

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:050. Luther Luckett Correctional Complex.

RELATES TO: KRS 72.020, 72.025(5), Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 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 Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or of its divisions. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Luther Luckett Correctional Complex.

Section 1. Incorporation by Reference.

(1) "Luther Luckett Correctional Complex policies and procedures", September 14, 2022~~[November 10, 2015]~~, are incorporated by reference. Luther Luckett Correctional Complex Policies and Procedures include:

LLCC

02-05- Inmate Canteen Committee (Amended 9/14/22~~[5/15/12]~~)
03

LLCC

02-05- Inmate Canteen (Amended 9/14/22~~[5/15/12]~~)
05

LLCC

02-06- Inmate Control of Personal Funds (Amended 9/14/22~~[5/15/12]~~)
01

LLCC

02-06- Storage and Disposition of Monies Received on Weekends,
02 Holidays and between 4 p.m. and 8 a.m. Weekdays (Amended
9/14/22~~[5/15/12]~~)

LLCC

05-02- Outside Consultation and Research (Amended 9/14/22~~[5/15/12]~~)
02

LLCC

06-01- Offender Information (Amended 9/14/22~~[10/14/15]~~)
01

LLCC

06-02- Open Records (Amended 9/14/22~~[5/15/12]~~)
01

LLCC

08-04- Fire Safety (Amended 9/14/22~~[7/10/12]~~)
01

LLCC

09-14- Procedures ~~[Guidelines]~~ for Contractors (Amended
02 9/14/22~~[7/10/12]~~)

LLCC
09-18-01 Search Plan (Amended 9/14/22~~[5/15/12]~~)

LLCC
09-18-03 Contraband Control: Collection, Preservation, Disposition of Contraband, and Identification of Physical Evidence (Amended 9/14/22~~[5/15/12]~~)

LLCC
09-25-01 Procedure for Maintaining Current Inmate Photographs (Amended 9/14/22~~[11/14/14]~~)

LLCC
09-29-01 Inmate Death (Amended 9/14/22~~[7/10/12]~~)

LLCC
10-01-01 Special Management Housing~~[Inmates]~~ (Amended 9/14/22~~[11/10/15]~~)

LLCC
11-01-01 Dining Room Rules~~[Guidelines]~~ (Amended 9/14/22~~[8/7/15]~~)

LLCC
11-02-01 Food Services: Security (Amended 9/14/22~~[5/15/12]~~)

LLCC
11-03-01 Food Services: General Requirements~~[Guidelines]~~ (Amended 9/14/22~~[5/15/12]~~)

LLCC
11-04-01 Food Services~~[Service]~~ Meals (Amended 9/14/22~~[5/15/12]~~)

LLCC
11-04-02 Food Services~~[Service]~~: Menu, Nutrition and Special Diets (Amended 9/14/22~~[5/15/12]~~)

LLCC
11-05-02 Health Requirements of Food Handlers (Amended 9/14/22~~[5/15/12]~~)

LLCC
11-06-01 Food Services: Inspections and Sanitation (Amended 9/14/22~~[11/10/15]~~)

~~LLCC
11-07-01 [Food Services: Purchasing, Storage and Farm Products (Amended 5/15/12)]~~

LLCC
12-01-01 Sanitation, Living Condition Standards and Clothing Issues (Amended 9/14/22~~[11/14/14]~~)

LLCC
12-02-01 Laundry Services (Amended 9/14/22~~[7/10/12]~~)

LLCC
12-03-01 Vermin and Insect Control (Amended 9/14/22~~[5/15/12]~~)

LLCC
12-04-
01 Personal Hygiene Items: Issuance and Replacement Schedule
(Amended 9/14/22~~[5/15/12]~~)

LLCC
13-02-
01 Access to Healthcare (Amended 9/14/22~~[8/7/15]~~)

LLCC
13-02-
02 Specialized Health Services (Amended 9/14/22~~[8/7/15]~~)

LLCC
13-02-
03 Vision Care, Prostheses and Orthodontic Devices (Amended
9/14/22~~[8/7/15]~~)

LLCC
13-02-
05 Medical Services Co-pay (Amended 9/14/22~~[8/7/15]~~)

LLCC
13-03-
01 Mental Health Services (Amended 9/14/22~~[5/15/12]~~)

~~LLCC
13-03-
02 Use of Psychotropic Medications (Amended 5/15/12)~~

LLCC
13-04-
01 Inmate Medical Screenings and Health Evaluations (Amended
9/14/22~~[7/26/13]~~)

LLCC
13-04-
02 Health Education and Special Health Programs (Added
9/14/22~~[7/26/13]~~)

~~LLCC
13-04-
06 Psychological and Psychiatric Records (Added 5/15/12)~~

LLCC
13-05-
02 Self-Administration of Medication (Inmate) (Amended
9/14/22~~[7/26/13]~~)

LLCC
13-06-
01 Health Records (Amended 9/14/22~~[7/26/13]~~)

LLCC
13-06-
03 Notification of Inmate Family of Serious Illness, Surgery, or
Inmate Death (Amended 9/14/22~~[7/26/13]~~)

LLCC
13-07-
01 Serious and Infectious Diseases (Amended 9/14/22~~[7/26/13]~~)

LLCC
13-07-
02 Medical Waste Management (Amended 9/14/22~~[8/7/15]~~)

LLCC
13-08-
01 Restraint Approval (Amended 9/14/22~~[5/15/12]~~)

~~LLCC~~
~~13-09-~~ ~~[Substance Abuse and Chemical Dependency Program (Amended~~
~~01] 5/15/12)]~~

LLCC
14-03- Inmate Legal Services (Amended 9/14/22~~[8/7/15]~~)
01

LLCC
14-04- Americans with Disabilities Act and Inmate Access (Added
01 9/14/22).

LLCC
15-01- Inmate Housing Assignment (Amended 9/14/22~~[5/15/12]~~)
02

LLCC
15-01- Operational Procedures of the Units (Amended 9/14/22~~[5/15/12]~~)
03

LLCC
15-01- Rules of the Unit (Amended 9/14/22~~[11/14/14]~~)
04

LLCC
15-01- Searches and Control of Excess Property (Amended
08 9/14/22~~[7/26/13]~~)

LLCC
15-01- Laundry Unit Services (Amended 9/14/22~~[9/15/14]~~)
09

LLCC
16-01- Inmate Correspondence (Amended 9/14/22~~[5/15/12]~~)
01

LLCC
16-01- Inmate Privileged or Legal Mail (Amended 9/14/22~~[5/15/12]~~)
02

LLCC
16-01- Inmate Packages (Amended 9/14/22~~[5/15/12]~~)
03

LLCC
16-02- Inmate Visiting (Amended 9/14/22~~[7/26/13]~~)
01

LLCC
16-02- Extended and Special Visits (Amended 9/14/22~~[5/15/12]~~)
02

LLCC
16-02- Restricted Visitation Privileges (Amended 9/14/22~~[5/15/12]~~)
03

LLCC
16-03- Parole Hearings: Media and Visitors (Amended 9/14/22~~[5/15/12]~~)
04

LLCC
17-01- Inmate Transportation, Reception, and Discharge Process
01 (Amended 9/14/22~~[5/15/12]~~)

LLCC
17-03-01 Assessment and Orientation (Amended 9/14/22~~[8/7/15]~~)

LLCC
17-04-01 Personal Property Control (Amended 9/14/22~~[5/15/12]~~)

LLCC
17-04-02 Missing or Stolen Inmate Personal Property (Amended 9/14/22~~[5/15/12]~~)

LLCC
17-05-01 Appliances to Outside Dealers for Repair (Amended 9/14/22~~[7/10/12]~~)

LLCC
18-01-01 Meritorious Housing (Amended 9/14/22~~[7/26/13]~~)

~~LLCC
18-02-01 Minimum Security Unit Operations (Amended 7/26/13)}~~

~~LLCC
18-02-02 Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) (Added 10/14/15)}~~

LLCC
19-01-02 Job Assignments and Dismissals (Amended 9/14/22~~[11/14/14]~~)

LLCC
20-01-01 Education ~~[Educational Programs]~~ (Amended 9/14/22~~[7/26/13]~~)

LLCC
21-01-01 Library Services (Amended 9/14/22~~[5/15/12]~~)

LLCC
22-01-01 Recreation and Inmate Activities (Amended 9/14/22~~[9/12/14]~~)

LLCC
22-02-01 Inmate Clubs and Organizations (Amended 9/14/22~~[8/7/15]~~)

~~LLCC
22-02-02 Inmate Photographs Project (Amended 8/7/15)}~~

LLCC
22-05-02 Arts and Crafts Program (Amended 9/14/22~~[8/7/15]~~)

LLCC
23-01-01 Religious Program (Amended 9/14/22~~[11/14/14]~~)

LLCC
23-01-03 Inmate Family Emergency Notification (Amended 9/14/22~~[11/14/14]~~)

- LLCC
24-01- Counseling and Social Services (Amended 9/14/22~~[7/26/13]~~)
01
- LLCC
25-01- Final Release (Amended 9/14/22~~[8/7/15]~~)
01
- LLCC
26-01- Citizen Involvement and Volunteer Services Program (Amended
01 9/14/22~~[9/15/14]~~)
- LLCC
26-02- Use of Students (Amended 9/14/22~~[5/15/12]~~)
01
- LLCC
26-02- Student and Volunteer Identification Badges (Amended
02 9/14/22~~[5/15/12]~~)
- LLCC
26-03- Confidentiality of Information, Roles and Services of Consultants,
01 Contract Personnel, Students, and Volunteers (Amended
9/14/22~~[5/15/12]~~)

(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.

Cookie Crews, Commissioner, Department of Corrections

APPROVED BY AGENCY: September 1, 2022

FILED WITH LRC: September 14, 2022 at 12:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 30, 2022 at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

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 the policies and procedures governing the Luther Lockett Correctional Complex (LLCC).

(b) The necessity of this administrative regulation:

This regulation meets statutory requirements in KRS 196.035 and 197.020 and meets American Correctional Association (ACA) policy requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement practices or procedures to ensure the safe and efficient operation of the institution.

(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 LLCC employees and inmates concerning employee duties, inmate responsibilities, and the procedures that govern operations of the institution.

(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 brings the institution into compliance with ACA expected practices and updates the procedures for the institution.

(b) The necessity of the amendment to this administrative regulation:

The amendment meets the requirements of KRS 196.035 and 197.020 and updates practices for the institution in part to maintain accreditation with the ACA.

(c) How the amendment conforms to the content of the authorizing statutes:

The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement or amend practices or procedures to ensure the safe and efficient operation of the institution.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment provides staff and inmates information concerning the effective and orderly management of the institution.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This affects approximately 201 employees and 980 inmates at the Luther Lockett Correctional Complex and all volunteers and visitors to the institution.

(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:

Staff, inmates, volunteers, and visitors will have to follow the changes made in the policies and procedures. They will have to change their actions to comply with the operational changes made by this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

An increase in cost is not anticipated from the changes in operations made in the amendment. An exact cost of compliance 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):

The operational changes will assist in the effective and orderly management of the institution.

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

(a) Initially:

No additional cost is anticipated.

(b) On a continuing basis:

No additional cost is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Department of Corrections budgeted funds for the institution 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 establishes any fees or directly or indirectly increases any fees:

The regulation establishes an appliance repair fee for the vendor in LLCC 17-05-01. The fee is not increased in this amendment.

(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

(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?

Luther Luckett Correctional Complex

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 61.870 – 61.884, 196.035, 197.020, 439.510

(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 appliance repair fee does not generate revenue for the institution, but is provided to the vendor for repair and return postage.

(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 appliance repair fee is not expected to be generate revenue in a similar manner in future years.

(c) How much will it cost to administer this program for the first year?

The regulation impacts how the institution operates, but does not increase costs from what will be budgeted to the institution for the biennium.

(d) How much will it cost to administer this program for subsequent years?

The regulation impacts how the institution operates, but is not expected to increase costs from what will be budgeted to the institution.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

No cost savings are anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

No cost savings are anticipated.

(c) How much will it cost the regulated entities for the first year?

The regulation impacts how the institution operates, but does not increase costs from what will be budgeted to the institution for the biennium.

(d) How much will it cost the regulated entities for subsequent years?

The regulation impacts how the institution operates, but does not increase costs from what will be budgeted to the institution for the biennium.

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] No major economic impact is anticipated.