

**STATEMENT OF EMERGENCY  
501 KAR 6:080E**

The Department of Corrections is required to classify prisoners committed to its custody and is authorized to promulgate regulations it deems necessary and proper for the classification of prisoners pursuant to KRS 197.065 and 197.110. Classification of prisoners involves the use of an actuarial instrument to consider risk factors and predict the likelihood of prison rule violations and escape. Given these reasons, this emergency regulation is necessary to ensure the safety of the public, the staff, and the inmates by proper housing, program assignment and custody level. It is important for the Department of Corrections to put into place its updated classification system to better protect staff, inmates, and the public. The validation of the system identified risk factors that were no longer predictive of future behavior and they were updated or replaced. The new classification system is also gender-responsive. This administrative regulation will be replaced by an ordinary administrative regulation that is being filed with the emergency administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

HON. ANDY BESHEAR, Governor  
COOKIE CREWS, Commissioner

**JUSTICE AND PUBLIC SAFETY CABINET  
Department of Corrections  
(Emergency Amendment)**

**501 KAR 6:080E. Department of Corrections manuals.**

EFFECTIVE: November 2, 2020

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.065, 197.110, 439.470, [~~439.590,~~ 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, [~~439.590,~~] and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or any of its divisions. This administrative regulation incorporates by reference the manuals that are referenced in policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference. (1) "Department of Corrections Manuals," [~~March 10, 2008~~] are incorporated by reference. Department of Corrections Manuals includes:

- (a) Classification Manual (Amended 11/2/20[4/15/02]); and
- (b) Kentucky Department of Corrections Religion Reference Manual (Added 3/10/08).

(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, Monday through Friday, 8 a.m. to 4:30 p.m.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: August 31, 2020

FILED WITH LRC: November 2, 2020 at 10:47 a.m.

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## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation incorporates by reference manuals that are referenced in the department's policies and procedures, the Classification Manual and the Religion Reference manual.

(b) The necessity of this administrative regulation: This administrative regulation establishes the manual for the classification process for inmates within the Department of Corrections (DOC) in compliance with the requirements of KRS 197.065 and 197.110 and gives guidance to DOC staff for religious issues involving inmates.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 197.065 requires the classification of prisoners and KRS 197.110 requires an administrative regulation concerning classification of prisoners. KRS 196.035 authorizes the secretary of the cabinet or the secretary's delegate to promulgate administrative regulations for the proper administration of the functions of the cabinet or any division in the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation and material incorporated by reference provide direction and information to DOC employees and to inmates concerning classification and religious practice.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment substantially rewrites the Classification Manual for the department.

(b) The necessity of the amendment to this administrative regulation: The manual has been totally rewritten to update the classification of prisoners for the department and the inmates committed to it.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 197.065 requires the classification of prisoners and KRS 197.110 requires an administrative regulation concerning classification of prisoners. The Classification Manual complies with the requirements of these statutes.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides staff and prisoners information concerning the classification of prisoners within the department.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects the Kentucky Department of Corrections, approximately 3,746 employees, approximately 20,076 prisoners, and the private prison company for the Kentucky inmates that it incarcerates.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The manual gives guidance to staff and prisoners concerning classification within the department.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): An exact cost is unknown, but it is not anticipated that the amendment to this administrative regulation will increase current costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): An updated classification system will better protect staff, inmates, and the public. The validation of the system identified risk factors that were no longer predictive of future behavior and they were updated or replaced. The new classification system is also gender-responsive.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No increase in funding is anticipated. Printing costs for the manual are expected to be approximately \$960.

(b) On a continuing basis: No increase in funding is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Department of Corrections budgeted funds for the biennium.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is anticipated.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The amendments to this regulation impact the operation of the Kentucky Department of Corrections and each state correctional institution.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 196.035, 197.020, 197.065, 197.110 and to meet American Correctional Association (ACA) standards requirements.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The regulation does not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The regulation does not generate revenue.

(c) How much will it cost to administer this program for the first year? The amendment to this regulation impacts how the Kentucky Department of Corrections classifies prisoners. The costs are not anticipated to increase with this amendment. Printing costs for the Classification Manual are expected to be approximately \$960.

(d) How much will it cost to administer this program for subsequent years? The costs are not anticipated to increase with this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):  
Expenditures (+/-):