

501 KAR 2:060. Procedures for housing of Class D and Class C felons.

RELATES TO: KRS 196.035, 197.020, 197.045, 431.215, 441.045, 441.075, 441.510, 532.100

STATUTORY AUTHORITY: KRS 532.100

NECESSITY, FUNCTION, AND CONFORMITY: KRS 532.100(4) requires the Department of Corrections to house qualifying Class D and Class C felons in county jails. This administrative regulation establishes the procedures to implement the required housing program.

Section 1. Eligibility. Any county housing qualified inmates pursuant to KRS 532.100(4) shall be eligible to continue to do so unless the department, through its minimum jail standards enforcement procedures established by KRS 441.075, orders a county jail to cease housing Class D and Class C felons.

Section 2. Submission of Documents for Class D Felons. In any county jail housing Class D felons, the jailer shall forward to the assessment and classification center the following documents, within ten (10) working days of receipt of the judgment, for each Class D felon for whom a transfer has not been requested:

- (1) Picture, which shall be updated annually in accordance with Section 13 of this administrative regulation;
- (2) Any detainers;
- (3) Any incident or disciplinary reports; and
- (4) Body identification sheet.

Section 3. Custody Assignment for Class D Felons.

- (1) The assessment and classification center staff shall, within ten (10) working days of receipt of the presentence investigation and the judgment documents, review the inmate file and assign a custody classification level to the Class D felon.
- (2) The AC Center staff shall notify the jailer of the custody classification level assignment. Offender Information Branch, Central Office, shall audit the file within five (5) working days of receipt.
- (3) If the custody level assigned is minimum or community, the Class D felon may:
 - (a) Participate in community service work or any program offered inside or outside the secure perimeter of the jail; and
 - (b) Be housed inside the secure perimeter of the jail, in the restricted custody area of the jail, or in a restricted custody center.
- (4) If the custody level assigned is restricted, the Class D felon:
 - (a) May only participate in community service work under direct supervision of jail personnel;
 - (b) Shall not participate in any outside program; and
 - (c) Shall be housed:
 1. Inside the secure perimeter of the jail;
 2. In a restricted custody area with a barrier fence; or
 3. In a restricted custody center with a barrier fence.
- (5) If the custody level assigned is medium, close, or maximum, the Class D felon:
 - (a) Shall not be eligible to participate in any program or work outside the secure perimeter of the jail; and
 - (b) Shall be housed in the secure perimeter of the jail.
- (6) The jailer may request the department to review the assignment ninety (90) days from the date of the last assignment. Any additional custody review may be completed as deemed necessary by the Classification Branch Manager.

Section 4. Assignment of Class C Felons.

- (1) The assessment and classification center shall identify and inform the jailer of a Class C felon who qualifies under KRS 532.100(4)(c)1. to be housed in a county jail.
- (2) The AC center shall notify the jailer when an inmate has been assigned as a Class C felon.

Section 5. Assessment Summary Reports. Prior to the meeting of the Parole Board, jail personnel shall prepare and submit an assessment summary report on each qualified inmate to the Offender Information Branch via KOMS or electronically, as requested by the Parole Board.

Section 6. Transportation. Jail personnel shall be responsible for the transportation of a qualified inmate except as specified in KRS 431.215(1) and 441.510.

Section 7. Release Procedures.

- (1) The release of a qualified inmate shall follow the procedure established by CPP 25.6, incorporated by reference in 501 KAR 6:020.
- (2)
 - (a) Jail personnel shall not release a qualified inmate to any other county jail or agency without submission of external movement information to the Director of Local Facilities or designee. The information shall include:
 1. Name;
 2. Inmate number;
 3. Facility transferring felon;
 4. Facility receiving felon; and
 5. Date transferred and received.
 - (b) Any jail that is under order of the department relating to restrictions on state inmates shall receive prior authorization from the Director of Local Facilities before requesting state inmates from the Department or any other county jail.
 - (c) A qualified inmate shall not be released to another state or to federal authorities without advance notice and approval of the Director of Local Facilities or designee.
- (3) Jail personnel shall notify the Director of Local Facilities or the Offender Information Branch of any detainer or holder lodged against the qualified inmate by another jurisdiction.

Section 8. Furlough Program.

- (1) The Classification Branch Manager shall have the authority and responsibility to grant and monitor any furloughs of a qualified inmate.
- (2) Eligibility for a furlough shall be determined in accordance with this subsection.
 - (a) The furlough of a qualified inmate shall be a privilege, not a right.
 - (b) To be considered for a furlough, a community or minimum custody qualified inmate shall have spent at least sixty (60) days in the county jail since the date of the custody assignment.
 - (c) A Class D felon who is community custody or minimum custody or a Class C felon, who meets the requirement established in paragraph (b) of this subsection, may be considered for a forty-eight (48) hour furlough each quarter, beginning six (6) months after his final sentencing date. The total time on furlough shall not exceed eight (8) days each calendar year. There shall be a minimum of sixty (60) days between furloughs.
 - (d) To be considered for a furlough, a probation or parole violator who is a community or minimum custody qualified inmate shall have spent at least sixty (60) days in the county jail since the date of the custody assignment.
 - (e) A probation or parole violator who is a community or minimum custody qualified inmate, who meets the requirement established in paragraph (d) of this subsection, may be considered for a forty-eight (48) hour furlough each quarter, beginning six (6)

months after his commitment date. The total time on furlough shall not exceed eight (8) days each calendar year. There shall be a minimum of sixty (60) days between furloughs.

(f) To be considered for a furlough, a qualified inmate shall meet the furlough criteria established in CPP 25.4, incorporated by reference in 501 KAR 6:020, with the exception of the six (6) continuous months of minimum or community custody requirement.

Section 9. Escape. If a qualified inmate escapes, the jailer, jail administrator, or jail personnel shall immediately:

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

Section 10. Medical Needs. The department shall pay each jail a per diem for state prisoners as established by KRS 532.100(6). The jail shall pay for routine medical and medication expenses. If the inmate requires an admission to a hospital with at least one (1) night stay or outpatient surgery in which a general anesthesia is used, the cost shall be paid by the department. The jailer, jail administrator, or jail personnel shall notify the Department of Corrections Medical Division designee if any qualified inmate is admitted to the hospital for twenty-four (24) hours or longer.

Section 11. Inmate Pay. A qualified inmate on a work assignment shall be paid in accordance with CPP 19.3.

Section 12. Good Time. For a qualified inmate housed in a county jail, the awarding of good time or sentence credit shall be in accordance with this section

- (1) Statutory good time shall follow the procedures established in KRS 197.045(1)(b)1.
- (2) Meritorious good time shall follow procedures established in KRS 197.045(1)(b)2. and CPP 15.3, incorporated by reference in 501 KAR 6:020.
- (3) Educational good time shall follow procedures established in KRS 197.045(1)(a)2. and CPP 20.1, incorporated by reference in 501 KAR 6:020.
- (4) If the jail has a substance abuse program approved by the department, then the felon shall receive credit to his sentence allowed by KRS 197.045(1)(a)3.

Section 13. Annual Photograph. The jailer, jail administrator, or jail personnel shall take a photograph each year of each qualified inmate and immediately send it by United States mail or electronically or via KOMS to Offender Information Services, Central Office, P.O. Box 2400, Frankfort, Kentucky 40602.

(19 Ky.R. 1491; Am. 1746; eff. 2-8-1993; 22 Ky.R. 343; 1076; eff. 12-7-1995; 27 Ky.R. 2893; 3245; eff. 6-8-2001; 34 Ky.R. 1166; 1954; eff. 3-7-2008; 37 Ky.R. 2933; 38 Ky.R. 567; eff. 10-7-2011; 42 Ky.R. 1930; 2332; eff. 3-4-2016.)