

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 3:010. Definitions for 501 KAR Chapter 3.

RELATES TO: KRS 67A.028, 67B.020(1), 441.005, 441.045, 441.055, Ky. Const. Sec. 99, 152, 42 U.S.C. 15601-15609

STATUTORY AUTHORITY: KRS 196.035, 197.020, 441.055

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(1) requires the Department of Corrections to promulgate administrative regulations establishing minimum standards for jails that house state prisoners. This administrative regulation establishes definitions for 501 KAR Chapter 3, regulating full-service jail facilities.

Section 1. Definitions.

- (1) "Automatic fire extinguishing system" means an approved system of devices and equipment that automatically detects a fire and discharges an approved fire extinguishing agent onto or in the area of a fire in accordance with 815 KAR 7:120.
- (2) "Ceiling" means the overhead area in any area of the jail which is below the secure deck.
- (3) "Cell" means an area for housing no more than two (2) prisoners.
- (4) "Commissioner" is defined by KRS 196.010(2).
- (5) "Dayroom" means a secure area with controlled access from the prisoner living area, to which prisoners may be admitted for daytime activities including dining, bathing, and selected recreation or exercise.
- (6) "Deck" means the secure overhead area of the jail, which is part of the security perimeter.
- (7) "Department" is defined by KRS 441.005(5).
- (8) "Detoxification area" means an area used to hold one (1) or more chemically impaired persons temporarily during the detoxification process until they can care for themselves.
- (9) "Direct supervision area" means an area used to house seventy (70) or fewer prisoners in which jail personnel is always present and directly supervising the prisoners.
- (10) "Dormitory" means:
 - (a) An area equipped for housing not less than three (3) nor more than thirty-six (36) persons; or
 - (b) If in a direct supervision area, an area equipped for housing not more than seventy (70) persons.
- (11) "Full-service jails" means jails that may house state prisoners pursuant to KRS 441.055 and that meet the standards established by 501 KAR Chapter 3.
- (12) "Governing authority" means a county fiscal court, urban-county government, charter county government, consolidated local government, unified local government, or regional jail authority.
- (13) "Jail" means:
 - (a) A jail as defined by KRS 441.005(1)
 - (b) A regional jail as defined by KRS 441.005(7); or
 - (c) A correctional services division as created by KRS 67A.028.
- (14) "Jail administrator" means:
 - (a) The official appointed by a regional jail authority and charged with the responsibility of administering the regional jail defined by KRS 441.005(7);

- (b) The administrator or executive director of a department as defined by KRS 67B.020(1); or
 - (c) The administrator or director of a correctional services division as created by KRS 67A.028.
- (15) "Jail personnel" is defined by KRS 441.005(6).
- (16) "Jailer" means the official duly elected or appointed pursuant to Section 99 or 152 of the Kentucky Constitution, charged with the responsibility of administering the jail.
- (17) "Medical authority" means the person or persons licensed to provide medical care to prisoners in the jail's custody.
- (18) "Passive Holding Area", "Diversion Holding Area", or "Temporary Holding Area" means an area used to hold one (1) or more persons temporarily while awaiting processing, booking, court appearance, or discharge, or until they can be moved to a general housing area.
- (19) "Pat" or "frisk" means a manual search of a clothed person and includes a visual inspection of the open mouth.
- (20) "Penal type" means furnishings, fixtures, and equipment approved by the department.
- (21) "PREA" means the Prison Rape Elimination Act, 42 U.S.C. 15601-15609.
- (22) "Prisoner" is defined by KRS 441.005(3).
- (23) "Prisoner living area" means a group of rooms or cells that provide housing for the prisoner population.
- (24) "Probing of body cavities" means a manual or instrument search of a person's oral, anal, vaginal, or other body cavity, performed by medical personnel.
- (25) "Religion Reference Manual" means the Kentucky Department of Corrections Religion Reference Manual incorporated by reference in 501 KAR 6:080.
- (26) "Sally port" means a covered vehicular drive-through, located adjacent to the jail intake area.
- (27) "Security area" means a defined space whose physical boundaries have controlled ingress and egress.
- (28) "Security vestibule" means a defined space that promotes security by the use of two (2) or more doors used to contain and observe those who pass.
- (29) "Sexually abusive conduct" means:
- (a) Sexual contact, sexual intercourse, and deviate sexual intercourse, as defined by KRS 510.010;
 - (b) Sexual abuse as defined by 28 C.F.R. 115.6; and
 - (c) Other types of similar sexually based conduct.
- (30) "Sick call" means the evaluation and treatment of an ambulatory patient in a clinical setting, either on or off site of the jail, by the medical authority.
- (31) "Special Needs Area" means an area used to hold one (1) prisoner for observation when displaying violent, erratic, or suicidal behavior or expressing suicidal ideations.
- (32) "Strip search" means a body search during which a person is required to open or remove clothing, during which a person is subject to visual inspection of the torso, female breast, genital area, anal area, and other body cavities.
- (33) "Telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, transfer of health or medical data, and continuing education.
- (9 Ky.R. 635; eff. 3-2-1983; Am. 13 Ky.R. 674; eff. 11-11-1986; 19 Ky.R. 1844; 2618; eff. 6-7-1993; 22 Ky.R. 1346; 1598; eff. 3-7-1996; 26 Ky.R. 158; 27 Ky.R. 80; eff. 7-17-2000; 1575; 2134; eff. 2-15-2001; 31 Ky.R. 1543; 1788; eff. 5-26-2005; 34 Ky.R. 1169; 1956; eff. 3-7-2008; 37 Ky.R. 2936; 38 Ky.R. 568; eff. 10-7-2011; 42 Ky.R. 1932; 2333; eff. 3-4-2016; 50 Ky.R. 1948; 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, 2023, 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, 2023. 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, KY 40601, Justice.RegContact@ky.gov, telephone number (502) 564-3279, facsimile number (502) 564-6686.