



KENTUCKY JUSTICE &
PUBLIC SAFETY CABINET

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Inmate Early Release Due to COVID-19

IJC on Judiciary

December 3, 2020

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

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

Executive Orders: Conditional Commutation of Sentence

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

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

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

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

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

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

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

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

Commutations: Offenders released by crime type

Crime Type	Count	Percent
Drug Crime	637	33.86%
Other Public Order Crime	638	33.92%
Property Crime	482	25.62%
Other Crime	124	6.58%
Total	1881	

Commutations Screening Criteria: Medically Vulnerable

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

April medical conditions:

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

August medical conditions:

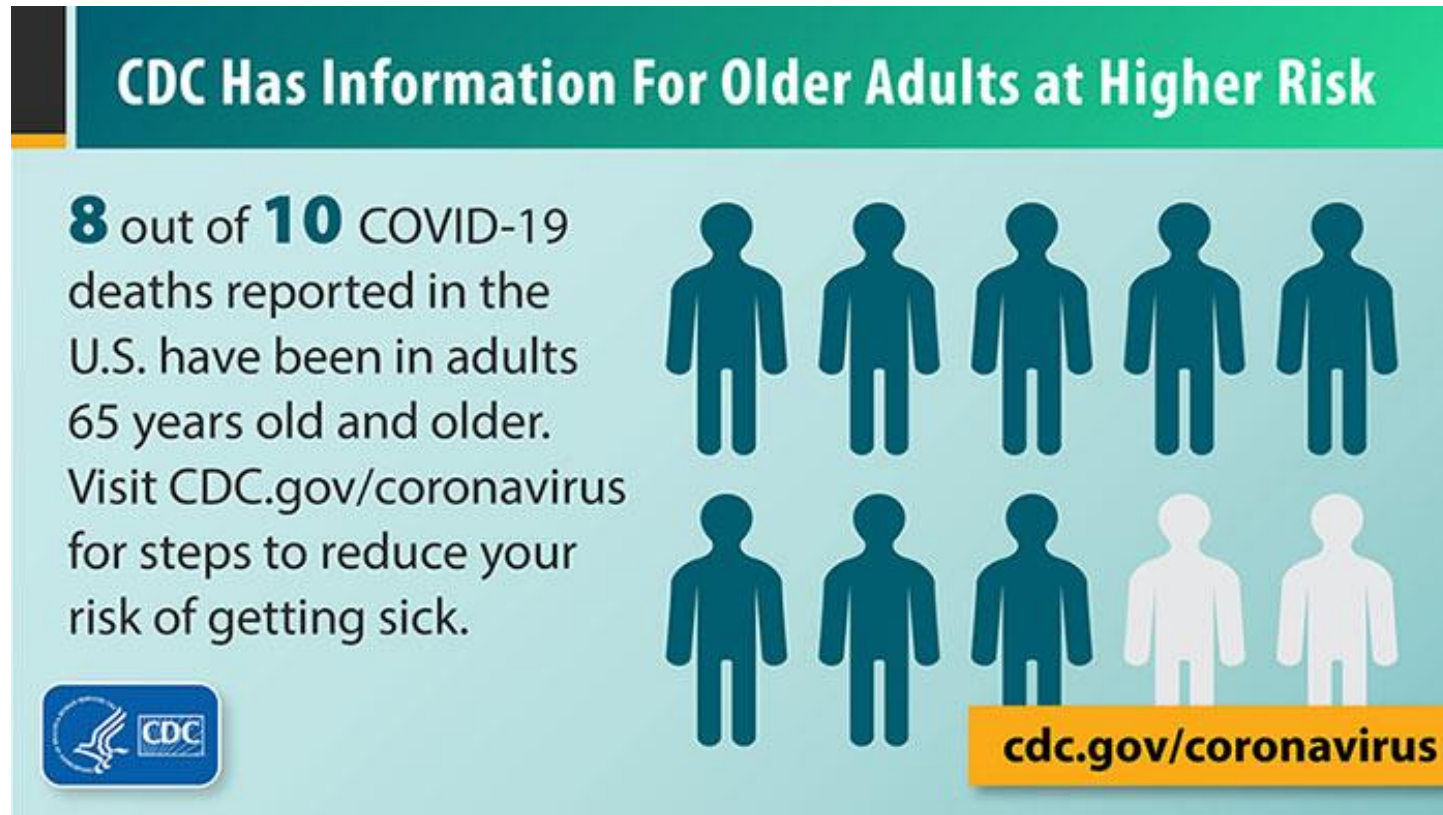
- Heart conditions (heart failure, coronary artery disease, cardiomyopathies)
- COPD (chronic obstructive pulmonary disease)
- Type 2 diabetes
- Chronic kidney disease
- Cancer
- Immunocompromised state from solid organ transplant
- Obesity (BMI of 30 or higher)
- Sickle Cell disease



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Commutations Screening Criteria: Over 65

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



Conditions of Commutations:

1. At the time of release, no positive COVID-19 test
 2. Verifiable home address to allow 14-day quarantine
 3. Must not be convicted of another felony offense during the offender's period of early release
 4. Sign a conditional commutation notice
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Enforcement of Commutations:

1. Quarantine – Notice of Violation letters were sent to individuals who were reported to DOC as violating the quarantine
2. Commission of a Felony Offense – Individual must be convicted to trigger the violation of the condition

Services provided by DOC:

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



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