

### 501 KAR 3:010. Definitions for 501 KAR Chapter 3.

RELATES TO: KRS 67A.028, 67B.020(1), 441.005, 441.045, 441.055, Ky. Const. Sec. 99, 152, 42 U.S.C. 15601-15609

STATUTORY AUTHORITY: KRS 196.035, 197.020, 441.055

NECESSITY, FUNCTION, AND CONFORMITY: KRS 441.055(1) requires the Department of Corrections to promulgate administrative regulations establishing minimum standards for jails that house state prisoners. This administrative regulation establishes definitions for 501 KAR Chapter 3, regulating full-service jail facilities.

Section 1. Definitions. (1) "Automatic fire extinguishing system" means an approved system of devices and equipment that automatically detects a fire and discharges an approved fire extinguishing agent onto or in the area of a fire in accordance with 815 KAR 7:120.

(2) "Ceiling" means the overhead area in any area of the jail which is below the secure deck.

(3) "Cell" means an area for housing no more than two (2) prisoners.

(4) "Commissioner" is defined by KRS 196.010(2).

(5) "Dayroom" means a secure area with controlled access from the prisoner living area, to which prisoners may be admitted for daytime activities including dining, bathing, and selected recreation or exercise.

(6) "Deck" means the secure overhead area of the jail, which is part of the security perimeter.

(7) "Department" is defined by KRS 441.005(5).

(8) "Detoxification area" means an area used to hold one (1) or more chemically impaired persons temporarily during the detoxification process until they can care for themselves.

(9) "Direct supervision area" means an area used to house seventy (70) or fewer prisoners in which jail personnel is always present and directly supervising the prisoners.

(10) "Dormitory" means:

(a) An area equipped for housing not less than three (3) nor more than thirty-six (36) persons; or

(b) If in a direct supervision area, an area equipped for housing not more than seventy (70) persons.

(11) "Full-service jails" means jails that may house state prisoners pursuant to KRS 441.055 and that meet the standards established by 501 KAR Chapter 3.

(12) "Governing authority" means a county fiscal court, urban-county government, charter county government, consolidated local government, unified local government, or regional jail authority.

(13) "Jail" means a jail as defined by KRS 441.005(1) or a regional jail as defined by KRS 441.005(7).

(14) "Jail administrator" means the official appointed by a regional jail authority and charged with the responsibility of administering the regional jail.

(15) "Jail personnel" is defined by KRS 441.005(6).

(16) "Jailer" means:

(a) The official duly elected or appointed pursuant to Section 99 or 152 of the Kentucky Constitution, charged with the responsibility of administering the jail;

(b) A department as defined by KRS 67B.020(1); or

(c) A correctional services division as created by KRS 67A.028.

(17) "Medical authority" means the person or persons licensed to provide medical care to prisoners in the jail's custody.

(18) "Passive Holding Area", "Diversion Holding Area", or "Temporary Holding Area" means an area used to hold one (1) or more persons temporarily while awaiting processing, booking, court appearance, or discharge, or until they can be moved to a general housing area.

(19) "Pat" or "frisk" means a manual search of a clothed person and includes a visual inspection of the open mouth.

(20) "Penal type" means furnishings, fixtures, and equipment approved by the department.

(21) "PREA" means the Prison Rape Elimination Act, 42 U.S.C. 15601-15609.

(22) "Prisoner" is defined by KRS 441.005(3).

(23) "Prisoner living area" means a group of rooms or cells that provide housing for the prisoner population.

(24) "Probing of body cavities" means a manual or instrument search of a person's oral, anal, vaginal, or other body cavity, performed by medical personnel.

(25) "Religion Reference Manual" means the Kentucky Department of Corrections Religion Reference Manual incorporated by reference in 501 KAR 6:080.

(26) "Sally port" means a covered vehicular drive-through, located adjacent to the jail intake area.

(27) "Security area" means a defined space whose physical boundaries have controlled ingress and egress.

(28) "Security vestibule" means a defined space that promotes security by the use of two (2) or more doors used to contain and observe those who pass.

(29) "Sexually abusive conduct" means:

(a) Sexual contact, sexual intercourse, and deviate sexual intercourse, as defined by KRS 510.010;

(b) Sexual abuse as defined by 28 C.F.R. 115.6; and

(c) Other types of similar sexually based conduct.

(30) "Sick call" means the evaluation and treatment of an ambulatory patient in a clinical setting, either on or off site of the jail, by the medical authority.

(31) "Special Needs Area" means an area used to hold one (1) prisoner for observation when displaying violent, erratic, or suicidal behavior or expressing suicidal ideations.

(32) "Strip search" means a body search during which a person is required to open or remove clothing, during which a person is subject to visual inspection of the torso, female breast, genital area, anal area, and other body cavities.

(33) "Telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, transfer of health or medical data, and continuing education. (9 Ky.R. 635; eff. 3-2-1983; Am. 13 Ky.R. 674; eff. 11-11-1986; 19 Ky.R. 1844; 2618; eff. 6-7-1993; 22 Ky.R. 1346; 1598; eff. 3-7-1996; 26 Ky.R. 158; 27 Ky.R. 80; eff. 7-17-2000; 1575; 2134; eff. 2-15-2001; 31 Ky.R. 1543; 1788; eff. 5-26-2005; 34 Ky.R. 1169; 1956; eff. 3-7-2008; 37 Ky.R. 2936; 38 Ky.R. 568; eff. 10-7-2011; 42 Ky.R. 1932; 2333; eff. 3-4-2016.)