

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 3:040. Personnel.

RELATES TO: KRS 441.045, 441.055, 441.115

STATUTORY AUTHORITY: KRS 196.035, 197.020, 441.055

NECESSITY, FUNCTION, AND CONFORMITY: KRS 441.055 requires the Department of Corrections to promulgate administrative regulations establishing minimum standards for jails that house state prisoners. This administrative regulation establishes personnel procedures to be followed in full-service jails.

Section 1. Staffing.

(1) A category I, II, III, IV, and V jail shall provide twenty-four (24) hour awake supervision for all prisoners by providing a minimum of three (3) jail personnel, excluding jail personnel designated for communication.

(2) A staffing analysis may be requested by the jailer or governing authority.

(3) If a female prisoner is booked, detained, or otherwise lodged in the jail, the jail shall provide a female deputy to perform twenty-four (24) hour awake supervision.

Section 2. Qualifications.

(1) Persons who are at least eighteen (18) years old may be appointed or employed to work inside the secure perimeter of the jail.

(2) A person under the age of twenty-one (21) years:

(a) Shall not:

1. Be employed as a deputy jailer;
2. Possess or exercise peace officer powers;
3. Function in a role similar to that of a deputy jailer or correctional officer; or
4. Be in a position that involves supervision over prisoners or persons yet to be booked into the jail; and

(b) Shall have a high school diploma or a high school equivalency diploma.

Section 3. Compensation. Each employee shall receive a wage at least equal to the State Minimum Wage Law except if Federal Minimum Wage Law applies.

Section 4. Policy and Procedure. Written policy shall specify that equal employment opportunities exist for every position.

Section 5. Physical Fitness. The jailer or jail administrator shall ensure a level of physical fitness is maintained that will allow each employee to satisfactorily perform his or her duties.

Section 6. Code of Ethics.

(1) The jailer or jail administrator shall make a written code of ethics available to each employee.

(2) The written code of ethics shall be incorporated in the jail's policy and procedures manual and shall include the following:

(a) An employee shall not:

1. Exchange a personal gift or favor with a prisoner, prisoner's family, or prisoner's friend;
2. Accept any form of bribe or unlawful inducement;
3. Perform duties under the influence of an intoxicant or consume an intoxicant while on duty;

4. Violate or disobey an established rule, administrative regulation, or lawful order from a superior;
5. Discriminate against a prisoner on the basis of race, religion, creed, gender, national origin, or other individual characteristic;
6. Employ corporal punishment or unnecessary physical force;
7. Subject a prisoner to physical or mental abuse;
8. Intentionally demean or humiliate a prisoner;
9. Bring a weapon or an item declared as contraband into the jail without proper authorization;
10. Engage in critical discussion of jail employees or a prisoner in the presence of another prisoner;
11. Divulge confidential information without proper authorization;
12. Withhold information which threatens the security of the jail, jail employees, visitors, or the community;
13. Through negligence or intentionally, endanger the well-being of self or another;
14. Engage in a business or profitable enterprise with a prisoner;
15. Inquire about, disclose, or discuss details of a prisoner's crime other than as may be absolutely necessary in performing official duties;
16. Enter into an intimate, personal relationship with a prisoner while the prisoner is incarcerated at the same jail that the employee is employed by; or
17. Enter into an intimate, personal relationship with a former prisoner of the jail within six (6) months of that prisoner's release; and

(b) An employee shall:

1. Comply with established rules, administrative regulations, and lawful orders from a superior;
2. Treat each prisoner in a fair, impartial manner; and
3. Report a violation of the code of ethics to the jailer.

(3) A violation of the code of ethics shall be made a part of the employee's personnel file. (9 Ky.R. 637; eff. 3-2-1983; Am. 13 Ky.R. 677; eff. 11-11-1986; 19 Ky.R. 1846; 2619; eff. 6-7-1993; 26 Ky.R. 159; 27 Ky.R. 81; eff. 7-17-2000; 31 Ky.R. 1547; 1790; eff. 5-26-2005; 34 Ky.R. 1173; 1958; eff. 3-7-2008; 37 Ky.R. 2492; 38 Ky.R. 571; 479; eff. 11-4-2011; 42 Ky.R. 1937; eff. 3-4-2016; Cert. eff. 3-2-2023; 50 Ky.R. 1950; eff. 9-3-2024.)

The Jail Standards Review Commission established pursuant to KRS 441.055(1)(b) has approved the standards in this administrative regulation at its meeting on August 15, 2023, prior to its filing with the Legislative Research Commission in compliance with KRS 13A.120(3), 13A.220(6)(a), and 441.055(2).

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: February 6, 2024

FILED WITH LRC: February 15, 2024 at 8:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation will be held on April 23, 2024, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Any person who wishes to be heard at this hearing shall notify the agency in writing by five workdays prior to the hearing of their intent to attend. If a notice of intent to attend the hearing is not received by that date, the hearing may be cancelled. 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 April 30, 2024. Send written notice 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, Justice.RegContact@ky.gov, telephone number (502) 564-3279, facsimile number (502) 564-6686.