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GOVERNOR

JUSTICE AND PUBLIC SAFETY CABINET

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January 9, 2025

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 6:410. Corrections policies and procedures: inmate life and issues.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6:410. Corrections policies and procedures: inmate life and issues, the Department of Corrections proposes the attached substitute to 501 KAR 6:410. Corrections policies and procedures: inmate life and issues.

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 6:410. Corrections policies and procedures: inmate life and issues.

RELATES TO: KRS Chapters 196, 197, KRS 402.050, 402.080, 510.120(1)(b)

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, 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 clothing. KRS 197.020(1)(c) further authorizes the Department of Corrections to promulgate administrative regulations for the disposition of abandoned, lost, or confiscated property of 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 policies and procedures concerning inmate life and issues for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 14", January 13, 2025~~May 15, 2024~~, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 14 includes:

- 14.1 Investigation of Missing Inmate Property (1/13/25)~~(5/15/24)~~
- 14.2 Personal Hygiene Items (1/13/25)~~(8/20/13)~~
- 14.3 Marriage of Inmates (1/13/25)~~(1/12/17)~~
- 14.4 Legal Services Program (1/13/25)~~(3/14/14)~~
- 14.5 Board of Claims (1/13/25)~~(5/15/24)~~
- 14.6 Inmate Grievance Procedure (5/15/24)
- 14.7 Sexual Abuse Prevention and Intervention Programs (1/13/25)~~(5/15/24)~~
- 14.8 Lesbian, Gay, Bisexual, Transgender, and Intersex Inmates (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 14.1

Page 1, Date Filed Box

Insert "January 13, 2025".

Delete "May 15, 2024".

Page 1, Header

Insert "Supersedes Effective Date" box.

Pages 1-2, B.2.b.

After "or stolen item and", insert "a".

After "disciplinary report", insert "shall be".

CPP 14.2

Page 1, Date Filed Box

Insert "January 13, 2025".

Delete "August 20, 2013".

Pages 1-2, Effective Date Box

Delete "February 3, 2013".

Page 1, Header

Insert "Supersedes Effective Date" box.

CPP 14.3

Page 1, Date Filed Box

Insert "January 13, 2025".

Delete "January 12, 2017".

Page 1, Effective Date Box

Delete "June 2, 2017".

Page 1, Header

Insert "Supersedes Effective Date" box.

CPP 14.4

Page 1, Date Filed Box

Insert "January 13, 2025".

Delete "March 14, 2014".

Pages 1-5, Effective Date Box

Delete "August 1, 2014".

Page 1, Header

Insert "Supersedes Effective Date" box.

Page 2, II.G.1.d.(3)

After "(3)", insert the following:

Rules of Appellate Procedure;

(4)

Re-number "(5)" as "(4)".

CPP 14.5

Page 1, Date Filed Box

Insert "January 13, 2025".

Delete "May 15, 2024".

Page 1, Header

Insert "Supersedes Effective Date" box.

CPP 14.7


Page 1, Date Filed Box

Insert "January 13, 2025".

Delete "May 15, 2024".

Page 1, Header

Insert "Supersedes Effective Date" box.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	14.1	2
	Date Filed	Effective Date
	January 13, 2025	
	Supersedes Effective Date	
References/Authority KRS 196.035, 197.020 ACA 5-ACI-5A-08	Subject INVESTIGATION OF MISSING OR STOLEN INMATE PROPERTY	

I. DEFINITIONS

None

II. POLICY and PROCEDURES

If notified of missing or stolen inmate property, the staff member receiving the information shall complete a theft report. The staff member shall sign and date the theft report.

A. The inmate shall report the missing or stolen property within five (5) business days of the occurrence or becoming aware of the missing item. The inmate shall:

1. Provide proof of ownership of the missing or stolen property through receipts, property sheet, or other form of documentation. If the inmate does not have proof of ownership documentation or is verified to be indigent by the investigating staff, the inmate may file an open records request per CPP 6.1.
2. Have three (3) working days from the date of receiving any proof of ownership records through an open records request to provide it to the reporting staff member.
3. The report and any record shall be turned over to the appropriate supervisor to conduct the investigation.

B. An investigation shall be conducted for the missing or stolen property.

1. The investigation shall be conducted in a timely manner and shall not take more than ten (10) working days to complete.
2. The investigation shall determine one of the following:
 - a. The inmate is at fault or negligent for the missing or stolen item;

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- b. Another inmate is at fault for the missing or stolen item and a disciplinary report shall be issued as appropriate;
 - c. A staff member is at fault for the missing or stolen item; or
 - d. The report is determined to be unfounded and a disciplinary report may be issued as appropriate.
 3. The Deputy Warden or other designated authority may grant an extension to the investigation based on justifiable institutional needs. This extension shall be documented in the investigation.
- C. Upon completing the investigation, the supervisor shall turn over the investigation and all related records to the Deputy Warden or designated authority. This shall include all notes, interview documentation, summary of video or audio reviews if available, and the inmate's proof of ownership records. If proof of ownership is not obtained, an investigation may be concluded as being unfounded. The Deputy Warden or designated authority shall refer the investigation and its findings to the appropriate staff:
 1. In the Business Office for reimbursement with the Warden's or designee's approval;
 2. For referral to the Adjustment Officer for adjustment hearing and restitution;
 3. For reinvestigation; or
 4. As unfounded.
- D. The Deputy Warden or designated authority shall notify the reporting inmate to ensure the inmate receives a summary of the investigation findings and a current property sheet.
- E. The completed investigation and related documents shall be placed in the electronic management system by the Deputy Warden or designee.
- F. Any sensitive information shall be redacted from the investigation and any related documentation before disclosure or inspection.

KENTUCKY DEPARTMENT OF CORRECTIONS MISSING PROPERTY / THEFT REPORT

Section I Reporting Information	
Inmate Name / Number	
Staff Name / Title	
Date Report Initiated	

Section II Missing / Stolen Property - If more space is needed, please attach additional page			
Item	Date Purchased	Item Amount	Serial Numbers

Section III Date & Time of Occurrence			
Place Occurred			
Date Occurred	Time Occurred	AM / PM	
Brief Description of Incident			

Must verify inmates' rightful ownership of items. Attached: Receipts / Property Sheet / Other _____

Section IV Investigator Information	
Name / Title	
Date Received	

Investigator has 10 working days to complete and submit completed report to the Deputy Warden's Office.

Section V Investigation - If more space is needed, please attach additional page	

Investigation shall include the date, area and timestamp of incident. Investigation shall include all persons involved and specify all property that was verified stolen via camera footage or cell search.

Investigator must determine if the property missing/stolen is at the fault of one of the following:

Reporting Inmate / Another Inmate / Staff Member / Unfounded

Section VI		Persons Involved
Name/Numbers		Disciplinary:
Name/Numbers		Disciplinary:
Name/Numbers		Disciplinary:
Name/Numbers		Disciplinary:

Inmates involved shall receive a disciplinary report to include the identified items stolen.

Section VII			Property Recovered & Returned - If more space is needed, please attach additional page
Item	Date Recovered	Date Returned	

Investigation shall include all property that was recovered.

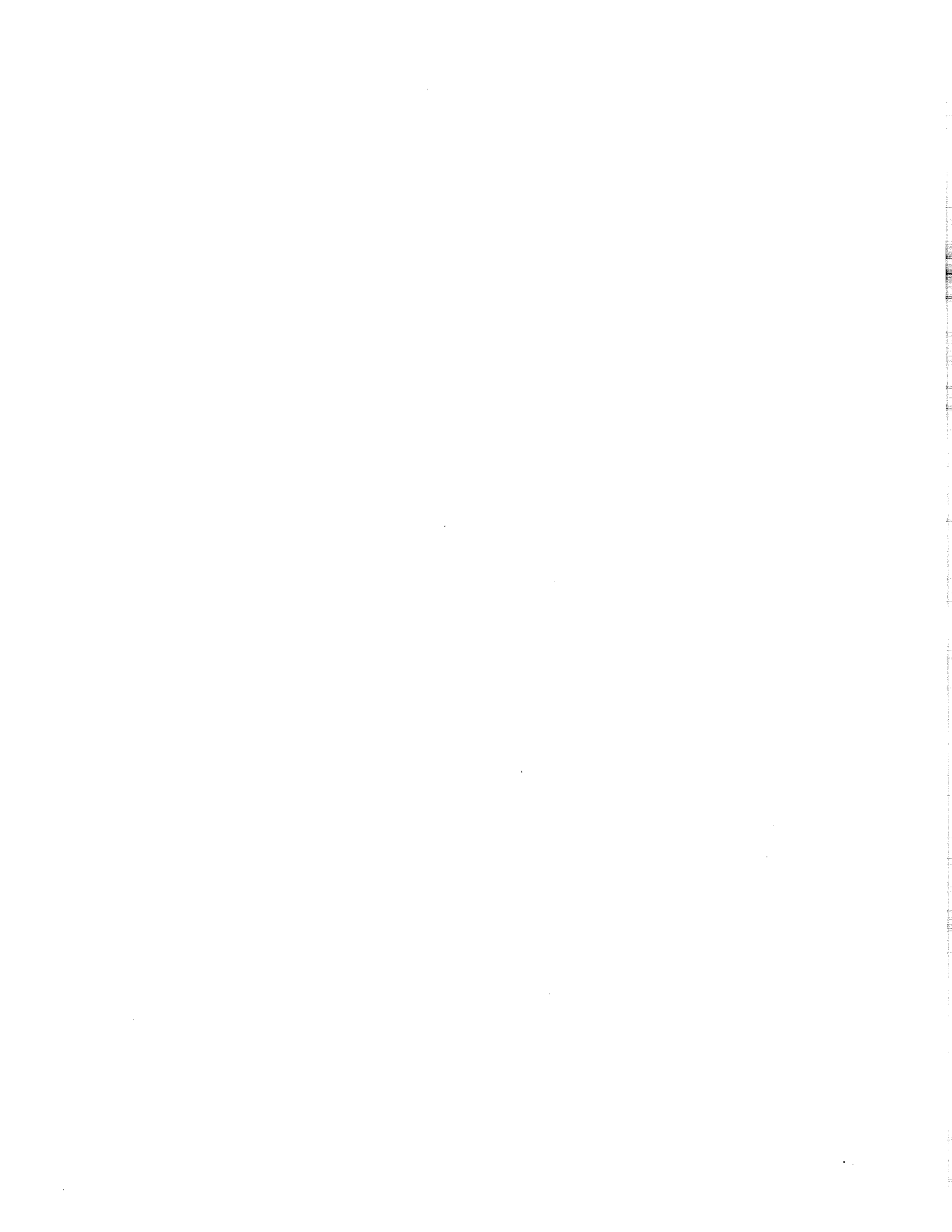
Section VIII		Deputy Wardens Review - Forward to one of the following
Business Office / Reimbursement		
Adjustment Committee / Restitution		
Investigator / Reinvestigation		
Other		


Depreciation scale shall be used to determine reimbursement / restitution amount.

Warden's Signature _____ Date _____

Section IX		Summary of the Investigation – Forward to the following
Reporting Inmate		
Property Supervisor		
Internal Affairs		
Other		

Warden's Signature _____ Date _____



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Authority/References KRS 196.035, 197.020 ACA 4-4336, 4-4340, 4-4342, 2-CO-4D-01	Subject PERSONAL HYGIENE ITEMS	

I. DEFINITIONS

None

II. POLICY and PROCEDURES

Corrections shall provide basic personal hygiene items necessary for the health of inmates.


A. All institutions shall provide the following to inmates without charge:

1. Adequate, climatically suitable clothing
2. Toothbrushes
3. Toothpaste, or denture cleanser and denture adhesive
4. Disposable razors
5. Soap
6. Toilet paper
7. Shaving cream
8. A clean mattress and pillow
9. Two clean sheets, a pillowcase and two clean towels upon arrival to the institution and weekly exchange, if necessary
10. A clean blanket upon arrival to the institution and weekly exchange if necessary
11. Sanitary napkins – issued to female inmates only

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12. A comb

- B. With the exception of the requirements or limitations stated in items 9, 10, and 11, the frequency and quantity issued shall be determined by each Warden. A sufficient quantity shall be issued to allow the individual to maintain an acceptable level of personal hygiene.

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	14.3	3
	Date Filed	Effective Date
	January 13, 2025	
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References/Authority KRS 196.035, 197.020, 402.020, 402.050, 402.080 CPP 26.1	Subject MARRIAGE OF INMATES	

I. DEFINITIONS

None

II. POLICY and PROCEDURES

A. An inmate who wants to marry during incarceration may do so if the inmate receives the approval of the Warden of the institution or the Community Center Program Manager.

B. A Warden or Community Center Program Manager shall disapprove a marriage for the following reasons:

1. There is a legal restriction to the marriage;
2. The proposed marriage threatens the security of the institution or the public;
3. The inmate making the request is emotionally unstable or incompetent;
4. The inmate desires to marry a current Corrections employee; or
5. The inmate desires to marry an inmate currently incarcerated.

C. Requirements

1. An inmate desiring to marry during the period of his confinement shall submit a written request from both parties to the personnel designated by the Warden. If an inmate has been married previously, he shall submit a copy of the divorce decree or other applicable document to verify that there is no legal restriction to the marriage.

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- a. A narrative report explaining the circumstances of the marriage request shall accompany the recommendation to the Warden.
 - b. The inmate shall be advised of the Warden's decision within ninety (90) days following the written marriage request.
 - c. An application for a marriage license or other wedding arrangements shall not be made until final approval is given by the Warden.
 - d. If the Warden disapproves the marriage, the institutional inmate may appeal the decision to the Deputy Commissioner of Adult Institutions or his designee.
2. A Community Center inmate shall submit the request to the probation and parole officer assigned to that center. If an inmate has been married previously, he shall submit a copy of the divorce decree or other applicable document to verify that there is no legal restriction to the marriage.
- a. A narrative report explaining the circumstances of the marriage request shall accompany the recommendation to the Program Manager.
 - b. The inmate shall be advised of the Program Manager's decision within ninety (90) days following the written marriage request.
 - c. An application for a marriage license or other wedding arrangements shall not be made until final approval is given by the Program Manager.
 - d. If the Program Manager disapproves the marriage, the inmate may appeal the decision to the Director of Local Facilities.

D. Marriage Ceremony

An inmate may have a marriage ceremony conducted within the institution.

1. The following shall apply to any wedding conducted at an institution:
 - a. The marriage ceremony within the institution may be conducted by the Chaplain or an alternate officiator. The institutional Chaplain may decline to perform the ceremony based upon professional discretion or doctrinal requirements.

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- b. The Chaplain or designated staff member shall assist the couple in obtaining an appropriate alternate to perform the ceremony and in making the necessary arrangements. These arrangements shall be in keeping with institutional security requirements.
 - c. Any person performing the marriage ceremony shall meet minimum statutory requirements and shall be subject to institutional rules and regulations.
 - d. Any alternate officiator shall meet the criteria of a non-certified volunteer as set forth in CPP 26.1, Citizen Involvement and Volunteer Service Program.
 - e. Wedding attendance shall be limited to the prospective spouses and two (2) adult witnesses only. Corrections staff may serve as witnesses to the marriage if no other witnesses are available to accompany the prospective spouse.
 - (1) The prospective spouse and two (2) witnesses shall be pre-screened prior to the ceremony.
 - (2) Children under the age of eighteen (18) shall not be permitted to attend.
 - f. The wedding ceremony shall be limited to thirty (30) minutes.
 - g. Correctional staff shall be present during the wedding ceremony. Staff shall conduct required security searches of the attending inmate, prior to, and following the ceremony.
 - h. Wedding attire and accessories:
 - (1) Clothing for the inmate brought in by family, friends or other individuals shall not be permitted.
 - (2) The prospective spouse may bring the inmate's wedding ring in accordance with CPP 17.1. Other items shall not be permitted.
 - i. An inmate shall not take an item other than his wedding ring to his living area.
2. A copy of the marriage license shall be placed in the inmate's institutional file.



**KENTUCKY
CORRECTIONS**
Policies and Procedures

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Date Filed	January 13, 2025	Effective Date	
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Authority/References	Subject		
KRS 196.035, 197.020 ACA Standards 4-4274, 4-4275, 4-4276, CO-3C-01 CPP 15.2, CPP 15.7 <i>Lewis v. Casey</i> , 116 S. Ct. 2174 (1996); <i>Knop v. Johnson</i> , 977 F2d 996 (6th Cir. 1992)	LEGAL SERVICES PROGRAM		

I. DEFINITIONS

"Indigent" is defined in CPP 15.7.

"Legal Aide" means a person who has received training by the Department of Public Advocacy and is certified as a legal aide to assist other inmates at the same institution with legal matters.

II. POLICY and PROCEDURES

A. It shall be the policy of Corrections to provide an inmate with the opportunity to contact the courts by a variety of methods including:

1. Contact with an attorney (telephone, mail, visit);
2. Contact with an assigned legal aide at the same institution; and
3. Unrestricted and uncensored legal correspondence to and from an attorney and the courts.

B. The institution shall offer inmates facilities that afford confidentiality. This shall include:

1. Access to uncensored legal mail services to and from attorneys and the courts for the conduct of legal matters;
2. Access to an electronic law publication database;
3. Access to a copy machine; and
4. An area for confidential attorney visitation or confidential telephone call.

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- C. The institution shall provide an inmate reasonable access to the courts to allow presentation of legal issues including the following:
 - 1. Challenging the legality of the inmate's conviction or confinement; and
 - 2. Seeking redress concerning conditions of confinement.
- D. An institution or employee shall not impose a penalty on any inmate because of the inmate's decision to seek judicial relief so long as the lawsuit does not violate CPP 15.2.
- E. Upon request, an indigent inmate may receive reasonable amounts of legal supplies, postage and copying services as necessary.
- F. An inmate who can demonstrate by court order, statute, or court rules a definite deadline for a lawsuit concerning the areas listed in C. shall be allowed to have copies and postage upon signing a cash pay order (CPO) even if the inmate's cash account is inadequate to pay the expense.
- G. Electronic Law Publication Database

An adequate electronic law publication database shall be maintained at all correctional institutions.

- 1. At a minimum the institution shall have databases to access the following:
 - a. Kentucky Case Law;
 - b. Kentucky Revised Statutes;
 - c. Kentucky Administrative Regulations;
 - d. Kentucky Rules to include the following:
 - (1) Rules of Civil Procedure;
 - (2) Rules of Criminal Procedure;
 - (3) Rules of Appellate Procedure;
 - (4) Rules of Evidence; and
 - (5) Rules of Administrative Procedure.

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- e. Case law, statutes, administrative regulations, and court rules for all 50 states, plus District of Columbia;
 - f. U.S. Supreme Court reports;
 - g. All 13 U.S. Circuit Courts;
 - h. Federal District Court Decision;
 - i. U.S. Code;
 - j. U.S. Supreme Court Rules;
 - k. Federal Court Rules;
 - l. Federal Sentencing Guidelines; and
 - m. U.S. Constitution.
2. The following materials shall be provided:
- a. Corrections Policies and Procedures (NO SECURITY SECTIONS);
 - b. Institutional Policies and Procedures (NO SECURITY SECTIONS); and
 - c. Black's Law Dictionary.
3. Equipment for inmate legal aide use shall include:
- a. Typewriters;
 - b. Typing paper and supplies; and
 - c. A copy machine.

H. Legal Aide Program

A legal aide program shall be operated to service each institution.

1. An applicant for an inmate legal aide position shall be required to take an examination to determine his qualifications for admission to a basic legal aide training seminar. The Department of Public Advocacy offers this training annually.

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2. An applicant for an inmate legal aide position shall be assigned to general population, excluding protective custody and death row, and have at least thirty-six (36) months to his parole eligibility date or expiration of sentence. The latter requirement may be waived if an insufficient number of qualified candidates apply for the vacant legal aide position.
3. An inmate who receives a passing score on the entrance examination may be allowed to participate in the next scheduled training seminars.
4. An institutional legal aide position shall be filled based upon the following however, no one factor shall be determinative of filling a position:
 - a. scores received during the legal aide training;
 - b. inmate population;
 - c. interviews, if performed;
 - d. past job performance; and
 - e. communication skills.
5. A legal aide may be removed from the position for one or more of the following reasons:
 - a. Failing to adequately represent the needs of an inmate;
 - b. Abusing the legal aide position; or
 - c. Receiving a category IV finding of guilt or three (3) Category I, II or III finding of guilt within a six (6) month period.

A legal aide who is removed from the position for justified reasons shall not be returned to that position for at least six (6) months.
6. An inmate, other than a legal aide, capable of assisting another inmate located at the same institution in the preparation of legal papers or in the prosecution of a lawsuit may do so without fear of disciplinary action.
7. An inmate who has completed the legal aide training seminar may be required to serve as a legal aide if there are not enough qualified applicants to fill existing vacancies.
8. An inmate who seeks to be trained as a legal aide shall have a General Equivalency Diploma (GED) or high school diploma.

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I. Legal Aide Duties

1. An inmate legal aide may only assist inmates confined at the same institution.
2. A legal aide shall be required to store all materials, pleadings, and the like in the legal aide office except the aide's personal files and except those inmates being helped who wish to keep their own files.
4. A log shall be maintained to show what cases a legal aide is assigned.
5. If transferred, a legal aide may not take the files of any inmate he has been assisting.
6. If an inmate who is receiving assistance is transferred, it shall be his responsibility to obtain his file from the legal aide or other inmate. If this is not feasible, he shall contact the institution to forward his legal material.
7. An inmate assisting other inmates shall register in the legal aide office along with the name of the inmate being assisted, a brief description of the legal matter, and the style and number of the lawsuit.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	14.5	2
	Date Filed	Effective Date
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References/Authority KRS 49.010, 49.020, 49.180, 802 KAR 2:010	Subject BOARD OF CLAIMS	

I. DEFINITIONS

“Board of Claims” means the entity established in KRS 49.010(2) that has the authority to address negligence claims against the Commonwealth and its agencies pursuant to KRS 49.020(5).

“Claims Officer” means a staff member designated by the Warden to investigate claims.

II. POLICY and PROCEDURES

A. Claims

1. If an individual believes that he has suffered a loss or injury to his person or property because of negligence on the part of the Department of Corrections or its employee or agent, the individual may file a claim with the Board of Claims. All claims shall be processed through the Board of Claims if payment is required. A claim shall not be brought before the Board unless the value of the total amount of damages claimed therein meets the limits set forth in KRS 49.180.
2. For all claims under \$2,500.00, the Claims Commission provides a copy of the claim to the appropriate institution or division, along with a request for an investigation. The results of the investigation shall be forwarded to the Office of Legal Services within twenty (20) days of the date of the Board’s notification. For any claim of \$2,500.00 or more, the Office of Legal Services shall request an investigation. In all cases, the investigation report and recommendation for or against payment shall be forwarded to the Office of Legal Services within the designated time. The Office of Legal Services shall review the investigative report and recommendation and shall be responsible for filing the appropriate response with the Board of Claims.

B. Investigation

1. Institution Claim

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- a. The Warden of each institution shall designate a staff member as the Institutional Claims Officer.
- b. The Claims Officer shall maintain each claim in a separate file.
- c. The Claims Officer shall investigate the circumstances surrounding each claim to determine if it is a claim that should be paid. The investigative report shall be accompanied by documentation in support of the facts contained in the report. The results of the investigation shall be reported to the Warden or his designee for approval and recommendation prior to being forwarded to the Office of Legal Services.

2. Division of Probation and Parole Claim


The Director of Probation and Parole or designee shall appoint a staff member to investigate.

3. Central Office Claim

The Commissioner or designee shall appoint a staff member to investigate.

C. Reimbursement

Each respective budget unit shall be responsible for paying an approved claim of \$4,999.99 and under attributed to it and shall charge the claim to expense line item 378 – Claims and Judgments in its operating budget. Claims of \$5,000 or more shall be paid out of a special account in the Treasury as a necessary governmental expense.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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Authority/References KRS 196.035, 197.020 34 U.S.C. §§ 30301 through 30309 ACA 5-ACI-3D-09 through 5-ACI-3D-16, 28 CFR §115.5, 28 CFR §115.6, 28 CFR § 115.11, 28 CFR § 115.15-16, 28 CFR § 115.21-22, 28 CFR § 115.31-35, 28 CFR § 115.41-42, 28 CFR § 51-52, 28 CFR § 115.61- 64, CFR § 115.67, 28 CFR § 115.71-73, 28 CFR § 78, 28 CFR § 115.81-83, 28 CFR § 115.86, 28 CFR § 115.89	Subject SEXUAL ABUSE PREVENTION AND INTERVENTION PROGRAMS	

I. DEFINITIONS

“Contractor” means a person who provides services on a recurring basis pursuant to a contractual agreement with the Department of Corrections as established in 28 C.F.R. § 115.5.

“Exigent circumstances” means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of an institution as established in 28 C.F.R. § 115.5.

“Gender nonconforming” means a person whose appearance or manner does not conform to traditional societal gender expectations as established in 28 C.F.R. § 115.5.

“Intersex” means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female as established in 28 C.F.R. § 115.5.

“Offender” means any person who is:

- A. Confined in a correctional institution;
- B. Under the probation or parole supervision of the Department of Corrections, including any person on inactive supervision who has not received a final discharge;
- C. Less than one (1) year beyond the date of his date of serve-out or release from supervision; or
- D. Adjudicated guilty or has entered a guilty plea, but is still pending final sentencing.

“Sexual abuse” means:

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- A. The behavior described by KRS 510.120(1)(c); or
- B. As established in 28 C.F.R. § 115.6:
 - 1. Sexual abuse of an inmate, detainee or resident by another inmate, detainee, or resident; and
 - 2. Sexual abuse of an inmate, detainee or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse;

- 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2. Contact between the mouth and the penis, vulva or anus;
- 3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
- 4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident;

- 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2. Contact between the mouth and the penis, vulva or anus;
- 3. Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
- 4. Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
- 5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
- 6. Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition;
- 7. Any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of an inmate, detainee or resident, and
- 8. Voyeurism by a staff member, contractor, or volunteer.

“Sexual contact” means any touching or physical contact of the sexual or other intimate parts of a person, including the genitalia, anus, groin, breasts, inner thighs or buttocks, either directly or through clothing, that is unrelated to official duties or done for the purpose

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of arousing or gratifying the sexual desire of any person or humiliating, harassing or degrading any person.

“Sexual harassment” means:

- A. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another inmate, detainee, or resident; and
- B. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures, as established in 28 C.F.R. § 115.6.

“Sexual offense” means any behavior or act of a sexual nature directed toward an offender by a staff member, visitor, or other offender. This includes completed, attempted, threatened, or requested acts including sexual abuse, sexual harassment, voyeurism, sexual contact, conduct of a sexual nature or implication, obscenity, and unreasonable invasion of privacy. Sexual offense also includes conversations or correspondence, which suggest a romantic or sexual relationship between an offender and a staff member.

“Staff member” for purposes of this policy only, means full-time, part-time, and interim employees, interns, students, volunteers, and contractors doing business on a recurring basis with the Department of Corrections.

“Substantiated” means an allegation that was investigated and determined to have occurred as established in 28 C.F.R. § 115.5.

“Transgender” means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth as established in 28 C.F.R. § 115.5.

“Unfounded” means an allegation that was investigated and determined not to have occurred as established in 28 C.F.R. § 115.5.

“Unsubstantiated” means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred as established in 28 C.F.R. § 115.5.

“Volunteer” means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the Department of Corrections, as established in 28 C.F.R. § 115.5.

“Voyeurism” means an invasion of privacy of an inmate, detainee, or resident by a staff member, contractor, or volunteer for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of

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an inmate's naked body or of an inmate performing bodily functions, as established in 28 C.F.R. § 115.6.

II. POLICY and PROCEDURE

- A. This policy applies to all offenders, full time employees, part-time employees, interim employees, interns, students, volunteers, and contractors doing business with the Department of Corrections (DOC).
- B. Any sexual act, sexual contact, or sexual offense between an offender and a staff member, visitor, or other offender shall be prohibited. No offender, either incarcerated or under the supervision of the Department of Corrections, can give consent to any sexual relationship with a staff member. Any acts as defined in this policy that are conducted outside of the staff member's normal duties shall be considered a violation of this policy. The Department of Corrections has zero tolerance toward all forms of sexual abuse and sexual harassment.
- C. Training
 1. Training shall be tailored to be gender specific to the facility of each staff member. As required by 28 C.F.R. § 115.31, all employees shall receive training annually in the following:
 - a. The DOC's zero-tolerance policy for sexual abuse and sexual harassment;
 - b. Their responsibilities of sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - c. Offenders' right to be free from sexual abuse and sexual harassment;
 - d. The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - e. The dynamics of sexual abuse and sexual harassment in confinement;
 - f. The common reactions of sexual abuse and sexual harassment victims;
 - g. How to detect and respond to signs of threatened and actual sexual abuse;
 - h. How to avoid inappropriate relationships with offenders;
 - i. How to communicate effectively and professionally with an offender, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming offenders; and
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
 2. Training for volunteers and contractors shall be based on the level and amount of contact the individual has with offenders. As required by 28

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C.F.R. § 115.32, all volunteers and contractors who have contact with offenders shall be trained annually on the following:

- a. The DOC's policy of zero-tolerance regarding sexual abuse and sexual harassment and how to report such incidents.
 - b. Their responsibilities under the DOC's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
3. All employees who conduct sexual abuse investigations shall receive specialized training in conducting such an investigation in a confinement setting. The training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings and the criteria and evidence required to substantiate a case for administrative action or prosecution referral as required by 28 C.F.R. § 115.34.
 4. As required by 28 C.F.R. § 115.35, all full and part-time medical and mental health care practitioners who work regularly in the institution shall receive specialized training on the following:
 - a. How to detect and assess signs of sexual abuse and sexual harassment;
 - b. How to preserve physical evidence of sexual abuse;
 - c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
 - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
 5. Staff members completing the training listed in C (1) and (2) shall sign a document acknowledging that they understand the training they have received. All training documentation shall be maintained in accordance with the provisions of CPP 4.7.

D. Offender Education

1. During orientation at the Assessment and Classification Center and at each institution, an offender shall receive oral and written information about the DOC's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment as required by 28 C.F.R. § 115.33(a).
2. Within thirty (30) days of intake at the Assessment and Classification Center and at each institution, comprehensive education shall be provided to offenders either in person or through video regarding their rights to be free from sexual abuse, sexual harassment, and retaliation for reporting such

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incidents; how to prevent sexual abuse and self-protection measures; treatment and counseling availability; and policies and procedures for responding to such incidents. See 28 C.F.R. § 115.33(b).

3. Each institution shall provide offender education in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired or otherwise disabled, and for offenders who have limited reading skills. Use of offender interpreters for assistance in offender education on aspects of the DOC's efforts to prevent, detect and respond to sexual abuse and sexual harassment shall be prohibited except in circumstances where extended delays in obtaining an effective interpreter could compromise the offender's safety.
4. Each institution shall maintain documentation of participation in offender education.
5. Each institution shall ensure that key information is continuously and readily available or visible to offenders, such as posters and inmate handbook materials that explain the zero-tolerance policy and different ways to report.

E. General Provisions

1. Offenders shall be permitted to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing their breasts, buttocks, or genitalia except in exigent circumstances or when such viewing is incidental due to routine cell checks.
2. Youthful offenders - If a youthful offender is committed to an adult institution operated by the DOC, the requirements of 28 C.F.R. 115.14 and CPP 18.3 shall be followed.
3. All offenders who have been victims of sexual abuse in any correctional institution shall be offered medical and mental health evaluations and as deemed appropriate, any necessary treatment related to the sexual abuse. This shall include timely and unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which shall be determined by medical and mental health practitioners according to their professional judgment. This shall also include timely and comprehensive information about emergency contraception, pregnancy testing, sexually transmitted infection testing and prophylaxis, and lawful pregnancy-related medical services deemed appropriate by the medical provider.

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4. Mental health staff shall attempt to conduct an evaluation on all known offender-on-offender perpetrators within sixty (60) days of learning of such abuse and provide treatment as deemed appropriate.
5. Current and previous victims of sexual abuse shall receive any medical and mental health services related to the sexual abuse at no cost to the offender.

F. Offender Risk Assessment

1. An offender shall be assessed during intake screening within seventy-two (72) hours of arrival at the Assessment and Classification Center and upon each transfer to another institution. Each objective risk screening shall include a review of any history of sexual abuse-victimization or sexually predatory behavior. The assessment report shall be completed in the Kentucky Offender Management System (KOMS). Housing concerns shall be documented in the comments section on the assessment in KOMS.
2. The intake screening shall consider, at a minimum, the following criteria to assess an inmate for risk of sexual victimization:
 - a. Whether the offender has a mental, physical, or developmental disability;
 - b. The age of the offender;
 - c. The physical build of the offender;
 - d. Whether the offender has previously been incarcerated;
 - e. Whether the offender's criminal history is exclusively nonviolent;
 - f. Whether the offender has prior convictions for sex offenses against an adult or child;
 - g. Whether the offender is or is perceived to be lesbian, gay, bisexual, transgender, intersex, or gender nonconforming;
 - h. Whether the offender has previously experienced sexual victimization; and
 - i. The offender's own perception of vulnerability.
3. The intake screening shall consider, at a minimum, the following criteria to assess an offender for risk of being sexually abusive:
 - a. Prior acts of sexual abuse;
 - b. Prior convictions for violent offenses; and
 - c. History of prior institutional violence or sexual abuse, as known to the Department of Corrections.
4. The information gleaned from the intake screening shall be used to make housing, bed, program, and work assignment decisions with the goal of keeping separate those offenders who are prone to sexual victimization from those who are prone to sexual aggression.

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5. Within 30 days of arrival to each institution, the offender's risk level shall be reassessed based upon any additional information received since the intake screening. A reassessment shall also occur when any new information is learned that bears on an offender's propensity for sexual victimization or abusiveness, such as an incident or new disclosure of sexual abuse. Reassessments shall include consultation with the inmate.
6. When an assessment indicates an offender has experienced victimization or previously been a perpetrator, staff shall ensure the offender has been offered a follow-up for counseling and monitoring with the appropriate medical or mental health professional within fourteen (14) days of the assessment.
7. The dissemination of information related to and resulting from the assessment shall be controlled and limited to staff necessary to inform treatment plans and make security and management decisions regarding housing, beds, work, education, and program assignments.
8. Medical and mental health professionals shall obtain informed consent from the offender prior to reporting information related to a prior sexual victimization that did not occur in a facility, unless the offender is less than 18 years old.
9. Offenders shall not be disciplined for refusal or nondisclosure of complete information in response to questions 1, 7, 8 or 9 asked in the risk assessment pursuant to 28 CFR § 115.41 paragraphs (d)(1), (d)(7), (d)(8), or (d)(9).
10. Placement decisions regarding lesbian, gay, bisexual, transgender, and intersex (LGBTI) offenders shall be individualized. See 28 CFR § 115.42.

G. Initial Reporting and Staff First Responder Duties

1. An offender may report a sexual offense to any staff member and may also report using any of the listed multiple internal and external reporting methods, whether verbally, in writing, anonymously, or via a third party. If at any time it is learned that an offender is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the offender.
2. If an inmate reports sexual abuse in a grievance, the Grievance Coordinator shall forward the grievance immediately to the Warden and it shall be assigned to a designated trained investigator for a full investigation. The DOC does not have administrative procedures to address offender grievances regarding sexual abuse through the grievance system.

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3. Staff members shall immediately report all knowledge, suspicions, or information of an incident of a sexual offense within a Kentucky or other correctional facility. They shall also report any retaliation against someone who has reported such an incident, any knowledge of staff who neglect to report the above incidents, or who, through neglect of duty or violation of responsibilities, may have contributed to an incident occurring. Staff may privately report offender sexual abuse and sexual harassment directly to the Warden or Deputy Warden of the institution or by contacting the PREA hotline at the number posted in staff break areas.
4. Upon learning that an offender was sexually abused, the staff member shall immediately ensure the safety of the alleged victim while reporting the information to the shift supervisor. The shift supervisor shall activate the coordinated response plan and ensure the following steps have been taken:
 - a. The separation of the alleged victim and perpetrator.
 - b. The security and protection of any crime scene to keep potential evidence in place for examination and investigation.
 - c. Notifications made to the Warden, investigator, and other designated DOC and institutional leadership and all required incident reporting procedures.
 - d. The only persons permitted to enter a secured crime scene shall be Kentucky State Police, the assigned investigator or medical staff as needed.
 - e. A log shall be maintained of anyone entering the crime scene and at what time he entered and exited. Anyone entering the crime scene shall be videotaped as additional documentation.
 - f. The area shall remain secured as a crime scene until verification of a completed investigation and released by the investigating authority.
5. If the incident occurred within the previous ninety-six (96) hours, the alleged victim and alleged perpetrator shall not take any actions that could destroy physical evidence which includes: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
6. The Medical Department shall promptly make arrangements for the alleged victim to be transported to an outside facility for an examination that may include: collection of forensic evidence, testing for sexually transmitted diseases, prophylactic treatment, follow-up, and mental health assessment.

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- a. In preparation of transporting the offender to the hospital's emergency room, the offender shall be provided and instructed to undress over a clean sheet, to collect any potential forensic evidence that may fall from the offender's person. The sheet along with the offender's clothing shall be collected as evidence and placed in a paper bag with an appropriate chain of evidence form attached.
 - b. In coordination with the hospital, the Medical Department shall request the forensic medical examination be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) or other qualified medical practitioner. The efforts to provide SAFEs or SANEs shall be documented. The examination shall be at no cost to the offender.
 - c. Medical care and forensic medical examinations are separate and different procedures. Offenders shall have a right to refuse either. Alleged victims may be encouraged but shall not be forced to consent to a forensic medical examination. However, offenders may refuse consent to the forensic medical examination and still consent to and receive medical care.
7. The alleged victim shall be offered victim advocate services. If requested, the advocate service shall be contacted and given the appropriate information to assist the victim through the forensic examination and investigation process.
 8. The alleged offender perpetrator shall be placed in a dry cell to preserve forensic evidence and observed continuously to ensure the alleged perpetrator does not destroy evidence on his or her person until a trained investigator is available to collect evidence. An offender placed in a dry cell, per this policy, shall not remain in this status longer than sixteen hours.
 9. Victims of sexual abuse or those at high risk for abuse shall not be placed in involuntary protective custody or segregation unless all available alternatives have been assessed and documented and are not available. The institution may only hold the offender for twenty-four (24) hours in involuntary segregation while completing the assessment, and if the placement has to continue, shall document why there are no other available alternatives and provide access to programs, education, work, and other privileges to the extent possible.
 10. An incident report shall be completed in the Kentucky Offender Management System (KOMS) before the end of the shift and forwarded to the appropriate facility and central office staff.

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11. Notifications for the purpose of an investigation shall be immediately made to the designated facility or DOC investigator. In addition, all allegations of sexual abuse that involve potentially criminal behavior shall be referred for criminal investigation to the Kentucky State Police.
12. Within seventy-two (72) hours of receiving an allegation that an offender was sexually abused while confined at another facility, the Warden shall notify the head of the facility where the alleged incident occurred. The notification shall be documented. All allegations received from other facilities shall be investigated. The incident report and investigation shall be completed by the facility where the alleged incident occurred.

H. Investigations

1. All allegations of sexual abuse and sexual harassment shall be promptly, thoroughly, and objectively investigated, including third-party and anonymous reports.
2. A PREA investigation shall be initiated within twenty-four (24) hours of the incident upon report to the institutional or DOC investigator or as soon as possible if referred for investigation to the Kentucky State Police.
3. Investigators shall:
 - a. Gather and preserve all direct and circumstantial evidence, including any available physical and DNA evidence, and any available electronic monitoring data;
 - b. Interview the alleged victim, suspected perpetrators, and witnesses; and
 - c. Review prior complaints and reports of sexual abuse involving the suspected perpetrator.
4. Investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, the review of prior complaints and reports of sexual abuse involving the suspected perpetrator, and investigative facts and findings as required by 28 C.F.R. § 115.71.
5. Investigations shall normally be completed within ninety (90) days of initiation. If circumstances cause the investigation to extend past ninety (90) days, the cause shall be documented in the investigation.

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6. A standard higher than a preponderance of the evidence shall not be imposed in determining whether allegations of sexual abuse or sexual harassment are substantiated for administrative investigations.
7. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the individual's status as an offender or staff member. An offender who alleges sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition to proceed with the sexual abuse investigation.
8. Administrative investigations that result in a substantiated case of sexual abuse shall include an effort to determine whether staff actions or failures to act contributed to the abuse as required by 28 C.F.R. § 115.71.
9. The departure of the alleged perpetrator or victim from the employment or control of the facility or DOC shall not provide a basis for terminating an investigation as required by 28 C.F.R. § 115.71.
10. All Adult Institution PREA investigations shall be referred to the Warden or designee for review and approval upon completion. Once approved by the Warden or designee, the investigation shall be referred to the PREA Coordinator's office for final review.
11. All Probation and Parole PREA investigations, including those from community confinement facilities, shall be referred to the designated Assistant Director or their designee for review and approval upon completion. Once approved by the Assistant Director or designee, the investigation shall be referred to the PREA Coordinator's office for final review.
12. Following an investigation where the alleged victim has reported the case of sexual abuse, the alleged victim shall be informed within thirty (30) days of the conclusion of the investigation. It shall be documented when the:
 - a. Allegation has been determined to be substantiated, unsubstantiated or unfounded;
 - b. Alleged perpetrator is no longer posted within the offender's unit;
 - c. Alleged perpetrator is no longer employed; and
 - d. Alleged perpetrator has been indicted or convicted on a charge related to sexual abuse.
13. The obligation to inform the alleged victim shall terminate if the offender is released from custody.

I. Sexual Abuse Incident Review

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As required by 28 C.F.R. § 115.86, all facilities shall conduct a review, ordinarily within thirty (30) days, of the conclusion of every sexual abuse investigation unless the allegation was determined to be unfounded. An investigation shall be deemed to be concluded upon the review and approval of the investigation report by the Warden, Assistant Director in Probation and Parole, or their designee as applicable. The review team shall consist of upper-level management officials with input from line supervisors, investigators, and medical or mental health practitioners. The review team shall:

1. Consider whether the allegation or investigation indicated a need to revise policies or practices to better prevent, detect or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff;
6. Prepare a report of its findings, including determinations made from sections 1-5 and any recommendations for improvement and submit the report to the facility head and PREA compliance manager; and
7. The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.

J. Confidentiality

All information in an intake screening, incident report, or investigation of a sexual offense shall be kept confidential except to the extent necessary to report to an appropriate supervisor, adequately investigate, provide treatment, or make security or management decisions. An individual interviewed in the course of resolving the complaint shall be cautioned to treat the information as confidential. Breach of this confidentiality shall be grounds for disciplinary action. Due to the sensitive nature of a sexual offense incident as outlined in this policy, all investigative reports, incident reports, KOMS created incident reports (IRT), sexual abuse incident reviews, and investigative notes and documents on sexual offense incidents shall remain confidential and shall be subject to all applicable federal and state laws governing the disclosure or non-disclosure of the records. Any request for disclosure shall be reviewed in consultation with PREA staff.

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K. Retaliation

Retaliation by or against any party, staff, or offender involved in a complaint or report of sexual abuse or sexual harassment shall be strictly prohibited. Retaliation in and of itself, shall be grounds for disciplinary action and shall be investigated.

1. The PREA Compliance Manager at each facility shall be responsible for monitoring retaliation.
2. Monitoring shall occur for at least ninety (90) days following an allegation of sexual abuse or sexual harassment. Monitoring shall occur beyond ninety (90) days if the initial monitoring indicates a continuing need. Monitoring shall cease if the investigation determines that the allegation is unfounded.
3. In cases when monitoring offenders, periodic status checks shall be conducted by the PREA Compliance Manager as needed, but at least once every thirty (30) days. Status checks shall be conducted more often if concerns are expressed by the offender.
4. Emotional support services shall be provided as well as appropriate measures taken to protect any individual who expresses a fear of retaliation.

L. Offender Discipline and False Allegations

1. Offenders may be disciplined for substantiated incidents of offender-on-offender sexual abuse according to CPP 15.2. If an offender has pending disciplinary sanctions for alleged offender-on-offender sexual abuse, consideration shall be given as to whether the offender's mental disabilities or mental illness contributed to his or her behavior when determining what level of sanction, if any, will be imposed.
2. Offenders may not be disciplined for sexual abuse of a staff member if the staff member consented.
3. An offender may be disciplined for reporting a false allegation of sexual abuse or sexual harassment only if the institution can demonstrate the false allegation was knowingly made in bad faith. A report made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute a false report or lying even if an investigation does not establish evidence sufficient to substantiate the allegation as required by 28 C.F.R. § 115.78.

M. Staffing Plan

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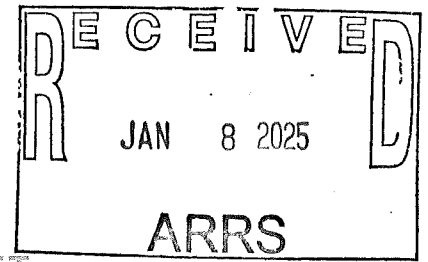
1. Each facility shall develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect offenders from sexual abuse.
2. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:
 - a. Generally accepted detention and correctional practices;
 - b. Any judicial findings of inadequacy;
 - c. Any findings of inadequacy from Federal investigative agencies;
 - d. Any findings of inadequacy from internal or external oversight bodies;
 - e. All components of the facility's physical plant, including blind spots or area where staff or offenders may be isolated;
 - f. The composition of the offender population;
 - g. The number and placement of supervisory staff;
 - h. Institution programs occurring on a particular shift;
 - i. Any applicable state or local laws, regulations or standards;
 - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - k. Any other relevant factors.
3. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the staffing plan.
4. Whenever necessary, but no less frequently than once each year, each facility, in consultation with the PREA Coordinator, shall assess, determine, and document whether adjustments are needed to:
 - a. The staffing plan established pursuant to this section;
 - b. The facility's deployment of video monitoring systems and other monitoring technologies; and
 - c. The resources the facility has available to commit to ensure adherence to the staffing plan.

N. Sexual Abuse Data Collection and Records Retention

1. Data shall be collected for every allegation of sexual abuse using the PREA investigating screens in KOMS designed to contain the data necessary to answer all questions for the Survey of Sexual Violence requested annually from the Department of Justice for the set of definitions established in 28 C.F.R. §115.5 and 28 C.F.R. §115.6. All data collected shall be securely retained.

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2. Each facility shall document the number of allegations, completed investigations, Sexual Abuse Incident Reviews, offender notifications, and outside SANE or SAFE exams on a monthly report. The monthly report shall be submitted each month to the central office PREA Coordinator with the facilities tracking spreadsheet.
3. All data from available incident-based documents related to allegations of sexual abuse shall be collected, reviewed, and maintained as needed.
4. Data shall be obtained from each private facility which contracts for the confinement of Department of Corrections offenders.
5. Aggregated data collected shall be made available to the public annually through the Department of Corrections website.
6. All case records associated with claims of sexual offenses, including incident reports, investigation reports, offender information, case disposition, and medical and counseling evaluation findings and recommendations for post-release treatment or counseling, shall be retained in accordance with the records retention schedule.



Andy Beshear
GOVERNOR

JUSTICE AND PUBLIC SAFETY CABINET

Keith L. Jackson
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January 8, 2025

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: 503 KAR 3:140. Telecommunications (Public Safety Dispatch) Academy trainee requirements; misconduct; penalties; discipline procedures.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 503 KAR 3:140. Telecommunications (Public Safety Dispatch) Academy trainee requirements; misconduct; penalties; discipline procedures, the Department of Criminal Justice Training proposes the attached substitute to 503 KAR 3:140. Telecommunications (Public Safety Dispatch) Academy trainee requirements; misconduct; penalties; discipline procedures.

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 Criminal Justice Training**

503 KAR 3:140. Telecommunications (Public Safety Dispatch) Academy trainee requirements; misconduct; penalties; discipline procedures.

RELATES TO: KRS **Chapter 13B**, 15.530-15.590, **61.870-61.884**

STATUTORY AUTHORITY: KRS 15.590, 15A.070(1), (5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.070(1) requires the Department of Criminal Justice Training to establish, supervise, and coordinate training programs and schools for law enforcement personnel. KRS 15A.070(5) authorizes the commissioner to promulgate administrative regulations. This administrative regulation establishes conduct requirements of trainees attending the telecommunications (public safety dispatch) academy conducted by the Department of Criminal Justice Training, procedures for disciplinary action, and penalties for violations of conduct requirements.

Section 1. Criminal History Records Check Required. Prior to the trainee arriving at the Academy, the trainee's employing agency shall submit Form 151, **Applicant Confirmation**, to the department stating that:

- (1) A criminal history check required by KRS 15.540(1) has been conducted within ninety (90) days before the trainee **shall attend[attends]** the Academy; and
- (2) The trainee is not prohibited by state or federal law from accessing the Criminal Justice Information System (CJIS) or any other restricted records database.

Section 2. Removing a Trainee from the Academy.

- (1) Unqualified trainee. After a trainee arrives on campus, if it is discovered that a trainee does not meet the law enforcement telecommunicator qualifications **required by[in]** KRS 15.540, the trainee shall:
 - (a) Be removed from the academy by the commissioner or designee; and
 - (b) Not receive credit for completed portions of academy training.
- (2) If a trainee is removed from the academy, pursuant to subsection (1) of this section, within thirty (30) days of the removal, the trainee may request in writing an administrative hearing, which shall comply with KRS Chapter 13B.
- (3) Agency request. The department shall remove a trainee from the academy upon written request of the trainee's agency. Depending on the circumstances, the trainee may not receive credit for completed portions of academy training.

Section 3. Trainee Performance Report.

- (1) The department shall provide at the conclusion of the academy a trainee performance report that includes trainee conduct, demonstrated leadership abilities, examination scores, **[and]** overall effort on performance, observed social and interpersonal skills, and appearance.
- (2) The trainee and the trainee's agency head or designee shall have access to the trainee's training record without filing an open records request pursuant to KRS 61.870 through KRS 61.884.

Section 4. Authority to Impose Discipline.

- (1) A trainee may receive a verbal warning from a department instructor, section supervisor, branch manager, division director, or the commissioner or designee without meeting the requirements of the formal disciplinary procedures provided by Section 21 of this administrative regulation.
- (2) A trainee may receive a written reprimand or loss of privileges from a section supervisor, branch manager, division director, or the commissioner or designee without meeting the requirements of the formal disciplinary procedures provided by Section 21 of this administrative regulation.
- (3) Before a penalty set out in subsection (1) or (2) above may be imposed, the trainee shall have the opportunity to give an explanation.
- (4) Any penalty set out in subsection (1) and (2) that is imposed on a trainee shall be reviewed by and may be rescinded or modified by the immediate supervisor of the staff member that imposed the penalty.
- (5) The trainee shall have the opportunity to give an explanation to the reviewing immediate supervisor.
- (6) Only the commissioner or designee may impose any penalty on a trainee regarding criminal conduct, and for all conduct for which a suspension or expulsion is allowed after an investigation has been conducted.

Section 5. Uniforms and hygiene.

- (1) A trainee shall wear the required uniform and practice good personal hygiene while participating in the academy. Exceptions shall be approved in advance by the branch manager.
- (2) The required uniform shall consist of:
 - (a) **For** men:
 1. Department issued shirt;
 2. Solid black dress pants with belt loops. Cargo pants or low-cut pants shall not be worn;
 3. Black belt;
 4. Black short sleeved undershirt;
 5. Black socks above the ankles. Footies shall not be worn; and
 6. Black, plain-toe, dress shoes, or tactical style duty boots; or
 - (b) **For** women:
 1. Department issued shirt;
 2. Solid black dress pants with belt loops or knee-length skirt. Cargo pants or low-cut pants shall not be worn;
 3. Black belt;
 4. Black short sleeved undershirt;
 5. Black socks or hose above the ankles. Footies or anklets shall not be worn; and
 6. Black, plain, closed-toe, dress shoes, or tactical style duty boots.
- (3) A dark blue or black jacket or sweater may be worn with the uniform.
- (4) A name tag, provided by the department, shall be worn on the right shirt breast.
- (5) Sleeves on long-sleeved shirts shall not be rolled up.
- (6) Additional clothing may be worn during an academy activity if authorized by the instructor.
- (7) Uniforms shall be clean, pressed, and in good condition.
- (8) The eligible penalties for a violation of this section shall be verbal warning or written reprimand.

Section 6. Residence Hall. If a trainee resides in a residence hall designated by the department, the trainee shall:

- (1) Report and return to the trainee's residence hall by curfew times designated by the coordinator, Sunday through Thursday evenings, and remain there until 5:00 a.m. the next morning. Exceptions shall

require approval from the class coordinator. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;[.]

(2) Clean the trainee's area as directed by the coordinator. The eligible penalties shall be verbal warning or written reprimand;[.]

(3) Keep doors of the trainee's room locked whenever the room is unoccupied. The eligible penalties shall be verbal warning or written reprimand;[.]

(4) Not use hot plates or other table-top cooking surfaces. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;[.]

(5) Not allow a visitor in the trainee's room after 9:00 p.m. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;[.]

(6) Not keep pets or animals of any kind in the trainee's room, except ADA-defined service animals with advanced, written approval from the commissioner or designee. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges; and[.]

(7) Not engage in dangerous or disruptive behavior. The eligible penalties shall be verbal warning, written reprimand, loss of privileges, or suspension.

Section 7. Department Property.

(1) A trainee shall:

(a) Not damage, destroy, or fail to return property of the department or any other facility used by the department;

(b) Use department property in a manner that conserves resources and avoids waste; and

(c) Not use department property for personal benefit or gain.

(2) A trainee shall not be allowed to graduate until the trainee has returned all issued items or made satisfactory arrangements to pay for unreturned or damaged items.

(3) The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 8. Absences.

(1) A trainee shall:

(a) Be considered tardy if the trainee is not physically present at a class or other required department activity for fewer than ten (10) minutes;

(b) Be considered absent if the trainee is not physically present in a class or other required department activity for **ten (10) or more** ~~[than ten (10)]~~ minutes; and

(c) Give advance notice of an absence or tardy, if possible.

(2) Excused absence or tardy.

(a) An absence or tardy may be excused if due to:

1. Illness;

2. Illness of an immediate family member;

3. Death of an immediate family member;

4. Necessity of the trainee's agency; or

5. Emergency circumstances.

(b) The determination as to whether an absence or tardy is excused shall be made by the section supervisor or branch manager.

(c) If a trainee's absence is excused, the trainee shall make up for the absence by completing an assignment provided by the instructor who taught the missed unit. Failure to make up the work shall be deemed a failure for that missed unit.

(d) If a trainee's absence is excused and the trainee misses more than ten (10) percent of the total hours of the academy, the trainee shall be withdrawn from the academy and reenrolled in a subsequent class beginning at the point at which the trainee was first absent. The time period for reenrollment in a subsequent class shall not exceed six (6) months from the date of the class from which the trainee was withdrawn.

(3) Unexcused absence or tardy.

(a) If a trainee's tardy is unexcused the eligible penalties shall be verbal warning or written reprimand.

(b) The eligible penalties for an unexcused absence shall be verbal warning, written reprimand, loss of privileges, or suspension.

(c) If a trainee's absence is unexcused and the trainee misses more than ten (10) percent of the total hours of the academy, the trainee shall be withdrawn from the academy and receive no credit for completed training.

Section 9. Tobacco, Food, and Drink Products.

(1) A trainee shall not possess tobacco products while on department property or other facility used by the department.

(2) A trainee shall not bring food or drink into an academy activity unless so permitted by the branch manager or above.

(3) The eligible penalties for a violation of this section shall be verbal warning or written reprimand.

Section 10. Electronic Devices. A trainee shall not possess any personal electronic devices during scheduled training hours unless written permission is granted by the class coordinator. The eligible penalties for a violation of this section shall be verbal warning or written reprimand.

Section 11. Alcohol. A trainee shall not possess, consume, or be under the influence of alcoholic beverages while present at the academy, or participating in academy activities. Any alcoholic beverage and its container shall be confiscated. The eligible penalties for a violation of this section shall be written reprimand, loss of privileges, suspension, or expulsion.

Section 12. Controlled Substances.

(1) A trainee shall advise the class coordinator or the section supervisor in writing of the use of a controlled substance, cannabis, or any medication that could impair their judgment or compromise safety. The eligible penalties for a violation of this section shall be verbal warning, written reprimand, or suspension.

(2) A trainee shall not possess or consume any controlled substance not prescribed or certified by a qualified medical professional while present at the academy or participating in academy activities. The eligible penalties shall be suspension or expulsion.

(3) If a trainee is under the influence of a controlled substance to the extent that the trainee may be impaired or may endanger him or herself or other persons or property the trainee shall not participate in any academy activity.

Section 13. Deadly Weapons. A trainee shall not possess **a "deadly weapon"[weapons]** (as defined **by[in]** KRS 500.080), ammunition, **a "destructive device"[devices]** (as defined **by[in]** KRS 237.030), **a "booby trap device"[devices]** (as defined **by[in]** KRS 237.030), **a "hazardous substance"[substances]** (as defined **by[in]** KRS 224.1-400), fireworks, knives (except an ordinary pocketknife), or instruments used by law enforcement for control purposes (such as batons, stun guns, Mace, and pepper spray) on property used by the department except under circumstances specifically authorized by the department. The eligible

penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 14. Dangerous or Disruptive Conduct.

- (1) A trainee shall not threaten to engage in or engage in any conduct that reasonably creates or may create a risk of injury to self or others.
- (2) If the conduct or condition of a trainee constitutes an immediate danger or an immediate threat of danger to self or others, or is disruptive of, or is an immediate threat to be disruptive of a department activity, a department staff member may take reasonable steps necessary to resolve the situation.
- (3) The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, or suspension or expulsion.

Section 15. Chain of command. All communications shall follow the chain of command of the department. Exceptions to use of the chain of command shall be the unavailability of a supervisor or the trainee's complaint regarding a supervisor. The eligible penalties for a violation of this section shall be verbal warning or written reprimand.

Section 16. Insubordination. A trainee shall obey an instruction from a department staff member unless the trainee has a reasonable basis for belief that the order is unlawful or contrary to regulations. The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, or suspension.

Section 17. Obscene Material. A trainee shall not possess "obscene" material as defined **by[in]** KRS 531.010. The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 18. Sexual harassment.

- (1) Unwelcome sexual advances; requests for sexual acts or favors, with or without accompanying promises, threats, or reciprocal favors or actions; or other verbal or physical conduct of a sexual nature that creates or has the intention of creating a hostile or offensive working environment are prohibited.
- (2) Complaints of sexual harassment **shall[will]** be promptly investigated, and all trainees shall be free from any and all reprisal or retaliation for **the** filing **of these[such]** complaints.
- (3) ~~[Further,]~~ All trainees are assured that they **shall[will]** be free from any and all reprisal and retaliation for participating in an investigation of sexual harassment.
- (4) Any trainee who is made aware of a complaint of sexual harassment while enrolled at the academy has a duty to immediately notify the class coordinator or section supervisor. If the section supervisor is the subject of the problem, the trainee shall immediately notify the branch manager.
- (5) Trainees may also bring the complaint to the attention of the agency human resources administrator or EEO Coordinator, or the State EEO Coordinator at (502) 564-8000.
- (6) The privacy of the complainant and the person accused of harassment shall be protected to the fullest extent permitted by law.
- (7) If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action **shall[will]** be taken to stop sexual harassment and prevent its recurrence.
- (8) Disciplinary action may be taken against persons found to have knowingly and purposely filed false claims about sexual harassment and all anti-discrimination or harassment policies.
- (9) The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 19. Criminal Conduct.

(1) While enrolled in the academy, if a trainee is convicted of, charged with, or under investigation for a felony, the commissioner or designee shall determine the penalty after consultation with the investigating or prosecuting agency, and the trainee's agency. Depending on the nature of the conduct and whether the trainee is convicted of, charged with, or under investigation for a felony, the trainee shall be penalized by suspension or expulsion.

(2) While enrolled in the academy, if a trainee is convicted of, charged with, or under investigation for a misdemeanor or violation, the commissioner or designee shall determine the penalty after consultation with the investigating or prosecuting agency, and the trainee's agency. Depending on the nature of the conduct and whether the trainee is convicted of, charged with, or under investigation for a misdemeanor or violation, the trainee shall be penalized by a verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 20. Other Conduct.

(1) A trainee shall refrain from:

- (a) Vulgarity, rudeness, confrontation, dishonesty, or other disrespectful conduct directed toward a department staff member, guest, or other trainee.
- (b) Conduct that is patently offensive; and
- (c) Conduct that creates a disruptive learning environment.

(2) The eligible penalties shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 21. Classroom activities.

(1) A trainee shall be attentive during academy activities. The eligible penalties shall be verbal warning or written reprimand.

(2) A trainee shall not take a break without permission or in an area restricted by the department. The eligible penalties shall be verbal warning or written reprimand.

(3) Insufficient performance of assignments.

(a) A trainee shall not submit for credit an assignment that is incomplete or does not meet the standards established for that assignment. Incomplete work includes a trainee's refusal to participate in group assignments or a required task. The eligible penalties shall be written reprimand, loss of privileges, or suspension.

(b) A trainee shall not represent as their own work and submit for credit any written material or other tangible deliverable created in whole or in part by another, unless it is a joint project. The eligible penalties shall be written reprimand, loss of privileges, suspension, or expulsion.

(c) A trainee shall not submit any plagiarized materials for credit. Plagiarism is using the work, words, or ideas of another without attribution. The eligible penalties shall be written reprimand, loss of privileges, suspension, or expulsion.

(d) A trainee shall not submit for credit unprofessional work product that is patently offensive or presented to others with the intent to offend. The eligible penalties shall be written reprimand, loss of privileges, suspension, or expulsion.

(4) A trainee shall not cheat or attempt to cheat on a test or on any other assignment or activity. The eligible penalties shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 22. Penalties for Misconduct.

(1) The penalties established in this section shall apply to a trainee's failure to meet conduct requirements of the department and shall be applied depending on the frequency and severity of the violations.

(a) Verbal warning. The trainee is warned verbally that he or she has violated a conduct requirement.

(b) Written reprimand. The trainee is reprimanded in writing for violating a conduct requirement.

(c) Loss of privileges. The trainee's privileges as specified in the imposed penalty are rescinded for a stated period of time. The trainee's participation in academy activities is not affected.

(d) Suspension. The trainee is suspended from the academy for a period of time specified by the commissioner or designee and privileges are rescinded during the suspension period.

(e) Expulsion. The trainee is dismissed from the academy, all privileges are terminated, credit shall not be awarded for the completed portion of the course, and the trainee shall not return to the telecommunications academy for a period of two (2) years unless the trainee obtains permission from the commissioner or designee.

(2) Second and subsequent violations.

(a) If a trainee has received a penalty for violating a conduct requirement, for a second violation of any conduct requirement the next higher penalty shall be added to the list of penalties that may be imposed for the second violation.

(b) If a trainee has previously received two (2) penalties for violating two (2) conduct requirements, for a third or subsequent violation of any conduct requirement, the next two (2) higher penalties shall be added to the list of penalties that may be imposed for the third or subsequent violation.

(3) Notice of disciplinary action.

(a) The department shall give written notice to a trainee and his or her agency of any penalty imposed upon the trainee.

(b) If the penalty exceeds Summary Discipline as established[defined] in Section 23[22], the department shall provide verbal notification of the proposed disciplinary action to the trainee's agency head prior to written notice.

(4) Discipline records. A copy of any disciplinary notice and penalty imposed on a trainee shall be placed in the trainee's training file.

Section 23. Summary Discipline.

(1) Summary discipline is a verbal warning, written reprimand, and loss of privileges.

(2) A department instructor may summarily impose a verbal warning and a section supervisor or above may summarily impose a verbal warning, written reprimand, or loss of privileges without meeting the requirements of the formal disciplinary procedures provided by Sections 24[22] through 28[26] of this administrative regulation.

(3) To have the authority to impose summary discipline, the staff member shall believe by a preponderance of the evidence that the trainee has engaged in the misconduct.

Section 24. Complaint. Anyone having reasonable grounds for believing that a trainee has violated a conduct requirement identified in this administrative regulation may file a complaint with the section supervisor or branch manager. This complaint shall be in writing setting forth the facts upon which the complaint is based.

Section 25. Investigation.

(1) If the section supervisor or above receives a complaint of or witnesses apparent misconduct, the section supervisor or other department employee designated by the commissioner or designee shall

take statements and otherwise investigate the matter. A notice of investigation shall be provided to the trainee.

(2) After investigating the matter, the section supervisor shall, with the concurrence of his or her branch manager:

- (a) Take no action if none is justified by the evidence;
- (b) Impose appropriate summary discipline; or
- (c) File, with the commissioner or designee, a written request that charges be brought against the trainee. The request for charges shall describe the alleged misconduct and designate the specific conduct requirements violated. All pertinent evidence and documents including the complaint and statements of the trainee and witnesses shall be included.

Section 26. Review by Commissioner.

(1) The commissioner or designee shall review the request for charges and the supporting evidence and documents.

(2) The commissioner or designee may make or cause further inquiry into the matter for additional information.

(3) The commissioner or designee shall:

- (a) File any charges against the trainee the commissioner or designee believes are justified by the evidence; or
- (b) Deny the request for charges if the evidence does not support any charges. If the commissioner or designee declines to file charges, the commissioner or designee shall provide the trainee with a statement of the reasons for not filing charges.

(4) The charging document shall:

- (a) Be in writing;
- (b) Particularly describe the alleged misconduct so as to reasonably inform the trainee of the nature of the allegation;
- (c) State the time, date, and place the trainee shall make an initial appearance before the commissioner or designee to answer the charges;
- (d) Be signed by the commissioner or designee;
- (e) Be served upon the trainee at least one (1) hour before his initial appearance before the commissioner or designee; and
- (f) State the trainee's right to be represented by legal counsel.

Section 27. Removal from the Academy Pending an Initial Appearance before the Commissioner. If a request for charges is filed against a trainee, the commissioner or designee may remove the trainee from some or all training until the trainee's initial appearance before the commissioner, if the commissioner or designee has reasonable grounds to believe the alleged misconduct took place and:

- (1) The commissioner or designee has reasonable suspicion to believe the trainee would be dangerous or disruptive if not removed; or
- (2) The trainee may be charged with misconduct serious enough to authorize suspension or expulsion.

Section 28. Initial Appearance before the Commissioner.

(1) The initial appearance before the commissioner or designee shall be held no more than three (3) training days after the charges have been served on the trainee. If the trainee, after receiving proper notice, fails to appear, the commissioner or designee may proceed in his or her absence and the trainee shall be notified in writing of any action taken.

(2) At the initial appearance before the commissioner or designee:

- (a) The commissioner or designee shall:
 - 1. Read the charges to the trainee; and
 - 2. Explain to the trainee:
 - a. The charges;
 - b. The trainee's right to a hearing in accordance with KRS Chapter 13B; and
 - c. The trainee's right to be represented by legal counsel; ~~[-]~~
 - (b) The commissioner or designee shall explain to the trainee the possible answers to the charges including:
 - 1. Admit the charges are true;
 - 2. Deny the charges are true but waive a hearing; or
 - 3. Deny the charges are true and ask for a hearing; ~~[-]~~
 - (c) The commissioner or designee shall advise the trainee of the penalty that ***shall***~~*will*~~ be imposed if the trainee admits the charges or waives a hearing; ~~[-]~~
 - (d) The trainee shall be requested to answer the charges; ~~[-]~~
 - (e) If the trainee chooses to waive his rights and admits the charges or denies the charges but waives a hearing:
 - 1. The trainee shall be permitted to make a statement of explanation; and
 - 2. The commissioner or designee shall impose a penalty; ***and***~~[-]~~
 - (f) If the trainee denies the charges and requests a hearing or refuses to answer the charges, the commissioner or designee shall set a date for the hearing. A notice of administrative hearing as required by KRS 13B.050 shall be served on the trainee within forty-eight (48) hours after the initial appearance before the commissioner or designee.
- (3) The hearing shall be conducted in accordance with KRS Chapter 13B.
- (4) The commissioner or designee may remove the trainee from some or all training until the hearing if:
- (a) The commissioner or designee has reasonable grounds to believe the trainee would be dangerous or disruptive if not removed; or
 - (b) The trainee is charged with misconduct serious enough to authorize suspension or expulsion as a possible penalty.

Section 29. Incorporation by Reference.

- (1) DOCJT Form 151, "Applicant Confirmation", 2024 Edition, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Criminal Justice Training, Funderburk Building, Kit Carson Drive, Richmond, Kentucky 40475-3102, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the department's Web site at <https://docjt.ky.gov/> on the forms page.