

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

501 KAR 6:370. Corrections policies and procedures: security and control.

RELATES TO: KRS Chapters 196, 197

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.022, 197.110

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 197.020(1)(c) further authorizes the department to promulgate administrative regulations for the disposition of abandoned, lost, or confiscated property of prisoners. KRS 197.022(5) requires the cabinet to promulgate an administrative regulation concerning the transport of a prisoner to court for a civil action if ordered by the court. 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. This administrative regulation establishes policies and procedures concerning security and control for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 9", May 15, 2024, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 9 includes:

9.4 Transportation of Inmates to Funerals or Bedside Visits (5/15/24)

9.6 Contraband (2/26/16)

9.8 Search Policy (5/15/24)

9.13 Transport to Court - Civil Action (7/9/07)

9.18 Informants (9/13/10)

9.19 Found, Lost or Abandoned Property (10/14/05)

(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. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

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 and 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 administrative regulation establishes policies and procedures concerning security and control for the Department of Corrections.

(b) The necessity of this administrative regulation:

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 deportment and conduct, and preservation of the health of the prisoners. KRS 197.020(1)(c) further authorizes the department to promulgate administrative regulations for the disposition of abandoned, lost, or confiscated property of prisoners. KRS 197.022(5) requires the cabinet to promulgate an administrative regulation concerning the transport of a prisoner to court for a civil action if ordered by the court. 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.

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

The administrative regulation governs the operations of the department concerning security control. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning security and control. It provides direction and information to department employees and inmates concerning the operations of the department.

(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:

This is a new administrative regulation.

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

This is a new administrative regulation.

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

This is a new administrative regulation.

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

This is a new administrative regulation.

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

This affects the Department of Corrections, approximately 3,900 employees, 23,995 inmates, visitors, volunteers, and others who enter state correctional institutions.

(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, and others will have to change their actions to comply with operational procedures.

(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 of compliance is unknown, but it is not anticipated that the 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 procedures will assist in the effective and orderly management of the department and its correctional institutions.

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

(a) Initially:

An increase in cost is not anticipated.

(b) On a continuing basis:

An increase in cost is not 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:

An increase in fees or funding is not anticipated.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

An increase in cost and fees is not anticipated.

(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 IMPACT STATEMENT

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

KRS 196.035, 197.020, 197.022, 197.110

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Department of Corrections and its correctional institutions

(a) Estimate the following for the first year:

Expenditures:The administrative regulation impacts how the department operates but is not expected to increase expenditures.

Revenues:An inmate or his family may pay for the costs incurred to transport the inmate to a funeral or bedside visit in CPP 9.4. An exact amount for this is unknown.

Cost Savings:Cost savings are not anticipated.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The administrative regulation is not expected to change expenditures, revenues, or cost savings in future years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Affected local entities have not been identified.

(a) Estimate the following for the first year:

Expenditures:

Revenues:

Cost Savings:

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

(4) Identify additional regulated entities not listed in questions (2) or (3):

Employees, inmates, inmate families

(a) Estimate the following for the first year:

Expenditures:The administrative regulation impacts how the department operates but is not expected to increase expenditures.

Revenues:An inmate or his family may pay for the costs incurred to transport the inmate to a funeral or bedside visit in CPP 9.4. An exact amount for this is unknown.

Cost Savings:Cost savings are not anticipated.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The administrative regulation is not expected to change expenditures, revenues, or cost savings in future years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

The administrative regulation impacts how the department and its institutions operate but is not expected to have a fiscal impact. The administrative regulation

replaces in part an administrative regulation that is being repealed.

(b) Methodology and resources used to determine the fiscal impact:

The policies and procedures incorporated by reference were reviewed and a fiscal impact was not identified. It replaces in part an administrative regulation that is being repealed.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

An overall negative or adverse major economic impact is not anticipated.

(b) The methodology and resources used to reach this conclusion:

The administrative regulation being repealed is being replaced by new administrative regulations.