden or senior security officer may specify a higher level of restraint.
2. The trip shall be planned and made in accordance with CPP 9.9.
3. Law enforcement officials, in the area requested for visit, may be contacted for notification purposes or to solicit information pertinent to the security of the requested trip.
4. The trip shall be made in a state vehicle.

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5. Accompanying staff members shall keep the inmate in sight at all times.
6. An inmate shall be dressed in a transportation uniform.

I. Expenses

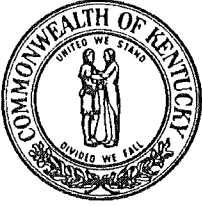
1. The institution shall require payment from the inmate or the inmate's family for the transporting staff members' time, vehicle costs, and incidental expenses like toll charges, parking, and meals. Calculation of costs shall be made by the inmate account office. If the inmate is paying the costs, he shall sign an authorization to have the costs transferred from his account. If the inmate cannot pay, the inmate's family shall pay for the funeral trip. The collection of expenses shall be made through the funeral director. The cost of the trip shall be reported to the funeral director. The funeral director shall present a check made payable to the Kentucky State Treasurer to the transporting officer.
 - a. Staff time shall be computed by using the midpoint hourly rate for a correctional officer. If the trip requires the institution to hire a correctional officer for overtime, staff time shall be computed by using the overtime rate for a correctional officer.
 - b. Vehicle mileage shall be computed at the standard state mileage rate contained in the regulation on travel expenses, 200 KAR 2:006.
 - c. Meals shall be charged at the standard rate given in the regulation on travel expenses, 200 KAR 2:006.
 - d. Incidental expenses shall be charged at actual cost.
2. If the inmate is indigent and the family cannot pay all or part of the costs of the trip, the Warden or his designee may authorize the transportation costs to be paid from the institution's inmate canteen fund.
3. Money received as reimbursement shall be deposited in the institution's Trust and Agency account.

J. Virtual Visit

1. A virtual visit shall follow all requirements of this policy, except for requirements limited to actual travel, and:
 - a. Be requested by the inmate;
 - b. Require approval from the Warden or designee for either a virtual bedside visit or virtual funeral visit;

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- c. Be free of charge;
 - d. Be monitored by institutional staff; and
 - e. Be limited to thirty (30) minutes in duration.
 2. If approved, a virtual visit may be scheduled with a non-immediate family member who has the technology capable of conducting the virtual bedside or funeral visit, or funeral home by the institutional Chaplain or designee.
 3. The inmate may view the deceased during a virtual visit.
 4. An inmate shall be allowed to speak with no more than two (2) family members to help with the grieving process. If the virtual visit is for a virtual bedside visit, the inmate shall be allowed to speak with the critically ill immediate family member, if capable, in addition to two (2) family members, if present or according to hospital protocols in place at the time. Conversations outside the death of the immediate family member shall not be permissible (i.e., asking for money, the display of gang signs, or institutional or legal concerns).
- K. The Warden or designee shall notify the Deputy Commissioner of Adult Institutions of denial for any bedside visit, funeral home visit, virtual bedside visit, or virtual funeral home visit.

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	Date Filed	Effective Date
	October 15, 2024	
	Supersedes Effective Date	
Authority/References KRS 196.035, 197.020, Chapter 218A, 500.080, 520.010, 520.050, 520.060 CPP 15.2 ACA 2-CO-3A-01	Subject CONTRABAND	

I. DEFINITIONS

“Contraband” is defined by KRS 520.010 and includes items described in subsection II.B below.

“Controlled substance” is defined by KRS 218A.010.

“Dangerous contraband” is defined by KRS 520.010 and includes items described in subsection II.A below.

“Detention facility” is defined by KRS 520.010.

“Marijuana” is defined by KRS 218A.010.

“Possession” is defined by KRS 500.080.

II. POLICY and PROCEDURES

Anyone who promotes contraband or dangerous contraband may be subject to the administrative disciplinary procedures outlined in CPP 15.2 or may be prosecuted as provided in KRS 520.050 or 520.060.

Some specific examples of contraband and dangerous contraband items follow:

A. Dangerous Contraband

1. Any gun, firearm, weapon, sharp instrument, knife, unauthorized tool, or any other object which may be used to do bodily harm or facilitate escape.
2. Any explosive or any ammunition.


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3. Any amount of a controlled substance or any quantity of marijuana.
4. Any drug paraphernalia capable of administering an injection.
5. Any intoxicating substance including beer, alcohol, paint thinner, whiskey, wine, home brew, and cleaning fluid.
6. Any device capable of storing data for review to include personal messages, movies, correspondence concerning illegal activity, or other security risk items (e.g., DVD's, cellphones, advanced calculators, unsupervised flash drives).
7. Any staff clothing, badge, official patch, institutional or Corrections staff identification, or any imitation or forgery thereof.
8. Any tobacco products, simulated tobacco products, nicotine patches, lighters, or matches.

B. Contraband

1. Money, unless authorized in writing by an appropriate institutional staff member for a specific inmate.
2. Any unauthorized clothing. Refer to CPP 17.1.
3. Anything not authorized for retention or receipt by the inmate and not issued to him through regular institutional channels.
4. Any disguise or mask.
5. Any counterfeit, forged, or unauthorized reproduction of any document, article of identification, money, security, or official paper.
6. Any device for the purpose of gambling.
7. Prescribed authorized medication not taken at time of issue and not authorized and maintained as required through an institutional self-administration program.
8. Any prescription medication not considered a controlled substance.

- C. Nothing in this policy shall be construed to prevent an inmate from being issued a disciplinary report for any offense listed in CPP 15.2.

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	Date Filed	Effective Date
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References/References KRS 31.100, 197.022	Subject TRANSPORT TO COURT – CIVIL ACTION	

POLICY and PROCEDURES

An inmate shall be transported to court for a civil action in compliance with KRS 197.022.

- A. The transport shall be limited to the confines of the Commonwealth of Kentucky.
- B. If the inmate's custody and other considerations permit, a furlough may be used for the transport.
- C. A community center inmate who qualifies for a furlough under CPP 25.6 may be issued an emergency twenty-four (24) hour furlough without a staff escort. A community center inmate who is not eligible for a furlough shall be transported in accordance with the provisions of this procedure.
- D. Transporting Staff
 1. In accordance with this policy, an inmate shall be transported by a staff member.
 2. In the case of an inmate with medium, close, or maximum custody, the staff member shall be a correctional officer. In a minimum security institution, other staff may provide transport. A community center inmate approved for a civil court action trip and who does not qualify for an emergency furlough shall be transported by a local probation and parole officer.
- E. Security Procedures
 1. An inmate shall travel and remain in restraints appropriate to his custody level. The Warden, Deputy Warden or senior security officer may specify a higher level of restraint.
 2. The trip shall be planned and made in accordance with CPP 9.9.
 3. Law enforcement officials in the area of the court appearance may be

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contacted for notification purposes or to solicit information pertinent to the security of the requested trip.


4. The trip shall be made in a state vehicle.
5. The accompanying staff member shall keep the inmate in sight at all times.
6. An inmate shall be dressed in a transportation jumpsuit.

F. Expenses

1. The institution shall calculate the cost of the transporting staff members' time, vehicle costs, and incidental expenses like toll charges, parking, and meals. Calculation of costs shall be made by the Fiscal Department.
 - a. Staff time shall be computed by using the midpoint hourly rate plus benefits for a correctional officer. If the trip requires the institution to hire a correctional officer for overtime, staff time shall be computed by using the overtime rate for a correctional officer.
 - b. Vehicle usage shall be the daily rate charged by Fleet Management including the overage charge. Vehicle mileage shall be computed at the standard state mileage rate contained in the regulation on travel expenses, 200 KAR 2:006.
 - c. Meals shall be charged at the standard rate given in the regulation on travel expenses, 200 KAR 2:006.

Incidental expenses shall be charged at actual cost.

2. Money received shall be payable to the Kentucky State Treasurer and deposited in the institutional Trust and Agency account.
3. If the party making the request is indigent in accordance with KRS 31.100, the Warden or his designee may authorize the transportation costs to be paid from the institution's inmate canteen fund.

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	Date Filed	Effective Date
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	Supersedes Effective Date	
References/Authority KRS 196.035, 197.020 Hensley v. Wilson, 850 F.2d 269 (6th Cir. 1988)	INFORMANTS	

I. DEFINITIONS

“Informant” means one who provides information or accusations against another person or persons.

II. POLICY and PROCEDURES

A. Information provided by an informant may be used for both investigative and administrative purposes within the Department of Corrections. This information shall not be obtained in exchange for the promise of a favor or preferential treatment.

1. If information provided by the informant jeopardizes his personal safety or the safety of others, an internal change in housing assignment or transfer to another institution may be authorized.
2. Employees of Corrections shall not intercede in any court action against an informant or promise an informant protection from prosecution for any violation of the law; however, if prosecution is being contemplated or has commenced against an informant, and that informant has provided reliable information that assists authorities in investigative or administrative matters directly related to this prosecution, the Warden may bring this to the attention of the appropriate prosecutor.
3. Corrections Policies and Procedures shall not be waived in any administrative action for the purpose of rewards or favors.
4. If an outside law enforcement agency requests to use an inmate as an informant, a written agreement shall be made between the law enforcement agency and the Department of Corrections that specifies the conditions under which the inmate may be used as an informant, including but not limited to a definite time period. An agreement shall not be put into effect until approval

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is given by the Commissioner. Recommendations for informant agreements to the Commissioner shall be made by the Deputy Commissioner of Adult Institutions. The Deputy Commissioner's recommendation shall be forwarded to the Commissioner for review and signature. Only the Commissioner may approve this type of agreement.


- B. Uncorroborated confidential information from a single informant shall be insufficient as the sole basis for an Adjustment Committee finding that an inmate committed a prohibited act, unless the circumstances of the incident and the knowledge possessed by the confidential informant convince the committee that the confidential informant's information is reliable. In an unwitnessed assault, for example, the statement of a seriously injured assault victim may be sufficient evidence to support an Adjustment Committee finding without corroborating evidence.
- C. Uncorroborated confidential information from a single informant shall be insufficient as the sole basis for performing a strip search on an employee or a visitor unless the circumstances of the incident, the knowledge possessed by the confidential informant, or the established reliability of the confidential informant convince the Warden, Deputy Warden or Duty Officer that there is probable cause that a felony has or may be in the process of being committed. Then, a strip search may be authorized following the procedures outlined in CPP 9.8.
- D. Correctional Institutions: Use of informant information in Adjustment Committee hearings.
 - 1. If information provided by an inmate, in the judgment of the Adjustment Committee, may subject the inmate to possible retaliation for providing this information, the committee may receive the information in confidence without confrontation or cross-examination by the accused inmate.
 - 2. The accused inmate shall be given written notice of the general nature of the confidential information, omitting those details that may tend to identify the inmate who gave the confidential information, 24 hours in advance of the adjustment or classification committee hearing.
 - 3. Ordinarily, an adjustment officer or committee decision that an inmate committed a prohibited act shall be supported by more than one reliable confidential source, unless the circumstances of the incident and the knowledge possessed by the confidential informant convince the officer or committee that the confidential informant's information is reliable. (See Section II, E (6) for establishing reliability of informant). If there is only one source, the confidential informant information shall be corroborated by independently verified factual evidence linking the inmate charged to the prohibited act.

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4. All confidential information presented to the officer or committee shall be in writing and shall state facts and the manner in which the confidential informant arrived at knowledge of those facts.
 - a. If possible, the statement shall be signed by the confidential informant.
 - b. If the confidential informant does not write a statement, the staff member receiving the information shall provide that information in writing and in the language as close to the confidential informant's as possible (actual words of confidential informant if possible).
5. The identity of the confidential informant shall be known, at a minimum, by the adjustment officer or chairperson of the adjustment committee, and at the chairperson's discretion, may be revealed to the other committee members. The substance of the confidential informant information shall be available to all members of the adjustment committee.
6. The reliability of a confidential informant shall be established before the adjustment officer or committee may use the information provided to support a finding.
 - a. Reliability may be determined by a record of past reliability or by other factors that reasonably convince the adjustment officer or committee of the confidential informant's reliability.
 - b. The staff member providing the information to the officer or committee shall include a written statement of:
 1. the frequency with which the confidential informant has provided information;
 2. the period of time during which the confidential informant has provided information; and
 3. the degree of accuracy of that information.
 - c. If reliability is based on factors other than a history of reliability, those other factors supporting a determination of reliability shall be clearly specified.
 - d. Staff shall have an affirmative obligation to determine whether there may be any basis for concluding that the confidential informant may be providing false information.
7. Information to be included in the adjustment officer or committee report:

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- a. The adjustment officer or committee chairperson shall include, in the record of the hearing, a statement of the basis for finding that the information provided by the confidential informant is reliable.
 - b. A confidential informant's statement shall, at a minimum, be summarized in the adjustment officer's or committee report.
 - c. The report shall identify the specific information relied on by the adjustment officer or committee.
 - d. If the adjustment officer or committee decides that information given by a single confidential informant is sufficient for finding that the inmate committed the prohibited act, the adjustment officer or committee report shall include a statement giving the rationale for that decision.
8. Information to be kept confidential.
- a. If the adjustment officer or chairperson of the adjustment committee determines that including the information listed above in the adjustment officer's or committee report may reveal the identity of the confidential informant, the adjustment officer or chairperson shall ensure that a separate confidential report is prepared.
 - b. This separate report shall not be placed in the inmate central file, but shall be retained in a secure location that is inaccessible to inmates, but available to appropriate staff for purposes of later administrative or judicial review.
 - c. The separate confidential report shall contain:
 1. A copy of the confidential informant's statements.
 2. A statement identifying the specific information relied on by the adjustment officer or committee.

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	Date Filed	Effective Date
	October 15, 2024	
	Supersedes Effective Date	
References/Authority KRS 196.035, 197.020, CPP 17.1	Subject FOUND, LOST OR ABANDONED PROPERTY	

I. DEFINITIONS

"Lost or abandoned property" means an item with which the owner has voluntarily or involuntarily parted.

II. POLICY and PROCEDURES

Lost or abandoned property found by an inmate or staff shall be disposed of or returned to its rightful owner, if possible. A weapon, explosives, toxic material or other contraband shall be turned over to local or state law enforcement authorities for appropriate action and to protect the public.

A. General

1. Inmates and on-duty staff who find lost or abandoned property shall report the finding in writing to the appropriate authority in an attempt to see that the property is handled in a safe and appropriate manner.
2. Lost or abandoned property shall not be kept by the inmate or on-duty staff member finding it, nor shall it be given to another individual.

- B. Lost or abandoned property found on institutional grounds shall be handled and disposed of in accordance with CPP 17.1.

C. Lost or Abandoned Property Found at Work Area Outside the Institution

1. Weapons and other items that may have been used in a crime shall be turned over to state or local police. Finders shall respect that these items may be supporting evidence. The condition of the items, any fingerprints or other evidence of ownership or use, and the location, in which they are found, shall be safeguarded.

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2. If possible, photographs of the weapons or other items shall be taken prior to removal from area of discovery.
3. Explosives, toxic materials or other dangerous materials shall not be handled but shall be reported to appropriate state or local authorities for disposition. The area shall be restricted to all persons until the proper authorities assume control of the area.
4. Other property shall be turned into the institution and it shall take appropriate action through state or local authorities to find its rightful owner.



501 KAR 6:380
MIR Attached

Andy Beshear
GOVERNOR

JUSTICE AND PUBLIC SAFETY CABINET

125 Holmes St.
Frankfort, Kentucky 40601
Phone: (502) 564-7554
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Keith L. Jackson
SECRETARY

October 14, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 501 KAR 6:300. News media;
501 KAR 6:310. Monitoring and operation of private prisons;
501 KAR 6:320. Corrections policies and procedures: inmate funds;
501 KAR 6:340. Corrections policies and procedures: research and information;
501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification;
501 KAR 6:370. Corrections policies and procedures: security and control;
501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners;
501 KAR 6:390. Corrections policies and procedures: inmate diet;
501 KAR 6:400. Corrections policies and procedures: inmate health care;
501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline.
501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting.
501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property.
501 KAR 6:450. Corrections policies and procedures: classification.
501 KAR 6:460. Corrections policies and procedures: inmate work programs.
501 KAR 6:470. Corrections policies and procedures: inmate education and training.
501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities.
501 KAR 6:500. Religious programs.

501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release.

501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs.

501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits, the Justice and Public Safety Cabinet proposes the attached substitutes to 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and

activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Sincerely,



Nathan Goens, Attorney
Justice and Public Safety Cabinet
125 Holmes Street, 2nd Floor
Frankfort, Kentucky 40601

enclosure

Final: 10/14/2024

SUGGESTED SUBSTITUTE

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections**

501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners.

RELATES TO: KRS Chapters 196, 197, KRS 441.540, 441.550

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, character of food and diet of the prisoners, preservation of the health of the prisoners, daily cleansing of the penitentiary, cleanliness of the persons of the prisoners, general sanitary government of the penitentiary and prisoners, character of the labor, quantity of food and clothing, and the length of time during which the prisoners shall be employed daily. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes policies and procedures concerning special management and restricted housing inmates, safekeepers, and contract prisoners for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 10", **October**~~May~~ 15, 2024, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 10 includes:

10.2	Special Management and Restrictive Housing (10/15/24) (5/15/24)
10.3	Safekeepers and Contract Prisoners (10/15/24) (1/12/18)

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Changes to Material Incorporated by Reference:

CPP 10.2

Page 1, Date Filed Box

Insert "October 15, 2024".

Delete "May 15, 2024".

Page 1, Header

Insert "Supersedes Effective Date" box.

Page 1, I. Definition of “Disciplinary segregation”

After “(Rule Violations and Penalties).”, insert a paragraph break before “Extended Restrictive Housing”.

Page 1, I. Definition of “Immediate postpartum period”

After “childbirth by an inmate.”, insert a paragraph break and the following:

“Mental Health Professional” or “MHP” means a person who provides professional services for the Department of Corrections and is licensed or certified to practice as a mental health practitioner in the Commonwealth of Kentucky.

Page 2, I. Definition of “Mental Health Professional” or “MHP”.

Delete this definition in its entirety.

Page 8, II.A.6.a.

After “inmates that pose a direct”, insert “and clear”.

After “or a clear threat to the safe and secure”, insert “operation”.

Delete “operations”.

Page 11, II.C.2.d.(2)

After “by a MHP;”, delete “and”.

Page 11, II.C.2.d.(3)

After “Multidisciplinary Treatment Team”, insert “; and”.

Delete the period.

Page 12, II.E.5.c.

After “population;”, delete “and”.

Page 13, II.E.5.d.

After “continue the precaution;”, insert “and”.

Page 13, II.E.6.a.

After “Personal Hygiene Items”, insert “1”.

Delete the period.

CPP 10.3

Page 1, Date Filed Box

Insert “October 15, 2024”.


Delete “January 12, 2018”.

Pages 1-2, Effective Date Box

Delete “June 1, 2018”.

Page 1, Header

Insert “Supersedes Effective Date” box.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	10.2	21
	Date Filed	Effective Date
	October 15, 2024	
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Authority/References	Subject	
<p>KRS 196.035, 197.020 ACA 5-ACI-4A-02, 5-ACI-4A-03, 5-ACI-4A-04 through 5-ACI-4A-27, 5-ACI-4B-01 through 5-ACI-4B-34, 5-ACI-5C-08, 5-ACI-4A-01 CPP 9.1, 13.12, 13.13, 15.2, 15.6, 18.1, 18.2, 18.15 <i>Hewitt v. Helms</i>, 459 US 460 (1983) 28 CFR §115.43</p>	<p>SPECIAL MANAGEMENT AND RESTRICTIVE HOUSING</p>	

I. DEFINITIONS

"Administrative control status" means an alternate, maximum security housing status for an inmate who repeatedly violates the rules of the institution or for any inmate who poses a serious threat to the safety and security of the institution, the staff, the inmate population, or himself.

"Administrative segregation" means segregation from the general population or special management population for a relatively short period of time, consisting of confinement to a cell, room, or highly controlled area to ensure the safety and security of the institution, the staff, or the inmate population or pending investigation of an incident if the inmate is a suspect.

"Death row" means a maximum security housing situation to control the inmate serving a sentence of death.

"Disciplinary segregation" means the segregation or confinement of an inmate from the general population or special management population in an individual cell for a specific period of time consistent with the provisions of CPP 15.2 (Rule Violations and Penalties). "Extended Restrictive Housing" means an area of the institution separated from general population designated for housing inmates who pose a direct and clear threat to the safety of persons or a clear threat to the safe and secure operation of the institution in which inmates are placed in cells for at least twenty-two (22) hours per day and for more than thirty (30) days.

"Mental Health Professional" or "MHP" means a person who provides professional services for the Department of Corrections and is licensed or certified to practice as a mental health practitioner in the Commonwealth of Kentucky.

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“Immediate postpartum period” means the six (6) week period following childbirth by an inmate.

“Multidisciplinary Service Team” means multi-disciplinary committee that consists of medical providers, nurses, psychiatric providers, psychologists, security, and other staff as needed working together on complex mental health and medical cases at the institutional level.

"Protective custody" means a special management program designed to provide for the safety and security of an inmate who is in danger of being harmed by any other inmate or who, for various reasons other than a rule violation, is unable to adjust to living in the general inmate population.

“Restrictive housing” means an area of the institution separated from general population designated for housing inmates who pose a direct and clear threat to the safety of persons or a clear threat to the safe and secure operation of the institution where inmates are placed in cells for at least twenty-two (22) hours per day.

“Special Management Housing” means an area of the institution separated from general population designated for housing inmates who threaten the secure and orderly management of the institution or pose a threat to others or a danger to themselves where inmates are placed in cells for less than twenty-two (22) hours per day and are allowed out of cells seven (7) days per week.

“Step-down program” means a program that includes a system of review and establishes criteria to prepare an inmate for transition to general population or the community. Individualized programs involve a coordinated, multidisciplinary service team approach that includes mental health, case management, and security staff.

"Temporary holding" means an administrative segregation program where temporary holding rooms are designated as controlled housing for ensuring the safety and security of the institution, staff, or the inmate population for the purpose of pending transport or review for transport to another institution or pending investigation of an incident if the inmate is a suspect.

II. POLICY and PROCEDURE

These procedures shall apply for any inmate placed in special management or restrictive housing and may include disciplinary segregation, administrative segregation, administrative control status, protective custody, temporary holding, and death row.

A. Assignment, Release, and Procedural Requirements

1. Disciplinary Segregation

- a. Assignment to disciplinary segregation shall be made by the

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Adjustment Committee or Adjustment Officer in accordance with the provisions of CPP 15.2 and CPP 15.6.

- b. Any time served in pre-hearing detention shall be credited to the determinant special management or restrictive housing sanction.
- c. An inmate shall be released from disciplinary segregation if:
 - (1) The inmate's assigned length of stay has ended;
 - (2) The inmate's behavior or conditions of the unit warrant a reduction in the assigned length of stay of no more than fifty (50) percent as recommended by the Classification Committee and as approved by the Warden or designee; or
 - (3) The mental health evaluation by a qualified mental health professional indicates that continued assignment to the unit may have a serious adverse psychological impact on the inmate and alternate treatment modalities are indicated and available as recommended to and approved by the Warden.

2. Administrative Segregation

- a. Placement of an inmate in administrative segregation shall be ordered in writing by the shift supervisor or other appropriate supervisor by completion of a detention order.
- b. An inmate may be placed in administrative segregation for one (1) or more of the following:
 - (1) Pending investigation of any violation of a policy, procedure, regulation, state or federal statute, or a situation that poses a risk to the safety and security of another inmate, staff, or institutional operations;
 - (2) Pending transfer to another institution;
 - (3) Pending an evaluation of any inmate demonstrating a mental health disorder by a psychiatrist, psychologist, or person trained in recognition of behavioral disorders. This temporary assignment shall only occur if the assessment cannot be completed immediately. The assessment shall be completed within twenty-four (24) hours. The Warden or designee and the Mental Health Authority or designee shall consult prior to making housing, program, transfer, and disciplinary action for a diagnosed mentally ill or intellectually disabled inmate;

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- (4) Assignment from another special management or restrictive housing program if conditions warrant;
 - (5) Pending orientation and classification for an inmate received on transfer, if necessary;
 - (6) Pending investigation of an inmate's request for protective custody; or
 - (7) Pending an alternative housing assessment for an inmate who is presently at high risk to be sexually victimized and may need separation from likely abusers. This temporary assignment shall only occur if the assessment cannot be immediately completed. In these cases, the assessment shall be completed within twenty-four (24) hours and in compliance with 28 CFR §115.43.
- c. An inmate may initially be assigned to administrative segregation for a maximum period of thirty (30) days.
- d. An inmate assigned to administrative segregation shall be administratively reviewed every seven (7) days by the appropriate Classification Committee. The inmate shall be present at the review.
- e. At each review the committee may:
- (1) Release the inmate to the general population;
 - (2) Assign the inmate to an appropriate special management or restrictive housing unit; or
 - (3) Retain the inmate in administrative segregation.
- f. An inmate may be released to the general population prior to the seven (7) day review if circumstances warrant.
- g. After thirty (30) days in administrative segregation, the inmate may be:
- (1) Released to the general population;
 - (2) Assigned to another special management unit; or
 - (3) Reassigned to administrative segregation by the appropriate classification committee if special circumstances are documented. If an inmate is reassigned to administrative

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segregation, he shall receive a mental health evaluation and continue the established seven (7) day review pattern.

h. Criteria for Release from Administrative Segregation

An inmate shall be released from administrative segregation if:

- (1) The circumstances requiring the assignment are no longer valid;
- (2) An investigation, which required the assignment, has been completed and indicates that continued assignment serves no valid purpose; or
- (3) The inmate is assigned to another special management unit.

3. Administrative Control

a. An inmate may be classified to administrative control status for one (1) of the following:

- (1) A demonstrated inability or unwillingness to adjust to housing or work assignment;
- (2) Demonstrated assaultive behavior towards staff, another inmate, or visitor;
- (3) Possession of dangerous contraband;
- (4) Demonstrated escape risk;
- (5) Participation in an institutional disorder or disturbance;
- (6) Posing a threat to himself or the safety or security of another or the institution, including extensive involvement in security threat group activities. (See CPP 9.3.);
- (7) Repeated violations of institutional rules or policies and procedures; or
- (8) Repeated substance abuse.

b. The inmate shall be given forty-eight (48) hour notice of the initial hearing and the ninety (90) day review hearing.

c. The inmate shall be permitted to call witnesses.

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- (1) The inmate shall present a list of witnesses to the hearing committee or designated person at least twenty-four (24) hours in advance of the hearing. Failure to do so shall constitute a waiver of witnesses.
 - (2) If witnesses are denied, the reasons for denial shall be stated in writing.
- d. The inmate may request an assigned inmate legal aide.
- (1) The inmate shall notify the hearing committee or designated person at least twenty-four (24) hours in advance of the hearing which assigned legal aide he has requested. Failure to do so shall constitute a waiver of a legal aide.
 - (2) If a legal aide is denied, the reason for the denial shall be stated in writing.
- e. The inmate shall be given an opportunity to make a statement and present documentary evidence.
- f. At the conclusion of the hearing, the committee shall prepare a written record that shall include:
- (1) The committee decision;
 - (2) A summary of the evidence upon which the decision is based;
 - (3) A list of all witnesses;
 - (4) The date and time of the hearing;
 - (5) The signatures of the committee members; and
 - (6) Notification of the opportunity to appeal the decision.
- g. The classification decision shall be subject to review and final approval by the Warden.
- h. Assignment to administrative control status shall initially be for a period not to exceed ninety (90) days.
- (1) Any additional assignment, not to exceed ninety (90) days each, may be made provided the inmate remains a threat to the safety or the security of the institution, staff, another

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inmate, or himself.

- (2) The inmate shall meet with the Classification Committee each time for assignment or release.
 - (3) At the end of the ninety (90) day assignment, the inmate shall meet the appropriate Classification Committee to determine if continued assignment is warranted.
- i. The inmate shall not be entitled to the procedures set out in subsections c - h of this section if reassignment to administrative control status takes place.
- (1) If continued assignment occurs, the inmate shall be administratively reviewed every thirty (30) days.
 - (2) The inmate shall be present for the administrative review.
- j. Criteria for Release from Administrative Control Status
- An inmate may be released from administrative control status if the circumstance requiring the assignment no longer exists.
4. Assignment and release from protective custody shall be made in accordance with the provisions of CPP 18.15.
5. Temporary Holding
- a. Placement of an inmate in temporary holding shall be ordered in writing by the shift supervisor or other appropriate supervisor, by completion of a detention order.
 - b. An inmate may be assigned to temporary holding for one (1) of the following:
 - (1) Pending investigation of any violation of state or federal statute or any situation which poses a serious risk to the safety and security of another inmate, staff, or institution;
 - (2) Pending transfer to another institution; or
 - (3) Pending evaluation of an inmate demonstrating an emotional disorder by a psychiatrist, psychologist, or person trained in recognition of behavioral disorders. This temporary assignment shall only occur if the assessment cannot be completed immediately. The assessment shall be completed within twenty-four (24) hours.

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- c. Assignment to temporary holding shall not exceed seventy-two (72) hours unless an extension is verbally approved by the Central Office Classification Branch.
 - d. At the end of the seventy-two (72) hours or approved extension, the inmate shall be released back into general population or transferred to another institution.
 - e. The Warden or designee and the Mental Health Authority or designee shall consult prior to making housing, program, transfer, and disciplinary action for a diagnosed mentally ill or intellectually disabled inmate.
6. Restrictive Housing
- a. Assignment to restrictive housing shall be limited to inmates that pose a direct threat and clear to the safety of persons or a clear threat to the safe and secure operation of the institution. The decision to place an inmate in restrictive housing may be immediate if it is necessary to protect the inmate or others. To be placed in restrictive housing, the threat the inmate poses shall show a relationship with the criteria and behavioral issues in this section.
 - b. Inmates under the age of eighteen (18) shall not be placed in extended restrictive housing.
 - c. The institution may maintain and use alternatives that are available as outlined in CPP 15.2 to safely handle the threat posed by the inmate other than restrictive housing.
 - d. An inmate shall be released from restrictive housing if:
 - (1) The circumstances requiring the assignment are no longer valid;
 - (2) The inmate's behavior or conditions of the unit warrant a release and is approved by the Warden or designee;
 - (3) Assigned to another special management unit;
 - (4) A medical evaluation by a qualified healthcare provider indicates that continued assignment to the unit may have a serious adverse impact on the health of the inmate and alternate treatment modalities are indicated and available as recommended to and approved by the Warden; or

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- (5) The mental health evaluation by a MHP indicates that continued assignment to the unit may have a serious adverse psychological impact on the inmate and alternate treatment modalities are indicated and available as recommended to and approved by the Warden.
7. An inmate shall not be placed in special management or restrictive housing on the basis of gender identity alone.
8. Except for any inmate assigned to disciplinary segregation and death row, an inmate shall be recommended for release from a special management or restrictive housing program only by the Classification Committee and at the approval of the Warden or designee.
9. An inmate assigned to any special management or restrictive housing program may be reassigned from that unit to disciplinary segregation for a rule violation in accordance with CPP 15.2 and CPP 15.6.

B. Detention Order

1. After a detention order is written:
 - a. A copy of the order shall be presented to the inmate to provide notice of the reason for detention;
 - b. Upon receiving notice, the inmate shall be given an opportunity to respond. The response shall be recorded by the appropriate staff on the detention order and signed by the inmate;
 - c. If the inmate refuses to sign the detention order, the staff person issuing the detention order and one (1) additional staff shall document, sign, and date the inmate's refusal; and
 - d. Upon completion of the above, a copy of the detention order shall be given to the inmate.
2. The detention order shall be approved, denied, or modified by an appropriate and higher authority not involved in the initial placement within twenty-four (24) hours from the time detention is ordered.
3. The Warden or designee, upon receipt of the completed detention order, shall consider both the detention order and the inmate response to determine whether:
 - a. Detention is warranted and approve it; or
 - b. Detention is not warranted and return the inmate to his previous

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status.

4. If detention is based upon confidential information, and if the disclosure may constitute a security risk to the inmate, another inmate, or staff, then:
 - a. The information shall not be disclosed to the inmate on the detention order; and
 - b. The confidential information shall be kept separately for the review of the detention order.
5. If an inmate is transferred from special management or restrictive housing to special management or restrictive housing located at a different institution, a new detention order shall be completed by the receiving institution following the same steps listed in this section.

C. Admission and Follow Up Reviews

1. If an inmate is transferred to special management or restrictive housing, healthcare staff shall be informed immediately. If possible, the inmate shall be reviewed by medical before being placed into special management or restrictive housing. If the inmate was involved in a use of force or physical altercation, or has any suspected injury, a medical examination shall be conducted immediately. If there is no suspected injury, healthcare staff shall conduct an assessment and review as indicated by medical protocol within two (2) hours of admission.
2. All inmates requiring special management or restrictive housing shall have their Mental Health Code(s) reviewed prior to placement.
 - a. An inmate found to have a current Mental Health Code of 4 or 5 shall be restricted from placement in special management or restrictive housing, unless there is an immediate and present danger to self, others, or the safety and security of the institution.
 - b. If an inmate is found to have a Mental Health Code of 4 or 5, and is placed in special management or restrictive housing, a MHP shall be notified immediately to conduct a mental status appraisal of the inmate within twenty (24) hours of placement. If after hours, weekend, or holiday, the on-call provider shall be notified of placement. A provider note shall be entered into the treatment record within 24 hours following the review.
 - c. If an inmate is found to have a Mental Health Code of 3, 2, 1 or 0, is reporting suicidal or homicidal ideation, and is placed in special management or restrictive housing, a MHP shall be notified immediately to conduct a mental status appraisal of the inmate

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within twenty (24) hours of placement. If after hours, weekend, or holiday, the on-call provider shall be notified of placement. A provider note shall be entered into the treatment record within 24 hours following the review.

- d. An inmate diagnosed with a serious mental illness, as defined in CPP 13.13, or has a Mental Health Code of 4 or 5 and is placed in Special Management Housing or a Restrictive Housing Unit, shall be reviewed within fourteen (14) days of placement by the Multidisciplinary Service Team for the institution to determine if continued placement is essential for the safety of the institution or as a result of imminent danger to self or others.
 - (1) An active individualized treatment plan shall be initiated by a MHP;
 - (2) At least weekly monitoring shall occur by a MHP;
 - (3) The treatment plan, including psychiatric interventions if necessary, shall include a plan to facilitate the transition of the inmate back into general population or the lowest level of care possible as determined by the Multidisciplinary Treatment Team; and
 - (4) If placement continues beyond thirty (30) days, a comprehensive psychiatric or psychological evaluation, including personal interview, shall be conducted, and the treatment plan updated every thirty (30) days, until the inmate is released from special management or restrictive housing.

- e. An inmate diagnosed with a serious mental illness, as defined in CPP 13.13, or has a Mental Health Code of 4 or 5 shall not be placed in extended restrictive housing, unless the Multidisciplinary Service Team for the institution determines there is an immediate and present danger to others or the safety of the institution. If this occurs, the steps listed in II,A,2, a through c shall apply and every thirty (30) days the Multidisciplinary Service Team for the institution shall meet to review placement and update both the treatment and transition plan for the inmate.

- 3. All inmates assigned to special management or restrictive housing on disciplinary segregation, administrative segregation, administrative control, or protective custody shall have a mental health appraisal, to include at minimum a personal interview, at the end of the first thirty (30) days. If confinement continues beyond thirty (30) days, a mental health appraisal by a MHP shall be made at least every thirty (30) days for inmates who have an identified mental health need and every ninety (90) days for all other inmates. An evaluation shall be conducted more frequently if prescribed by the chief medical authority or if a referral is made to the mental health department.

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4. If an inmate is assigned to special management or restrictive housing on administrative control status, a review by the Classification Committee shall be made at the end of the first thirty (30) days. In addition, an inmate assigned to administrative control, disciplinary segregation, or protective custody status shall be administratively reviewed every seven (7) days for the first sixty (60) days and at least once every thirty (30) days thereafter by members of the appropriate Classification Committee to determine the status of the inmate. The inmate shall be present at the review.
5. An inmate assigned to continuous confinement in special management or restrictive housing for more than thirty (30) days shall require review and approval by the Warden or designee for longer confinement.

D. Special management housing and restrictive housing shall be fair and humane.

E. General Living Conditions

An inmate assigned to special management housing or restrictive housing shall be provided with the following:

1. Housing that permits some conversation with other inmates in the same unit;
2. Visual observation by staff. Space shall be available either inside or external to the unit for treatment staff consultation with inmates;
3. Medication provided as prescribed;
4. Written orientation materials upon admission to include programs and rules. If a literacy problem exists, a staff member shall assist the inmate to understand the material. Translation services or materials in the inmate's own language shall be provided if needed. The orientation shall be documented;
5. Linen and institutional clothing:
 - a. Clothing issued to an inmate shall be laundered;
 - b. Clothing and linen may be exchanged on a frequent basis in lieu of arranging laundry privileges;
 - c. Clothing and linen exchanges, if used, shall be made as often as required for the general population;
 - d. Removal of clothing and linen, if necessary to protect the life of the inmate or as a special precaution shall be justified in writing by the

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Unit Administrator in charge of the area or, in the absence of the Unit Administrator, the Shift Supervisor. A MHP shall be notified immediately along with the Warden or designee. After six (6) days, an inmate shall be removed from the special precaution clothing and linen status, or if necessary, a new authorization shall be generated and approved by the Warden or designee to continue the precaution;

- e. An inmate assigned to administrative segregation shall wear a uniform designated by the Warden.
6. Items permitted for personal use and hygiene:
- a. An inmate assigned to special management or restrictive housing shall be permitted a maximum of twenty dollars (\$20) to purchase only those canteen items necessary for correspondence and personal hygiene, as set forth in CPP 14.2, Personal Hygiene Items;
 - b. Additional canteen item purchases may be allowed at the Warden's discretion; and
 - c. Removal, restriction, or substitution of any item shall be justified in writing.
7. Telephone Privileges
- An inmate in special management or restrictive housing shall have telephone privileges in accordance with security necessary for the unit.
- a. An inmate may make a minimum of one (1) telephone call per week or as authorized by the Warden or designee.
 - b. Telephone privileges shall be denied any inmate housed in disciplinary segregation for less than thirty (30) days.
 - c. An inmate shall be afforded an opportunity to use the telephone for calls relating specifically to access to the judicial process or as authorized by the Warden or designee.
 - d. An inmate assigned to temporary holding may be denied telephone privileges due to the short period of time held in that status. The Warden or designee may authorize a telephone call for specific access to the inmate's attorney or for a legitimate family emergency.
8. A living area or cell shall be furnished with a small table or desk, shelf, and chair or stool if the existing physical plant permits. Denial of any item shall be justified in writing.

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9. Meal Service

All special management and restrictive housing inmates shall have the same food or food as nutritionally adequate as the food provided to the general inmate population.

- a. If an inmate uses food or food service equipment in a manner that is hazardous to himself, staff, or another inmate, an alternative meal service may be provided on an individual basis.
- b. The provision of an alternative meal service shall be based on health or safety considerations.
- c. An alternative meal service shall:
 - (1) Meet basic nutritional requirements; and
 - (2) Have the written approval of the Warden and institutional health authority.
- d. Alternative meal service may be discontinued by the special management or restrictive housing supervisor, institutional health authority, or Warden.
- e. The substitution period shall not exceed seven (7) days unless it is extended with the review of the Warden and the approval of the health care practitioner.
 - (1) If the inmate, after resuming normal meal services, continues to use food or food service equipment in a manner that is hazardous to himself, staff, or another inmate, alternative meals may be initiated again as outlined above.
 - (2) The substitution period shall continue as outlined in this section.

10. Visitation shall be provided unless a documented reason for withholding visitation is determined. Visitation for an inmate assigned to temporary holding may be denied due to the short holding period. The denial of visitation shall require review and approval from the Warden or designee.
11. An inmate shall have the same opportunity to write and receive letters available to the general population.
12. An inmate shall have access to legal materials and legal assistance.
13. An inmate shall have access to reading and writing materials.
14. An inmate shall have the opportunity to shave and shower not less than three

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(3) times weekly.

- a. An inmate in temporary holding may not be provided shower opportunities due to the short period of time in this status. If the seventy-two (72) hour period is extended, the inmate shall be provided the opportunity to shower and shave.
 - b. If an inmate in special management or restrictive housing is not allowed to shave or shower, it shall be documented and reviewed by the Unit Administrator in charge of the area or, in the absence of the Unit Administrator, the Shift Supervisor.
15. Access to barber and hair care services on the same basis as the general population shall be provided if consistent with the security of the institution. Due to the short period of time in temporary holding, access to barber and hair care service may be denied.
16. Recreation
- a. An institution with special management or restrictive housing shall develop recreation programs for the unit to include both indoor and outdoor recreational opportunities.
 - (1) An inmate in special management housing shall have the opportunity to exercise outside the cell for two (2) hours or more per day a minimum of five (5) days a week. At least one (1) of these hours of exercise shall be, weather permitting, outside in the open air unless documented security or safety considerations dictate otherwise.
 - (2) An inmate in restrictive housing shall have the opportunity to exercise outside the cell for a minimum of one (1) hour per day five (5) days a week, unless security or safety considerations dictate otherwise. These hours of exercise shall be, weather permitting, outside in the open air unless documented security or safety considerations dictate otherwise.
 - b. The institutional recreation director shall devise and provide recreational opportunities consistent with the housing and security requirements and operating procedures of the institution.
 - c. The institution shall use an individual yard module concept. In cases in which cover is not provided to mitigate inclement weather, appropriate weather-related equipment and attire shall be available to the inmates who desire to take advantage of their authorized exercise time.

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- d. The restriction or denial of recreational opportunities shall not be used as punishment.
 - e. Recreational opportunities shall only be restricted or denied by the Warden or designee if the inmate's documented activities pose a threat to the safety of the inmate, other inmates, staff, or the security of the institution.
17. With the exception of specific privileges that may be denied to anyone assigned to disciplinary segregation, special management, or restrictive housing the institution shall provide living conditions similar to those offered to the general population as physical facilities and resources allow to access programs and services including educational services, canteen services, library services, social services, counseling services, behavioral health and treatment services, religious guidance, and recreational programs while maintaining the degree of security and control the program and inmates concerned require.
18. Inmates held in disciplinary status for periods exceeding sixty (60) days shall be provided the same program services and privileges as inmates in administrative segregation and protective custody.
- F. All special management and restrictive housing inmates shall be personally observed by a correctional officer at least every thirty (30) minutes on an irregular schedule. Any inmate who is violent, is diagnosed with a mental disorder, or demonstrates unusual or bizarre behavior shall receive more frequent observation consistent with CPP 13.12.
- G. Scheduled Visits
1. The following staff shall visit special management or restrictive housing program areas at least as often as indicated:

	Staff	Frequency of Visits
a.	Warden and all Deputy Wardens	Weekly
b.	Major and Shift Captain or Shift Supervisor	Once each shift
c.	Unit Manager	Daily on normal work days
d.	Healthcare staff	Daily

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- e. Physician or nurse practitioner Weekly
- f. Classification and Treatment Officer Daily on normal work days
- g. MHP or psychologist Weekly
- h. Chaplain Weekly
- i. Academic staff Weekly
- j. Recreation staff Weekly
- k. Health Service Administrator Weekly
- l. Director of Nursing Weekly
- m. Program staff Weekly

2. The schedule shall not apply if the employee is on sick leave, vacation, training, or any other authorized leave, but the person acting on behalf of the staff member shall visit instead. The presence of health care and mental health staff shall be announced and recorded.

H. Restriction or Denial of Privileges

- 1. If necessary to restrict or deny an inmate in a special management or restrictive housing unit any usual item or activity, a report shall be made to the appropriate Deputy Warden listing the item or activity denied and the reason and documented in the inmate's record in the offender management system. All restrictions shall be reviewed by the Warden or designee.
- 2. Pregnant and Immediate Postpartum Inmates
 - a. Female inmates determined to be pregnant or in the immediate postpartum period shall not be denied or restricted of privileges as inmates assigned to special management or restrictive housing status.
 - b. Female inmates determined to be pregnant or in the immediate postpartum period shall not be housed in extended restrictive housing.
 - b. The immediate postpartum period may be extended by a primary care provider.

I. Documentation Procedures

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1. Property

Upon assignment to special management or restrictive housing, an inventory of all personal property not authorized in the unit shall be made. The officer making this inventory and the individual inmate shall sign the inventory. A copy of the signed inventory shall be distributed to the following:

- a. Property officer who shall maintain it on file for five (5) years or for the period the personal property is withheld from the inmate, whichever is longer;
- b. Inmate; and
- c. Included with the stored property of the inmate.

2. All personal property not authorized on the unit shall be stored in a specific place designated for property storage.

3. Administration

- a. A separate logbook shall be maintained for each unit, noting all staff visits to the unit and signed by the person making the visit, including the date, time, and general comments.
- b. Documentation shall be made by all units outlining any movement, recreation time, shower time, medication, food, and any other significant item reflecting the inmate's adjustment.
- c. The admission of an inmate to the unit shall be recorded with the following information:
 - (1) Name;
 - (2) Inmate number;
 - (3) Housing;
 - (4) Location;
 - (5) Date admitted;
 - (6) Reason for admission;
 - (7) Tentative release date; and

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- (8) Special medical or mental health problems, conflicts, or needs.

J. Unit Staffing

1. Special management and restrictive housing shall have, at a minimum, a Unit Supervisor and an Assistant Unit Supervisor if population exceeds one hundred.
2. If possible, staff assigned to special management and restrictive housing shall have a minimum of twelve (12) months experience in a correctional institution.
3. Each supervisor of special management and restrictive housing shall periodically consider the need for rotation of employees under the supervisor's supervision.
4. Staff assigned to work in restrictive housing shall have specialized training including crisis intervention, stress management, and correctional behavioral health.

K. Maximum Assaultive Status

1. Criteria for Assignment
 - a. An inmate assigned to special management or restrictive housing who has assaulted an employee, inmate, or other person may be placed in maximum assaultive status, to reduce the chance of injury to staff and other inmates.
 - b. If an immediate need exists, an inmate may be placed on maximum assaultive status by the Warden or designee for a period up to ninety-six (96) hours. Placement in maximum assaultive status beyond ninety-six (96) hours shall require review and approval by the Classification or Adjustment Committee or adjustment officer.
 - c. An inmate placed in maximum assaultive status shall be reviewed on the same schedule as the special management assignment dictates.
 - d. Placement in maximum assaultive status and the justification for placement shall be included in the committee report and in the inmate special management log or file.
2. Security Procedures for Movement of Inmates in Maximum Assaultive Status

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- a. A minimum of two (2) correctional officers shall be present outside the cell housing a maximum assaultive status inmate before the cell door is opened.
 - b. The inmate shall pass his clothing outside the cell to be searched.
 - c. The inmate shall remain locked in the cell until a strip search is completed by the officers outside the cell.
 - d. The inmate, if he complies with the strip search, shall put his searched clothing back on without any other clothing replacement. The inmate shall then:
 - (1) Be placed in necessary restraints while still in his cell; and
 - (2) Remain in necessary restraints until returned to his cell with the restraints being removed by the officer outside his cell after the cell has been locked.
 - e. If an inmate does not comply with a strip search, injures himself, or abnormal conditions arise and movement remains necessary:
 - (1) The shift supervisor shall be immediately notified of the situation; and
 - (2) The inmate shall be removed from the cell using the Use of Force Procedures outlined in CPP 9.1.
- L. Extended Restrictive Housing
- 1. All efforts shall be made to ensure that an inmate housed in extended restrictive housing is not released directly to the community.
 - a. Justification and approval shall be received from the Commissioner or designee and documented prior to release;
 - b. If the release is imminent, a release plan tailored to the specific needs of the inmate shall be developed;
 - c. A notification of the inmate's release shall be submitted to state law enforcement;
 - d. A notification of the inmate's release shall be submitted to local law enforcement in the county where the inmate is to be released;
 - e. A notification of the release shall be submitted to applicable

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community resources, and

f. A notification shall be submitted to the victim, if applicable.

2. Step-Down Programs for Extended Restrictive Housing Programs

a. Upon admission, a pre-screening evaluation shall be conducted to determine the program needs of the inmate.

b. Monthly reviews and mental status evaluations shall be completed by a multidisciplinary service team including Program Administrator, Classification and Treatment Officer, security supervisor, correctional officer, and medical and mental health professionals. The inmate shall be present for the monthly reviews.

c. Documentation of progress and step-down transition compliance reviews shall be entered into the offender management system.

d. Monthly reviews shall address program expectations; including incrementally increasing out-of-cell time to foster positive group interaction, as well as increased education and programming opportunities to maintain incentive and build on privileges earned through demonstration of appropriate behavior.

e. Post screening evaluation shall be completed prior to the inmate's release to the general population.

Revised: 2024

CPP 10.2
Attachment I

DETENTION ORDER

ALL INFORMATION CONTAINED ON THIS DOCUMENT SHALL BE PRINTED OR TYPED

INMATE NAME AND NUMBER: _____

DATE AND TIME OF DETENTION: _____

The above-named and numbered inmate is being detained for the following reasons: _____

SHIFT SUPERVISOR

DATE AND TIME

INMATE'S RESPONSE TO DETENTION ORDER

The following is _____'s response to the Detention Order issued on _____, 20____, at _____, .m.:

I have received a copy of this Detention Order. The above accurately reflects my response to the Order.

WITNESS SIGNATURE

INMATE SIGNATURE

DATE AND TIME

WARDEN'S PROCEDURAL REVIEW

Mark One:

Approve _____

Disapprove _____

WARDEN OR DESIGNEE

DATE AND TIME

ADMINISTRATIVE CONTROL HEARING FORM

CPP 10.2
Attachment II
Rev. 2/2024

INSTITUTION: _____

INMATE NAME: _____

NUMBER: _____

DATE ASSIGNED TO UNIT: _____

CASE REVIEW
RECOMMENDATION: _____

SIGNATURE: _____

DATE: _____

HEARING TESTIMONY: To be completed during the Classification Hearing.

DATE: _____

STATEMENT OF INMATE: _____

NAMES AND STATEMENTS OF
WITNESSES: _____

CLASSIFICATION COMMITTEE
RECOMMENDATION: _____

_____	_____	_____
Chairperson Class. Committee	Member Class. Committee	Member Class. Committee
_____	_____	_____
Inmate Signature		Legal Aide Signature

Inmate notified of opportunity to appeal: Yes No

WARDEN'S REVIEW AND
RECOMMENDATION: _____


Approved Disapproved _____

Signature of Warden or Designee _____ Date _____

CENTRAL OFFICE ACTION

_____	_____	_____	_____
Chairperson	Member	Member	Date

Cc: File

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	Supersedes Effective Date	
Authority/References KRS 196.030, 196.035, 197.020, 441.540, 441.550 CPP 18.13	Subject SAFEKEEPERS AND CONTRACT PRISONERS	

I. APPLICABILITY

This policy is applicable only to Corrections level 3 and above institutions.

II. DEFINITIONS

"Safekeeper" means a person charged with a crime who is housed in one of the Department of Corrections institutions under circumstances provided in KRS 441.540 and 441.550.

"Contract prisoner" means a person charged with a crime who is housed in one of the Department of Corrections institutions under the provisions of KRS 196.030(2).

III. POLICY and PROCEDURES

- A. A safekeeper shall be accepted and housed in accordance with KRS 441.540 and 441.550.
- B. A contract prisoner shall be accepted and housed in accordance with KRS 196.030(2).
- C. Safekeepers and contract prisoners shall be taken to a level 3 or above institution of Corrections as directed by the Commissioner or his designee.
- D. Safekeepers shall be housed in a segregated area separate from the general population of the institution up to 30 days for administrative purposes including assessing their medical history, personal background, criminal history, and orientation.
 1. The Classification Committee shall classify the safekeeper no later than 30 days after his receipt at the institution.

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2. After the initial administrative segregation, a safekeeper may request consideration by the Classification Committee to be placed in any population category as defined in CPP 18.13.
-
- E. A safekeeper or contract prisoner shall be subject to the rules of the Department and institution governing visitation, mail, disciplinary actions, and other daily activities for the particular institution and unit where the safekeeper or contract prisoner is confined.
 - F. A contract prisoner shall be housed in accordance to the agreement entered into between the Department of Corrections and the contracting agency.



501 KAR 6:390
MIR Attached

Andy Beshear
GOVERNOR

JUSTICE AND PUBLIC SAFETY CABINET

125 Holmes St.
Frankfort, Kentucky 40601
Phone: (502) 564-7554
Fax: (502) 564-4840

Keith L. Jackson
SECRETARY

October 14, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 501 KAR 6:300. News media;
501 KAR 6:310. Monitoring and operation of private prisons;
501 KAR 6:320. Corrections policies and procedures: inmate funds;
501 KAR 6:340. Corrections policies and procedures: research and information;
501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification;
501 KAR 6:370. Corrections policies and procedures: security and control;
501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners;
501 KAR 6:390. Corrections policies and procedures: inmate diet;
501 KAR 6:400. Corrections policies and procedures: inmate health care;
501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline.
501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting.
501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property.
501 KAR 6:450. Corrections policies and procedures: classification.
501 KAR 6:460. Corrections policies and procedures: inmate work programs.
501 KAR 6:470. Corrections policies and procedures: inmate education and training.
501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities.
501 KAR 6:500. Religious programs.

501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release.

501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs.

501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits, the Justice and Public Safety Cabinet proposes the attached substitutes to 501 KAR 6:300. News media; 501 KAR 6:310. Monitoring and operation of private prisons; 501 KAR 6:320. Corrections policies and procedures: inmate funds; 501 KAR 6:340. Corrections policies and procedures: research and information; 501 KAR 6:360. Corrections policies and procedures: safety and critical incident notification; 501 KAR 6:370. Corrections policies and procedures: security and control; 501 KAR 6:380. Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners; 501 KAR 6:390. Corrections policies and procedures: inmate diet; 501 KAR 6:400. Corrections policies and procedures: inmate health care; 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline; 501 KAR 6:430. Corrections policies and procedures: communication, mail, and visiting; 501 KAR 6:440. Corrections policies and procedures: inmate reception, orientation, and personal property; 501 KAR 6:450. Corrections policies and procedures: classification; 501 KAR 6:460. Corrections policies and procedures: inmate work programs; 501 KAR 6:470. Corrections policies and procedures: inmate education and training; 501 KAR 6:490. Corrections policies and procedures: inmate recreation and



activities; 501 KAR 6:500. Religious programs; 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release; 501 KAR 6:520. Citizen involvement, volunteer, and reentry mentor service programs; and 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

Sincerely,



Nathan Goens, Attorney
Justice and Public Safety Cabinet
125 Holmes Street, 2nd Floor
Frankfort, Kentucky 40601

enclosure

SUGGESTED SUBSTITUTE

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections**

501 KAR 6:390. Corrections policies and procedures: inmate diet.

RELATES TO: KRS Chapters 196, 197

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, character of food and diet of the prisoners, preservation of the health of the prisoners, cleanliness of the persons of the prisoners, general sanitary government of the penitentiary and prisoners, character of the labor, and quantity of food and clothing. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes policies and procedures concerning inmate diet for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 11", ~~October~~**May** 15, 2024, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 11 includes:

11.2	Dietary Procedures and Compliance (1/12/17) (10/15/24)
11.4	Alternative Dietary Patterns (5/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

Changes to Material Incorporated by Reference:

CPP 11.2

Page 1, Date Filed Box

Insert "October 15, 2024".


Delete "January 12, 2017".

Page 1, Effective Date Box

Delete "June 2, 2017".

Page 1, Header

Insert "Supersedes Effective Date" box.

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Authority/References KRS 196.035, 197.020 ACA 4-4314, 4-4315, 4-4317, 2-CO-4C-01	Subject DIETARY PROCEDURES AND COMPLIANCE	

I. DEFINITIONS

"Master menu" means a menu planned and distributed to the institutions in accordance with recommended daily allowances as recognized by the National Academy of Sciences.

"Standard portion size" means the use of specific portion sizes and a standard recipe file.

II. POLICY and PROCEDURES

An inmate shall be served a nutritionally adequate diet. Each Warden shall ensure this nutritional adequacy by providing direction that foods shall be served in accordance with the master menu as approved by the Food Services Branch Manager. General population menus shall be planned in advance, dated, and posted in living areas. The standards to be followed in preparing the master menu for foods to be served shall meet or exceed dietary allowances as stated in the recommended dietary allowances. All menus shall specify portion size. The contract Food Services Manager at the institution shall ensure compliance.

- A. Compliance with the approved master menu shall be documented on a monthly basis.
- B. A monthly staff meeting shall be held by the contract Food Service Manager at the institution to review food service operations.
- C. All foods served shall be inspected and approved by the appropriate government authorities.
- D. Accurate records of all meals served shall be maintained.
- E. Corrections shall employ a dietitian to ensure compliance with nutritional and health care standards as related to food service.

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F. Staff representatives from all institutions as well as information from annual surveys (designed for inmate evaluation of the menu) shall be included in the planning process. The inmate survey shall be conducted annually.

G. Substitutions shall be recorded and submitted to the appropriate Deputy Warden on the date the substitution occurs.

H. Food Service Management

The contract management company along with the Department shall establish a food service staffing pattern appropriate in size to meet the needs of the institution. Staff size and organization may vary widely depending on the number of inmates, security level, physical plant, and equipment available. Each food service department, however, shall provide the following minimum staffing pattern:

1. At least one (1) full-time manager with educational background and experience in the management and supervision of food service operations;
2. Support staff adequate to ensure preparation and service of meals as prescribed in this policy; and
3. Security supervision at a level appropriate for the institution.

I. Food Service Records for the Master Menu and Inventory Control

Records shall be maintained to document information related to the service of the minimum dietary requirements. These records shall include:

1. Signed contract and addendums to the agreement between the Department and the contract food service company;
2. An up-to-date master menu and a record of all menu substitutions, additions, or deletions; and
3. A monthly inventory indicating foods used during the period.

J. Meal Service Records

Records shall include, at a minimum, the following information:

1. Number of inmate meals served daily;
2. Number of visitor meals served daily;
3. Number of staff meals served daily;

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4. Master menus and menu changes for the past year;
5. Average food cost per person, per day; and
6. Records of food inventory (i.e. consumption).

K. Program Review

The master menu shall be nutritionally analyzed annually. A review of the institutional food service departments through an on-site inspection shall be provided by the District Food Operations Evaluator annually for all institutions. This review shall include an evaluation of sanitation, safety, staffing patterns, equipment needs, storage facilities, and master menu compliance. Quarterly food service inspections shall include safety, master menu compliance, and food quality. Bi-annual documentation reviews shall include staffing levels, equipment condition, production records, HACCP controls, and grievances.