

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(New Administrative Regulation)

501 KAR 6:310. Monitoring and operation of private prisons.

RELATES TO: KRS Chapters 196, 197, KRS 197.500-197.540, Chapter 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 197.525

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1) (a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 197.525 requires the department shall promulgate administrative regulations governing the standards, operation, and management of adult correctional facilities that may be contracted for pursuant to KRS 197.505. This administrative regulation establishes policies and procedures concerning personnel for the Department of Corrections. This administrative regulation establishes the procedures concerning the monitoring and operation of private prisons for the Department of Corrections.

Section 1. Definitions.

- (1) "On-site contract monitor" means a Department of Corrections employee assigned on-site at the private prison that is responsible for ensuring that operations are in compliance with contract terms.
- (2) "Private provider" is defined by KRS 197.500(2) and the private provider shall have a contract with the Department of Corrections to house prisoners committed to the custody of the department.
- (3) The private provider shall operate the private prison in accordance with statutory requirements, contract terms, Corrections Policies and Procedures, and ACA standards to obtain or maintain accreditation.
- (4) The Department of Corrections shall ensure that the requirements and terms provided by statute and the contract are monitored.

Section 2. Monitoring.

- (1) One (1) on-site contract monitor shall be assigned to each private prison.
- (2) An on-site contract monitor shall be a full-time position.
- (3) The on-site contract monitor shall not normally carry out routine duties of the private prison including manning posts. However, the on-site contract monitor may provide support in the form of specialized training and advice or during an emergency situation, with the approval of both the warden of the private prison and the Deputy Commissioner of Adult Institutions or designee.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: March 4, 2024

FILED WITH LRC: May 15, 2024 at 10:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 23, 2024, 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 July 31, 2024. 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.