

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 3:060. Security; control.

RELATES TO: KRS 196.173, 441.045, 441.055

STATUTORY AUTHORITY: KRS 196.035, 197.020, 441.055(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 441.055 requires the Department of Corrections to promulgate administrative regulations establishing minimum standards for jails that house state prisoners. KRS 196.173 limits restraint situations for pregnant prisoners. This administrative regulation establishes security procedures to be followed in full-service jails.

Section 1. Policy and Procedure.

- (1) The jailer or jail administrator shall develop a written policy and procedure governing the security aspects of the jail's operation.
- (2) If requested in writing, the department shall provide technical assistance to the jailer or jail administrator in formulating written policy and procedure.
- (3) The policies and procedures shall include:
 - (a) Prisoner rules;
 - (b) Staffing;
 - (c) Searches of prisoner and of secure areas;
 - (d) Visitation;
 - (e) Key and weapon control;
 - (f) Prisoner head counts;
 - (g) Surveillance checks;
 - (h) Emergency situations;
 - (i) Jail schedule; and
 - (j) Administering medication.

Section 2. Prisoner Supervision.

- (1) Jail personnel shall conduct and document direct in-person surveillance of each prisoner on an irregular schedule, at least every sixty (60) minutes.
- (2) Jail personnel shall conduct and document direct in-person surveillance on an irregular schedule, at least every twenty (20) minutes on the following classes of prisoners:
 - (a) Suicidal;
 - (b) Mentally or emotionally disturbed, if housed in a single cell; or
 - (c) In a detox cell.
- (3) If available, closed-circuit television shall be used primarily to monitor hallways, stairwells, sally ports, perimeter security, points of egress, common areas, and support areas.
- (4) There shall be at least three (3) documented prisoner counts every twenty-four (24) hours during which each prisoner's physical presence, by show of skin or by movement, shall be observed. At least one (1) count shall be conducted per shift.

Section 3. Security Procedures.

- (1) Each jailer or jail administrator shall establish a procedure for weekly inspection, for contraband and physical security, of each area accessible to a prisoner.
 - (a) Isolated security spot checks for contraband shall be conducted daily.

- (b) The prisoner rules, as specified in Section 1(3)(a) of this administrative regulation, shall contain a clear definition of each item permitted in the jail. All other items shall be considered contraband.
- (c) There shall be a written procedure for reporting security irregularities.
- (2) A weapon, ammunition, chemical agent, related security equipment, or object which may be used as a weapon shall not be permitted in the security area unless authorized by the jailer or jail administrator. Firearms shall not be permitted in the security area unless authorized by the jailer or jail administrator, under emergency circumstances.
- (3) If a weapon, ammunition, chemical agent, or related security equipment is not being carried or used, as authorized by the jailer or jail administrator, it shall be stored in an arsenal, vault, or other secure room under lock.
- (a) The weapons storage area shall be inaccessible to unauthorized persons.
- (b) There shall be a written procedure for issuing and accounting for all weapons.
- (4) Security devices and safety equipment shall be inspected monthly to ensure they are maintained in proper working order.
- (5) Tools and toxic, corrosive, or flammable substances, and other potentially dangerous supplies and equipment shall be stored in a secure, locked area located outside the security perimeter of the confinement area.
- (6) A prisoner shall not use hazardous tools, supplies, or equipment unless the prisoner is under the direct supervision of jail personnel, and shall be provided with proper safety equipment.
- (7) A prisoner:
- (a) May be assigned the responsibility of providing prisoner services, including providing meals, under the direct supervision of jail personnel; and
- (b) Shall not be assigned to a position of authority over another prisoner.
- (8) A prisoner shall not be permitted to perform or assist in a security duty.
- (9) A jail with a work release or community service program shall establish special control procedures to minimize contact between a prisoner with work release privileges and another prisoner.
- (10) A prisoner shall be searched, in accordance with the requirements established in 501 KAR 3:120, if entering or leaving the security perimeter.
- (11) Written procedures shall be developed for transporting a prisoner outside the jail and shall identify training required before jail personnel are permitted to transport any prisoner.
- (12) Each jailer or jail administrator shall develop written policies and procedures governing the use of physical restraints. Written policies and procedures shall include provisions for inmates known to be pregnant, in accordance and compliance with KRS 196.173.
- (13) A prisoner placed in physical restraints shall be constantly monitored.
- (14) The jail shall have key-control procedures as established in this subsection.
- (a) A key control center shall be secure and inaccessible to an unauthorized person at all times.
- (b) There shall be an accounting procedure for issuing and returning keys.
- (c) There shall be a procedure for immediate reporting and repairing of a broken or malfunctioning key or lock;
- (d) A set of duplicate keys shall be maintained in a separate, secure place.
- (e) A prisoner shall not be permitted to handle a key used to operate a jail security lock.
- (f) A key operating a lock to an outside door or gate shall not be permitted in the security area.
- (g) An emergency key or any key to a critical security area shall be issued in accordance with written procedures established by the jailer or jail administrator.

(h) Precautions similar to those outlined in paragraphs (a) through (g) of this subsection shall be taken to ensure the security of nonkey operated locking devices including electrical switches or levers.

(i) A lock to an outside exit shall be keyed differently from an interior lock.

(j) The lock to the control room shall be keyed differently from all other locks.

(15) Trustees.

(a) A trustee shall not have access to, or control of, a weapon.

(b) An unsupervised trustee shall not be permitted in either a program, support, or housing area with a prisoner of the opposite sex.

(c) A trustee shall not be permitted in either a program, support, or housing area with a juvenile inmate.

Section 4. Daily Jail Log; Special Reports. A daily jail log shall be kept current and shall reflect significant occurrences within the jail. Special reports shall include:

(1) Use of force;

(2) Disciplinary action;

(3) Medical or mental health treatment;

(4) Feeding schedule and menus;

(5) Extraordinary occurrences, including:

(a) Fire;

(b) Assault;

(c) Suicide or attempted suicide; and

(d) Escape or attempted escape;

(6) Inmate vandalism, including:

(a) Destruction of jail property; and

(b) Flooding of plumbing fixtures;

(7) Jail personnel roster for each shift; and

(8) Visitor's log.

(9 Ky.R. 642; Am. 925; eff. 3-2-1983; 13 Ky.R. 684; eff. 11-11-1986; 19 Ky.R. 1850; 2623; eff. 6-7-1993; 22 Ky.R. 1353; eff. 3-7-1996; 26 Ky.R. 160; 27 Ky.R. 82; eff. 7-17-2000; 31 Ky.R. 1553; 1794; eff. 5-26-2005; 34 Ky.R. 1179; 1962; eff. 3-7-2008; 37 Ky.R. 2949; 38 Ky.R. 572; eff. 10-7-2011; 42 Ky.R. 1945; 2341; eff. 3-4-2016; 50 Ky.R. 1952; 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 January 8, 2024, 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.