

501 KAR 3:020. Administration; management.

RELATES TO: KRS 69.210, 202A.091, 441.055

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 procedures for the administration and management of full-service jails.

Section 1. Policy and Procedure-Organization.

(1) The jailer or jail administrator for a jail that houses state prisoners shall develop and maintain an organizational chart and a policy and procedures manual that has been adopted by the governing authority and filed with the department.

(2) The written policy and procedures manual shall be made available to employees. Employees shall sign documentation attesting they have read and will comply with the jail's policy and procedure manual within thirty (30) days of employment.

(3) The policy and procedures manual shall include, at a minimum, the following aspects of the jail's operation:

- (a) Administration;
- (b) Fiscal management;
- (c) Personnel;
- (d) Security and control;
- (e) Sanitation and management;
- (f) Medical services;
- (g) Food services;
- (h) Emergency and safety procedures;
- (i) Classification;
- (j) Prisoner programs;
- (k) Prisoner services;
- (l) Admission and release; and
- (m) Training.

(4) The policy and procedures manual shall be reviewed, updated, and any changes approved by the governing authority at least annually. All revisions shall be marked with the effective date and filed with the department.

Section 2. Legal Assistance.

(1) The jailer for a jail that houses state prisoners shall be represented and advised by the county attorney as provided by KRS 69.210.

(2) The county attorney shall advise the governing authority in writing if legal representation or legal advisement to the jailer by that office is inappropriate or creates a conflict of interest. The governing authority shall provide funds for adequate legal representation for the jailer if the jailer has acted within his official capacity and is involved in civil or criminal litigation as a result. The governing authority shall be encouraged to carry liability insurance for the jail employees and other county officials.

Section 3. Legal Assistance for Regional Jails. The jail administrator for a regional jail that houses state prisoners shall be represented and advised by the county attorney in the county in which the regional jail is located.

Section 4. Public Information.

(1) The jailer or jail administrator for a jail that houses state prisoners shall develop and implement a procedure for the dissemination of information about the jail to the public, to government agencies, and to the media. The public and prisoners shall have access to the procedures.

(2) With the prisoner's written consent on a form authorizing release of information, news media shall be permitted to interview a prisoner as established in the jail's policy and procedures manual except if the safety and security of the jail is affected.

Section 5. Information Systems. The jailer or jail administrator for a jail that houses state prisoners shall establish and maintain an information system that shall comply with the requirements of this section.

(1) Jail information and prisoner records shall be retained in written form or within computer records.

(2) Jail information and prisoner records shall be stored in a secure manner so that they are protected from theft, loss, tampering, and destruction. Prisoner records shall be maintained as required by the Department of Libraries and Archives pursuant to 725 KAR Chapter 1.

(3) A telephonic report to the department shall be made of all extraordinary or unusual occurrences within twenty-four (24) hours of the occurrence, and a final written report shall be made within forty-eight (48) hours. This report shall be placed in the jail record. Extraordinary or unusual occurrences shall include at a minimum:

- (a) Death of a prisoner;
- (b) Suicide or attempted suicide that constitutes a serious health situation;
- (c) Serious injury, whether accidental or self-inflicted;
- (d) Escape or attempted escape from confinement;
- (e) Fire;
- (f) Riot;
- (g) Assault, whether by jail personnel or prisoner;
- (h) Sexually abusive conduct;
- (i) Occurrence of contagious or infectious disease, or illness within the facility; and
- (j) Any serious event that threatens the safety or security of the facility or jail personnel.

(4) Each jail that houses state prisoners shall keep a log of daily activity within the jail.

(5) Each jail that houses state prisoners shall provide the department with a weekly population update that shall include the number of state prisoners, federal prisoners, and county prisoners.

(6) Each jail that houses state prisoners shall provide the Department with all external movements of state prisoners via KOMS or electronically and on a daily basis. This information shall be sent to the Division of Local Facilities.

(7) Each jail that houses state prisoners shall, if there is an escape, immediately:

- (a) Notify the Division of Local Facilities jail inspector;
- (b) Notify the Kentucky State Police or local law enforcement;
- (c) Activate VINE through use of the Emergency Override Line (EOL); and
- (d) Enter the prisoner's escape status into the jail management system.

Section 6. Prisoner Records.

(1) The information required by 501 KAR 3:120 and 3:130 for admission and release shall be retained for each prisoner. Other information retained in each prisoner's jail record shall include at a minimum:

- (a) Court orders;
- (b) Personal property receipts;
- (c) Infraction reports;
- (d) Reports of disciplinary actions;
- (e) Work record and program involvement; and
- (f) Unusual occurrences and if a prisoner dies, disposition of the prisoner's property and remains.

(2) Medical records shall be maintained as required by the Department of Libraries and Archives pursuant to 725 KAR Chapter 1.

(3) The jailer or jail administrator for a jail that houses state prisoners shall ensure that prisoner records are safeguarded.

(4) The jailer or jail administrator shall not release information, other than public information, to individuals other than law enforcement or court officials unless the prisoner has signed a form authorizing release of information. A copy of the signed form shall be maintained in the prisoner's record. The form shall include:

- (a) Name of person, agency, or organization requesting information;
- (b) Name of facility releasing information;
- (c) Information to be disclosed;
- (d) Date consent form is signed; and
- (e) Signature of prisoner.

(5) All jail records maintained on mental inquest detainees held under KRS Chapter 202A shall be kept separate from any other jail records. Mental inquest records are confidential and shall be made available for examination only as provided in KRS 202A.091. Upon an order of expungement pursuant to KRS 202A.091(2), the jailer for a jail that houses state prisoners shall seal the records and the mental inquest detainee's stay at the jail shall be deemed never to have occurred.

(9 Ky.R. 636; Am. 924; eff. 3-2-1983; 13 Ky.R. 675; eff. 11-11-1986; 22 Ky.R. 1347; eff. 3-7-1996; 29 Ky.R. 2756; 30 Ky.R. 22; eff. 7-17-2003; 31 Ky.R. 1544; 1789; eff. 5-26-2005; 34 Ky.R. 1171; 1956; eff. 3-7-2008; 37 Ky.R. 2938; 38 Ky.R. 568; eff. 10-7-2011; 42 Ky.R. 1934; 2334; eff. 3-4-2016; Cert. eff. 3-2-2023.)