 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	15.1	5
	Date Filed	Effective Date
	MAY 15 2024	
	Supersedes Effective Date	
Authority/References KRS 196.035, 197.020 ACA 5-ACI-3D-18, 5-ACI-5D-15, 2-CO-4D-01 CPP 9.1, 9.17, 14.2, 17.1, 23.1	Subject HAIR, GROOMING, AND ID CARD STANDARDS	

I. DEFINITIONS

“Dreadlocks” or “locs” means a hairstyle in which the hair is styled into ropelike sections formed by matting, braiding, or twisting that causes the strands of hair to lock together and due to the locking of the hair is not removable by combing or brushing in a brief period of time.

“Cornrows” means a hairstyle in which the hair is arranged in an intricate pattern of tight rows of braids close to the scalp. For people with tightly curled hair textures, this style is not removable by combing or brushing in a brief period of time.

"Hair length" means the length of hair, as well as beard and mustache length.

"Inmate identification card" or "ID card" means the bar-coded card worn by all inmates.

“Religious exemption” means an approved justification to not be required to conform to a particular grooming standard set forth in this policy based upon a sincerely held religious belief.

“Removable” means a hairstyle that is removable by combing or brushing in a period of time that is less than one-half hour without the use of special tools or products.

“Weaves” means an artificial or natural extension of the hair that are sewn, braided or glued into a person’s own hair to give the appearance of having longer or thicker hair.

II. POLICY and PROCEDURES

- A. Inmates shall be neat, well-groomed, and adhere to the standards set forth in this policy. Inmates refusing to do so may be subject to disciplinary action and forced compliance with the policy.
- B. Inmates shall be provided with basic hygiene items without charge as authorized in CPP 14.2.

Policy Number	Effective Date	Page
15.1		2

- C. Inmates shall not perform any cosmetic procedure on another inmate, unless the inmate is classified to an authorized job assignment to perform cosmetic procedures, or the inmate has been authorized by the institution to perform such duties.
- D. Inmates shall be neatly and fully dressed at all times and shall be in uniform as required by CPP 17.1.
- E. An inmate may wear only one pair of ball post or ball stud type of earrings in the lobe of the ear. Body piercings shall not be permitted.
- F. An inmate may select the hairstyle of his choice within the requirements of this policy.
 - 1. An inmate may choose to wear a beard, sideburns, a mustache, or a combination of these choices. If worn, these shall be neatly trimmed and groomed.
 - 2. Cutouts, symbols, dyes, initials, or hair cut to be disproportionately longer in one area over another shall not be permitted for body hair, facial hair or hair on the head to include the eyebrows. Natural baldness is excluded from this requirement.
 - 3. Braided facial hair, weaves, and hair extensions shall not be permitted.
 - 4. If an institution documents a connection of a hairstyle to membership in a security threat group, the institution may require inmates to select a different hairstyle.
 - 5. Other hairstyles not specifically listed in this policy may be prohibited if the hairstyle is determined to be either a threat to security or orderly operations as determined by the Commissioner or designee.
 - 6. Haircuts shall be provided as necessary and according to established institutional schedules.
- G. Weaving or braiding of items into the hair shall not be permitted. Rubber bands, bread ties, and other similar items shall not be worn in the inmate's hair including facial hair. Hair accessories shall not be worn other than as authorized in CPP 17.1.
- H. Hair shall be subject to search for contraband at any time.
 - 1. Ordinary search procedure shall include:
 - a. Passing a hand-held metal detector over the inmate's hair and scalp

Policy Number	Effective Date	Page
15.1		3

to determine whether any metal object is present;

- b. Directing an inmate to turn his head upside down and run his fingers vigorously through his hair to include facial hair;
 - c. Pressing the hair with the thumb and forefinger to detect for a foreign object; or
 - d. Using a body scanner to search for contraband.
2. Inmates shall be required to remove pigtails, buns, braids, ponytails, woven hair, or other hairstyles that can be removed prior to transport outside of or return to the institution, and upon entry to and exit from a high security unit.
 3. Inmates with dreadlocks or locs, cornrows, or any other hairstyle that is not removable prior to transport outside of or return to the institution or upon entry to and exit from a high security unit shall be subject to a search by body scanner. If the body scanner is not functional or otherwise unavailable, the inmate's hair shall be searched using the other search procedures described in section II(H)1.
 4. If an inmate refuses to remove a hairstyle as required in II(H)2 or has a hairstyle that cannot be removed as set forth in II(H)3 and refuses to submit to a body scan or other hair search method as set forth in II(H)1, force may be used to complete a search.
 5. Staff shall search the hair of an inmate being transported by ambulance in the most thorough manner possible as the opportunity permits.

I. Safety and Sanitation Practices

1. Hair shall be kept clean at all times.
2. Inmates shall wear a hair net and beard and mustache covering if working in food service or in an area where long hair or a beard may increase the likelihood of food contamination.
3. An inmate who chooses long hair and works around machinery, shall wear the hair in a ponytail or in a bun to decrease the likelihood of a work injury.
4. Inmates who continue to maintain unsanitary hair or use their hair for unsafe practices such as self-harm may have hair restrictions imposed as determined by a clinical provider.
5. Inmates who attempt to use hair style or length to conceal contraband or aid


Policy Number	Effective Date	Page
15.1		4

in an attempted escape shall receive disciplinary action and be subject to prosecution.

6. Any inmate assigned to an institutional hair care job shall receive a medical review and clearance prior to assignment by the classification committee.
 7. Institutions shall require inmates to cut their fingernails and toenails. Fingernails and toenails shall not extend beyond one quarter inch past the tip of the finger or toe.
 8. Hair cuttings, nail clippings, or any other similar body parts shall not be retained by an inmate and shall be considered contraband.
- J. Inmates who request a religious exemption to any portion of this policy shall submit the request to the chaplain using the procedure set forth in CPP 23.1 II(G)(8).
- K. Every inmate shall maintain an identification card that matches the inmate's current appearance (hair length, beard, mustache).
1. An inmate ID card shall be made by the Assessment and Classification Center during intake.
 2. A new ID card shall be issued annually, according to a schedule established by the institution, and shall include an updated photograph.
 3. Updated photographs shall be placed in the inmate's record in the offender management system.
 4. A new ID card, with an updated photo, shall be issued if the Warden or designee determine the inmate has made a significant change in physical appearance. The cost of a new ID card issued due to an inmate who has made a significant change in physical appearance shall be at the cost of the inmate. The cost of the ID card shall be determined by the cost of the new ID card to the institution.
- L. Forced Hair Cut
1. A forced haircut shall only be given if a health care provider has determined and documented that the inmate has a medical or mental health condition that creates a safety or security risk to the inmate or others. Examples of a medical or mental health condition may include: lice infestation, mold, treatment requiring stitches or hair removal for further appropriate medical treatment, or the inmate is using the hair strands for self-harm. The health care provider's determination shall be documented in the inmate's medical record prior to the inmate receiving a forced haircut.

Policy Number	Effective Date	Page
15.1		5

2. When the health care provider determines and advises the warden of the need for a forced haircut for health reasons, the following procedures shall take place:
 - a. Staff performing the forced hair cut shall use the least amount of force necessary and follow all procedures established in CPP 9.1.
 - b. The process of a forced haircut shall be documented using a video camera beginning with the order given by staff to the inmate and shall include an explanation for the forced haircut.
 - c. An inmate shall be placed into a restraint chair during a forced haircut to ensure the safety of the inmate and staff. The authorization and procedures for a planned cell entry, to include usage of a compliance team and restraint chair, shall be followed as outlined in CPP 9.17.
3. Staff shall remove only the amount of hair necessary to remedy the health or sanitation issue. Staff shall cut hair in the most dignified manner possible and remain professional at all times.
4. Proper sanitation and medical treatment may be provided as determined by the health care provider.
5. A log shall be maintained for all forced haircuts containing:
 - a. Inmate's name, number, and race;
 - b. Date of the haircut;
 - c. Official authorizing the haircut; and
 - d. Circumstances surrounding the reason for a forced haircut.
- N. Employees who do not comply with this policy shall be subject to disciplinary action.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	15.2	12
	Date Filed	Effective Date
	MAY 15 2024	
	Supersedes Effective Date	
Authority/References KRS 196.035, 197.020, 197.045, 197.525, 218A.500, 508.130 and 520.010(3) CPP 9.6, 10.2, 15.6; CI-05-03-01, CI-06-03-01 ACA 5-3C-4226, 5-3C-4231, 5-4A-4252, 5- 3D-4281, 2-CO-3C-01	Subject RULE VIOLATIONS AND PENALTIES	

I. DEFINITIONS

"Contraband" is defined by CPP 9.6.

"Dangerous contraband" is defined by CPP 9.6.

"Drug paraphernalia" is defined by KRS 218A.500. Other examples include syringes, balloons, plastic bags, rubber glove fingers or corners of envelopes, and recipes for making any illegal substance.

"Physical action" means any act of fighting, hitting, kicking, shoving, pushing, biting, using force or other similar types of physical contact, throwing, squirting or spitting any item, substance or fluid.

"Riot" means incites, instigates, organizes, plans, causes, aids, abets, assists or takes part in any disorder, disturbance, strike, or other organized disobedience to the rules of the institution.

"Security threat group" or "STG" means a formal or informal ongoing group of inmates varying in organization and composition that have:

- A. Have a common characteristics, interests, and goals distinguishing them from other offenders;
- B. Have a common name or common identifying signs, colors, or symbols;
- C. Individually or collectively engage in or have a pattern of continued criminal activity or departmental rule violations; and
- D. Have the potential to act in concert to interrupt the safe, secure and orderly operations of a correctional institution or any other Department of Corrections facility, or pose a threat or potential threat to public safety.

Policy Number	Effective Date	Page
15.2		2

"Serious physical injury" means an injury requiring more than basic first aid.

"Sexual assault" means the unconsented intimate physical contact with another person that may include an attempt or threat of physical violence.

"Sexual behavior" means seductive or obscene acts including masturbation, unwelcome touching, intimate touching, penetration of another's body cavity, and homosexual and heterosexual activity.

"Stalking" is defined by KRS 508.130.

"Unauthorized communication" means those forms of communication not allowed by any posted or published rule, including inducing contract personnel to carry items into or out of the institution, using a staff telephone or communicating with another inmate in a different housing status.

II. POLICY and PROCEDURES

All alleged violations of rules and regulations shall be fairly processed. An inmate shall be provided due process within the parameters of clearly established law.

A. Referral to Law Enforcement Authorities

1. A felony shall be referred to the appropriate law enforcement authority for investigation. A misdemeanor may be referred to the appropriate law enforcement authority on a case-by-case basis as determined by the Warden or his designee.
2. Referral of an event to the appropriate law enforcement authority shall not prevent an inmate from appearing before the Adjustment Committee or Adjustment Officer or from serving a penalty imposed by the Adjustment Committee or Adjustment Officer. Dismissal of a criminal charge shall not constitute a defense to an institutional violation.

B. Rule Violations and Penalties

Rule violations shall be divided into seven (7) major categories with specific penalty ranges for each category unless otherwise stated. See penalties listed by number in Section G.

C. Categories of Offenses and Penalty Range

Violation	Minimum Penalty	Maximum Penalty
Category I (Minor Violations)		
1. Faking illness or injury	1	4

Policy Number	Effective Date	Page
15.2		3

2.	Improper or unauthorized use of or possession of state equipment or materials	1	4
3.	DISCONTINUED		
4.	Illegal possession of canteen tickets	1	4
5.	Littering	1	4
6.	Improper or unauthorized use of a telephone	1	4
7.	Improper use of a pass	1	4
8.	Illegal possession of any item or quantities not on an authorized property list	1	4
9.	Failure to have and display I.D. card as required by institutional policy	1	4
10.	Failure to abide by any published institutional schedule or documented rule	1	4
11.	Unauthorized removal of food from any food service area	1	4
12.	Abusive, vulgar, obscene or threatening language, gestures or actions	1	4

Category II (Minor Violations)

1.	Possession of contraband	2	5
2.	Disruptive behavior	2	5

Category III (Major Violations)

1.	Interfering with an employee in the performance of his duty	2	7
2.	Refusing or failing to obey an order	2	7

Policy Number	Effective Date	Page
15.2		4

3.	Violation of mail or visiting regulations	2	7
4.	Breaking or entering into another inmate's locker, room, cell or living unit	2	7
5.	Unexcused absence from assignment	2	7
6.	Refusing or failing to carry out work assignment	2	7
7.	Bucking an inmate line	2	7
8.	Involvement in the writing, circulating or signing of petitions which may lead to disruption of institutional operations	2	7
9.	Failure to clean bed area or pass bed area inspection	2	7
10.	Unauthorized changing of bed assignment	2	7
11.	Physical action or force against another inmate if no injury has occurred, including horseplay	2	7
12.	Inflicting injury to self	2	7
13.	Charging another inmate for any services	2	7
14.	Violation of the Furlough Code of Conduct	2	7
15.	Being in a restricted or unauthorized area	2	7
16.	Unauthorized communication between inmates	2	7
17.	Forgery	2	7
18.	Violating a condition of any outside work detail	2	7
19.	Failure to abide by penalties imposed by Adjustment Committee, Adjustment Officer or Unit Hearing Officer	2	7

Policy Number	Effective Date	Page
15.2		5

20.	Abusive, disrespectful, vulgar, obscene or threatening language, gestures or actions directed toward or about an employee, visitor, or non-inmate	2	7
21.	Lying to an employee	2	7
22.	Unauthorized communication with any member of the public or staff	2	7
23.	Violating the institutional dress code or the dress code provided in CPP 17.1	2	7
24.	Violation of institutional telephone rules	2	7
25.	Use or possession of tobacco products in a community or minimum custody facility as described in CPP 18.5 EFFECTIVE as of 03-01-2022	2	7

Category IV (Major Violations)

1.	Physical action resulting in injury to another inmate	2	8
2.	Unauthorized use of drugs or intoxicants	2	8
3.	Failure to appear, without prior approval, at a classification hearing, orientation meeting, medical appointment or any other scheduled meeting	2	8
4.	Interfering with the taking of a drug urinalysis test, breathalyzer or search	2	8
5.	Smuggling of contraband items into, out of or within the institution	2	8
6.	DISCONTINUED as of 02-28-2022		
7.	Refusing or failing to comply with institutional count or lockup procedures	2	8
8.	Nonviolent demonstration or inciting a nonviolent demonstration that may lead		

Policy Number	Effective Date	Page	
15.2		6	
	to a disruption of institutional operations	2	8
9.	Unauthorized absence from the institution	2	8
10.	Negligent or deliberate destruction, alteration or defacing of state, personal, or community property of less than \$100 in value	2	8
11.	Obtaining money, goods, privileges, or services under false pretenses	2	8
12.	Sexual behavior	2	8
13.	Gambling or possession of gambling paraphernalia	2	8
14.	Stealing or possession of stolen personal, state, community, or another's property under \$100	2	8
15.	Unauthorized transfer of money or property	2	8
16.	Possession of tattoo or body-piercing paraphernalia	2	8
17.	Indecent exposure	2	8
18.	Misuse of authorized or issued medication	2	8
19.	Making threatening or intimidating statements	2	8
20.	Refusing to submit to a breathalyzer or search	2	8
21.	Pursuing or developing a relationship that is unrelated to correctional activities with a non-inmate	2	8
22.	Possession of drug paraphernalia, including any recipes, directions and descriptions for producing unauthorized drugs	2	8
23.	Stalking	2	8

Policy Number	Effective Date	Page
15.2		7

24.	Cruelty to animals	2	8
25.	Placing personal ads in any publication or with any internet provider that includes false, deceptive or misleading personal information, photographs, or drawings	2	8
26.	Possession of unaccountable canteen items	2	8

Category V (Major Violations)

1.	Negligently or deliberately destroying, altering or defacing of state, personal, or community property valued at \$100 or more	4	9
2.	Destroying or tampering with life safety equipment, locking or security devices	4	9
3.	Eluding or resisting apprehension	4	9
4.	Loan sharking or collecting or incurring debts	4	9
5.	Stealing or possession of stolen personal, state or community property over \$100	4	9
6.	Bribery	4	9
7.	Tampering with physical evidence or hindering an investigation	4	9
8.	Using mail to obtain money, goods or services by fraud	4	9
9.	Possession of or displaying STG paraphernalia EFFECTIVE as of 03-01-2022	4	9
10.	DISCONTINUED as of 02-28-2022		
11.	Physical action against another inmate if three (3) or more inmates are involved	4	9
12.	Violent demonstration	4	9

Policy Number	Effective Date	Page
15.2		8

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|-----|--|---|----|
| 13. | Engaging in extortion or blackmail
EFFECTIVE as of 03-01-2022 | 4 | 9. |
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Category VI (Major Violations)

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|-----|---|---|----|
| 1. | Escape | 6 | 10 |
| 2. | Deliberately or negligently
causing a fire | 6 | 10 |
| 3. | Possession or promoting of
dangerous contraband | 6 | 10 |
| 4. | Possession of money \$20 or more
in excess of authorized amount if
possession of money is authorized | 6 | 10 |
| 5. | Possession of tokens or
money if not authorized | 6 | 10 |
| 6. | Possession of staff uniform clothing
or uniform related items | 6 | 10 |
| 7. | Taking property by force or
threat of force | 6 | 10 |
| 8. | Using an authorized object as a weapon
or to facilitate escape | 6 | 10 |
| 9. | Refusal to submit to medical testing | 6 | 10 |
| 10. | Creating or causing a health hazard | 6 | 10 |
| 11. | Involvement in, enforcing or threatening STG
activity
EFFECTIVE as of 03-01-2022 | 6 | 10 |
| 13. | Tattooing or piercing self or others
or allowing self to be tattooed or pierced | 6 | 10 |
| 14. | Unauthorized use of drugs or intoxicants
after testing positive a third time or
more, after July 13, 1998 | 6 | 10 |
| 15. | Refusing or failing to submit to a drug
urinalysis test within three (3) hours | 6 | 10 |

Policy Number	Effective Date	Page
15.2		9

16.	Possessing, creating or distributing any writing or photography of which child pornography, including violence, bondage and the like, is the subject, whether factual or fictitious	6	10
17.	Prostitution as defined in KRS 529.020	6	10
18.	STG related physical action or force against another inmate EFFECTIVE as of 03-01-2022	6	10
19.	STG related tattoo or tattoo paraphernalia, including tattooing self or others EFFECTIVE as of 03-01-2022	6	10

Category VII (Major Violations)

1.	Physical action against an employee or non-inmate EFFECTIVE as of 03-01-2022	11	12
2.	Physical action resulting in the death or serious injury of another inmate EFFECTIVE as of 03-01-2022	11	12
3.	Sexual assault	12	12
4.	Physical action resulting in the death or injury of an employee or non-inmate	12	12
5.	Hostage taking	12	12
6.	Concealing an item that punctures or penetrates the skin of an employee conducting a search	12	12
7.	Inciting to riot or rioting	11	12
8.	Involved or convicted of 3 or more STG related offenses within a two (2) year period EFFECTIVE as of 03-01-2022	11	12
9.	Violence that is STG related toward another inmate where injury has occurred EFFECTIVE as of 03-01-2022	11	12

Policy Number	Effective Date	Page
15.2		10

D. Dismissed Lawsuits

1. An inmate who has filed a civil action that results in dismissal by a court based upon a finding that the action is malicious, harassing, or factually frivolous shall be charged with violating this section, which shall be a major violation, and issued a disciplinary report.
2. If the Adjustment Committee or Adjustment Officer finds the inmate to have violated this rule, the punishment shall be the forfeiture of one hundred eighty (180) days of non-restorable good time. This penalty, or any portion of it, may be suspended.
3. All other provisions of this policy shall apply to these charges.
4. For classification purposes, this violation shall be considered at the level of a Category VI. The penalty imposed shall also apply to an inmate serving a life sentence for record keeping and classification purposes.

E. Inchoate Violations

1. A person may be found to have committed the violation listed in this policy if he:
 - a. Attempts to commit the violation;
 - b. Solicits another or others to commit the violation;
 - c. Conspires with another or others to commit the violation;
 - d. Aids the action of another or others in committing the violation.

F. Penalty Code - General Principles

1. Two (2) penalties may be assessed for each violation so long as one (1) penalty is penalty 1 through 5.
2. Disciplinary segregation may be ordered to be served consecutively for each violation.
3. Time spent in detention shall be credited against any subsequent discipline imposed.
4. If two (2) minor violations are committed within ninety (90) days the penalty range for the second violation may be increased from 1-4 to 2-6.

Policy Number	Effective Date	Page
15.2		11

G. Penalties

The following may be assessed as penalties for violations:

1. Reprimand and warning;
2. Restriction of privileges not to exceed six (6) months, excluding exercise periods. This shall not exclude restriction from use of recreational facilities in the institution;
3. Extra duty assignment for a specific period of time not to exceed forty (40) hours;
4. Restitution

Notwithstanding the range of penalties set forth in C. above, the Adjustment Committee, Adjustment Officer or Unit Hearing Officer may order restitution for:

- a. destruction, injury, improper use, removal or theft of property of the state, employees, visitors or other inmates;
 - b. infliction of injury to staff members;
 - c. obtaining money, goods, privileges or services under false pretenses or other unauthorized means;
 - d. reimbursement for the costs of an escape; and
 - e. any other costs that have been incurred due to any rule violation;
5. Loss of privileged housing or meritorious living conditions;
 6. Assignment to disciplinary segregation for a maximum of fifteen (15) days, each offense;
 7. Loss of up to sixty (60) days good time, each offense;
 8. Loss of up to sixty (60) days good time and assignment to disciplinary segregation for a maximum of fifteen (15) days, each offense;
 9. Loss of up to ninety (90) days good time and assignment to disciplinary segregation for a maximum of thirty (30) days, each offense;

Policy Number	Effective Date	Page
15.2		12

10. Loss of up to one hundred eighty (180) days good time and assignment to disciplinary segregation for a maximum of thirty (30) days, each offense;
11. Loss of up to two (2) years NON-RESTORABLE good time, and assignment to disciplinary segregation for a maximum of thirty (30) days, each offense; and
12. Loss of up to four (4) years NON-RESTORABLE good time and assignment to disciplinary segregation for a maximum of thirty (30) days, each offense.

H. Reduction in assignment to Disciplinary Segregation

The Classification Committee may recommend a reduction of disciplinary segregation time to the Warden as provided in CPP 10.2.


1. The criteria for reduction shall be contained in CPP 10.2.
2. The warden, or institutional duty officer, may reduce disciplinary segregation time in an emergency situation if cell space is needed.

I. Suspension of Discipline

Any part of imposed discipline may be suspended for a period of up to six (6) months as provided in CPP 15.6.

J. Notification to Inmates and Staff

Inmates and staff shall be notified of changes in this policy. An inmate shall be notified of the changes as part of the orientation process upon reception at all institutions. Copies of changes shall be posted in areas accessible to inmates and staff.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	15.3	7
	Date Filed	Effective Date
	January 13, 2020	September 1, 2020
Authority/References KRS 197.045, 197.020, 196.035, 439.3401, 532.120 ACA 5-1E-4097	Subject MERITORIOUS GOOD TIME	

I. DEFINITIONS

“Extraordinary meritorious good time” means a sentence credit, not to exceed seven (7) days per month pursuant to KRS 197.045(1)(b)(3).

"Meritorious good time" means a sentence credit that may be awarded at the discretion of the Commissioner or his designee not to exceed seven (7) days pursuant to KRS 197.045(1)(b)(2).

“Sex offender” is defined by KRS 17.550(2) and KRS 197.410.

“Statutory good time” means a sentence credit that may be awarded pursuant to KRS 197.045(1)(b)(1).

“Trial run yes report” means a computer generated list of the names of inmates who shall be considered for meritorious good time.

“Trial run no report” means a computer generated list that applies meritorious good time credit toward an inmate’s sentence once the trial run yes report has been reviewed and approved by the designated authority.

“Violent offender” is defined by KRS 439.3401(1).

II. REVIEWS

- A. An inmate shall be considered for Meritorious good time monthly except for an inmate who:
1. Has more than ninety (90) days statutory good time loss outstanding that is subject to restoration. If an inmate is eligible for a restoration during the month of review which reduces his restorable good time loss to ninety (90) days or less, he shall be eligible for review for an award.
 2. Has lost non-restorable good time. The inmate shall not be eligible for meritorious good time until five (5) calendar years from the date of

Policy Number	Effective Date	Page
15.3		2

conviction which resulted in the non-restorable good time loss.

- a. This five (5) year period shall not be considered for an award of meritorious good time.
 - b. At the first annual review following the five (5) year period, the institution shall review the inmate for consideration of meritorious good time.
 - c. If appropriate, institutional staff may submit to the Director of Population Management a memorandum recommending a meritorious good time award.
 - d. For non-institutional inmates, staff in the Classification Branch shall review and, if appropriate, submit a memorandum to recommend a meritorious good time award to the Director of Population Management.
 - e. The Central Office Classification Committee shall review the recommendation for approval or disapproval.
 - f. If disapproved, the institution may submit, if appropriate, a recommendation once annually.
 - g. If approved, the recommendation shall be forwarded to Central Office Offender Information Services for review. Once reviewed the appropriate notation shall be made in the offender management system to restore meritorious good time eligibility.
 - h. After the recommendation is approved by the Central Office Classification Committee, a future award shall fall under the regular schedule of reviews.
3. Has one or more major disciplinary violation decisions during the month being reviewed.
 4. Returns from the Home Incarceration Program (HIP) due to a violation. The month the inmate returns shall not be reviewed for an award.
 5. Violates the rules of the jail or the HIP during the month being reviewed. The violation documentation shall be reviewed to determine what category the offense is. If determined to be the equivalent of a major disciplinary violation, the good time shall not be awarded.

Policy Number	Effective Date	Page
15.3		3

- a. The Director of Population Management shall review the violation documentation and determine the number of months a classified inmate shall not receive meritorious good time.
 - b. The Director of Population Management shall review the violation documentation for Controlled Intake inmates. The violation documentation shall be entered into the inmate's record for consideration and denial of meritorious good time during the classification process.
- B. An inmate convicted as a sex offender for a crime committed prior to July 15, 1998 may earn and be awarded meritorious good time as set forth in this policy.
 - C. An inmate convicted of, pleading guilty to, or entering an Alford plea as a sex offender for a crime committed on or after July 15, 1998 may earn, and be entitled to, meritorious good time as set forth in KRS 197.045(4).
 - D. A violent offender may receive meritorious good time to the extent authorized by KRS 439.3401(4).
 - E. If the inmate escaped custody, during the six (6) month period following his return to custody from escape status, he shall not be considered for an award of meritorious good time. Time spent out of DOC custody shall not count as a portion of that six (6) month period.
 - F. If the inmate is convicted of an additional felony that occurred while in custody, the six (6) month period following sentencing on that felony shall not be considered for an award of meritorious good time. Time spent out of DOC custody shall not count as a portion of that six (6) month period.

III. AMOUNT OF MERITORIOUS GOOD TIME AWARDED

- A. Meritorious good time may be awarded on jail credit or parole violation credit served after June 21, 1974 in accordance with KRS 197.045(1)(b)(2) and 532.120(3).
 - 1. Jail credit and parole violation credit shall be added together for calculation purposes. Following the initial award, any jail credit and parole violation credit not considered during the initial award shall be added to a future jail credit or parole violation credit and reviewed for an additional meritorious good time credit award.
 - 2. An inmate may be awarded seven (7) days for each full calendar month served as jail credit or parole violation credit. Example: An inmate who has three (3) months and fourteen (14) days of credit, jail credit or parole violation credit, shall only be reviewed for the three (3) full months served.

Policy Number	Effective Date	Page
15.3		4

3. Jail and parole violation credit shall be calculated in thirty (30) day increments only.
 4. Institutional time shall be calculated in full month increments only.
 5. Credit for time served shall not be considered for an award unless it is credit for time previously served on an indictment the inmate is presently serving.
 6. Credit for time served as outlined above shall be added to jail credit and parole violation credit. The inmate shall be reviewed for meritorious good time for each thirty (30) day increment served.
 7. Jail credit, parole violation credit and credit for time served that has not been considered for an award previously, shall be combined with institutional time and considered for an award as long as continuous custody was maintained for the entire calendar month.
 8. An inmate shall be reviewed for an award on jail credit/parole violation credit and other sentence credit based on the inmate's status at the time the credit was earned.
 9. A disciplinary report equivalent to a major violation received by an inmate housed in a county jail or with another agency prior to sentencing, while earning parole violation credit or receiving any credit for time served may prevent an award of one (1) month meritorious good time seven (7) days, for each month a violation occurred.
- B. Meritorious good time may be awarded in the amount of five (5) days per month for months served prior to May 1, 2008, pursuant to KRS 197.045 effective June 21, 1974. Months beginning with May 2008 may be reviewed at the amount of seven (7) days per month pursuant to KRS 197.045 amended July 15, 2010.
- C. Once an award period is reviewed, a future award shall not include a previously considered time period.

IV. AWARD AND REVIEW PROCEDURES

A. Institutions and Contract Facilities

1. A trial run yes report shall be generated and forwarded to the institutional Offender Information office at each institution prior to the 5th day of each month.
 - a. Program staff shall review the inmate record to determine the amount of the total award for which an inmate is eligible.

Policy Number	Effective Date	Page
15.3		5

b. Program staff shall:

- (1) review the information on the trial run yes report;
- (2) make any changes to the recommendation on the report; enter the recommendation into case notes in the offender management system if the amount is different than what is reflected on the report. The reason shall be noted;
- (3) forward the recommendation to the Warden for approval or disapproval and signature; and
- (4) forward the signed trial run yes report to Institutional Offender Information.

c. Institutional offender information staff shall:

- (1) enter any changes to the report manually and block any awards denied by the warden;
- (2) run trial run no report; and
- (3) forward both the signed trial run yes and trial run no reports to Central Office Offender Information Services.

B. Local Facilities

1. Central Office shall generate a trial run no report in the offender management system on a monthly basis for the inmate population in county jails and Community Service Programs.
2. Central Office Offender Information shall:
 - a. review the report for accuracy;
 - b. make any changes to the recommendation on the report and enter the recommendation in the case notes in the offender management system if the amount is different than what is reflected on the report. The reason shall be noted as well.

C. Extraordinary Meritorious Good Time

1. For an inmate to be considered for extraordinary meritorious good time, a memo shall be forwarded from the Warden or Jailer regarding exceptional service of an inmate pursuant to KRS 197.045(1)(b)(3) to the Commissioner.
2. The Commissioner shall review and may request from Offender Information Services the amount of extraordinary meritorious good time the inmate is eligible to receive.

Policy Number	Effective Date	Page
15.3		6

3. Offender Information Services shall return the memo to the Commissioner for review and determination of the amount of extraordinary meritorious good time to be awarded.
4. Central Office Offender Information Services staff shall apply the extraordinary meritorious good time as directed by the Commissioner and the memo shall be scanned into the offender management system.

D. Interstate Corrections Compact Inmates

1. A progress report on an inmate eligible for meritorious good time shall be obtained bi-annually from the housing state by the Interstate Compact Administrator or his designee.
2. The Interstate Compact Administrator shall determine the amount of award the inmate is eligible for and shall forward this amount to the Central Office Offender Information for approval or disapproval and entry into the offender management system.

E. Advanced MGT

1. MGT shall be entered on the fifteenth (15th) of the month, or next business day for the current month if:
 - a. Inmate is eligible for MGT pursuant to Section II of this policy, and
 - b. Inmate will be eligible for release by administrative minimum expiration or mandatory re-entry supervision in the month following, with this credit.
2. Inmates eligible for minimum expiration during the first week of the following month shall have a full or partial credit entered on the fifteenth (15th) of the month or next business day. The inmates' minimum expiration date shall not fall into the current month for which MGT is being applied.
3. If MGT is entered pursuant to this section, the inmate's record shall be reviewed prior to release. If it is determined the inmate is no longer eligible for MGT pursuant to section II of this policy, the credit shall be removed. Staff shall document the reason for removing the credit in the inmate's record in KOMS.

V. FORFEITURE

- A. Meritorious good time awarded under this procedure may be forfeited if the inmate is convicted of a major violation.
- B. All statutory good time shall be forfeited before meritorious good time is forfeited.

Policy Number	Effective Date	Page
15.3		7

If the inmate has no statutory good time to lose, meritorious good time shall be forfeited.

~~C. Extraordinary meritorious good time shall not be subject to forfeiture.~~


~~VI. RESTORATION~~

~~Meritorious good time that was forfeited shall not be subject to restoration.~~

VII. EXPUNGEMENT

If a major disciplinary report is expunged after an inmate has been reviewed for an award of meritorious good time, and the month in which it occurred has been deducted from a previous award, the inmate may be reviewed immediately for an adjustment.

- A. The Offender Information Office completing the expungement shall notify the inmate when the expungement is complete.
- B. The institutional Offender Information Services office shall notify the classification and treatment officer of the expungement.
- C. The classification and treatment officer shall review for eligibility and, if appropriate, submit a supplemental recommendation to the warden.
- D. If the supplemental award has been approved by the warden, an adjustment shall be made to the inmate's previous meritorious good time award and be forwarded to Central Office Offender Information.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	15.5	3
	Date Filed	Effective Date
	May 12, 2020	September 1, 2020
Authority/References KRS 196.035, 197.020, 197.045 CPP 15.2	Subject RESTORATION OF FORFEITED GOOD TIME	

I. DEFINITIONS

“Statutory good time” means a sentence credit that may be awarded pursuant to KRS 197.045(1)(b)(1).

“Trial run yes report” means a computer generated list of the names of inmates who shall be considered for a restoration of forfeited good time.

“Trial run no report” means a computer generated list that applies meritorious good time credit and restoration of forfeited good time toward an inmate’s sentence once the trial run yes report has been reviewed and approved by the designated authority.

II. POLICY and PROCEDURES

This policy and procedure provides for the restoration of good time which has been lost as the result of rule violations to promote an incentive for improved behavior and adjustment.

- A. Good time loss resulting from any Category III through Category VI rule violation, as described in CPP 15.2, may be restored.
- B. Good time loss resulting from any Category VII rule violation, as described in CPP 15.2, shall not be subject to restoration.
- C. Meritorious good time that was forfeited shall not be subject to restoration.

III. Award and review procedures

A. Institutions

A trial run yes report shall be generated and forwarded to the institutional Offender Information office at each institution prior to the 5th day of each month.

- 1. Program staff shall review the inmate record to determine the amount of the total award for which an inmate is eligible.

Policy Number	Effective Date	Page
15.5		2

2. Program staff shall:

- a. Review the information on the trial run yes report;
- b. Make any changes to the recommendation on the report;
- c. Enter the recommendation into case notes in the offender management system if the amount is different than what is reflected on the report with the reason for the change stated;
- d. Forward the recommendation to the Warden for approval or disapproval and signature; and
- e. Forward the signed trial run yes report to institutional offender information staff.

3. Institutional offender information staff shall:

- a. Enter any changes to the report manually and block any awards denied by the Warden;
- b. Run trial run no report; and
- c. Forward both the signed trial run yes and trial run no reports to Central Office Offender Information Services.

B. Local Facilities

1. Central office shall generate a trial run no report in the offender management system on a monthly basis for the inmate population in county jails and Community Service Programs.
2. Central Office Offender Information shall:
 - a. Review the report for accuracy; and
 - b. Make any changes to the recommendation on the report and enter the recommendation in the case notes in the offender management system if the amount is different than what is reflected on the report with the reason for the change stated.


IV. Reviews

- A. An inmate shall be continuously reviewed for eligibility for good time restoration. An inmate may be reviewed for restoration of forfeited good time six (6) months after conviction of any Category III or above offense, with the exceptions as previously noted in this policy. The following criteria shall be met:
 1. The inmate has completed six (6) consecutive months at an institution, community center, or in a controlled intake jail facility.
 2. During these six (6) consecutive months, the inmate shall not have received a conviction for a Category III or above offense while housed in an

Policy Number	Effective Date	Page
15.5		3

institution.

3. While the inmate has been incarcerated at a controlled intake or local facility, an incident has not occurred in jail similar to a Category III or above incident as evidenced by: (a) documentation on the inmate record, (b) additional conviction for any crime committed while housed as a controlled intake inmate, or (c) other means of verification.
- B. A maximum of ten (10) days good time may be restored for each month since conviction of a Category III or above offense. For example, six (6) months after conviction of a Category III or above offense, a maximum of sixty (60) days good time may be restored; after nine (9) months, a maximum of ninety (90) days may be restored.
1. If a break in custody occurs prior to an inmate achieving an initial six (6) consecutive months period of clear conduct, time spent in custody prior to release shall not count toward the six (6) consecutive months required for review.
 2. Upon recommitment to an institution, community center, or a controlled inmate jail facility, an inmate shall achieve six (6) consecutive months to become eligible for review.
 3. Time served prior to a break in custody shall be reviewed only after an initial six (6) months period has been achieved.
- C. If good time restoration is denied or adjusted, a written reason shall be entered into the case notes of the offender management system.
- D. Even though an inmate may receive approval for restoration of statutory good time, Corrections shall retain authority to void or adjust the amount of the restoration at any time during the inmate's incarceration if a review of the record reveals the restoration or calculation is erroneous.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	15.6	13
	Date Filed	Effective Date
	March 14, 2018	June 1, 2018
Authority /References KRS 196.035 and 197.020 Wolf v. McDonnell, 418 U.S. 539 (1974); Walpole v. Hill, 472 U.S. 445 (1985); Smith v. O'Dea, Ky. App., 938 S.W.2d 575 (1997); Haney v. Thomas, 406 S.W.3d 823 (Ky. 2013); Ramirez v. Nietzel, 424 S.W.3d 911 (Ky. 2014) ACA 4-4227, 4-4234, 4-4235, 4-4237 through 4-4248, CPP 3.23, 6.1, 15.2	Subject ADJUSTMENT PROCEDURES AND PROGRAMS	

I. DEFINITIONS

“Adjustment Committee” means a committee appointed by the Warden of an institution empowered to hear, adjudicate and assess appropriate discipline for violations of rules or regulations.

“Detention” means placing an inmate in administrative segregation to ensure the safety and security of the institution, other inmates, staff or visitors pending appropriate administrative action.

“Disciplinary report” means a written report prepared by a staff member that alleges a violation of rules or regulations by an inmate.

“Fact finder” means the adjustment committee, adjustment officer, or unit hearing officer who hears and decides a disciplinary report.

“Major violation” means any violation of a Category III or higher rule contained in CPP 15.2.

“Minor violation” means any violation of a Category I or II rule contained in CPP 15.2.

“Unit Hearing Officer or Adjustment Officer” means a staff member appointed by the Warden or his designee, empowered to hear, adjudicate and assess appropriate penalties for violations of rules or regulations.

II. POLICY and PROCEDURES

An alleged violation of rules and regulations shall be fairly processed. An inmate’s due process rights shall be fully protected.

Policy Number	Effective Date	Page
15.6	June 1, 2018	2

A. General

1. The Adjustment Committee is an independent body that shall consist of at least three (3) members appointed by the Warden or his designee.
 - a. At least one (1) member shall be a program staff member.
 - b. At least one (1) member shall be a security staff member.
 - c. The chairperson shall be at the supervisory level.
 - d. It shall be within the discretion of the Warden to use an Adjustment Committee, Adjustment Officer, or both.
2. Adjustment Officer
 - a. The Warden or his designee may appoint an Adjustment Officer.
 - b. The Adjustment Officer shall be a staff member at the supervisory level.
3. Unit Hearing Officer
 - a. The Warden or his designee may appoint a Unit Hearing Officer.
 - b. The Unit Hearing Officer shall be a staff member at the supervisory level.
 - c. The Unit Hearing Officer shall hear a minor violation if the inmate waives his right to be heard by the Adjustment Committee or Adjustment Officer.
 - d. A waiver to be heard by the Unit Hearing Officer shall be signed by the inmate and attached to the disciplinary report.
4. Disqualification
 - a. A committee member, Adjustment Officer or Unit Hearing Officer shall be disqualified in every case in which he has:
 - (1) Filed the complaint or witnessed the incident;
 - (2) Participated as an investigating officer; or
 - (3) Been assigned the subsequent review of the decision.

Policy Number	Effective Date	Page
15.6	June 1, 2018	3

B. Functions of the Adjustment Committee, Adjustment Officer and Unit Hearing Officer

1. The Adjustment Committee, Adjustment Officer or Unit Hearing Officer:

- a. Shall hear and decide a disciplinary report based solely on information obtained in the hearing process, including staff reports, the statements of the inmate charged, and evidence derived from witnesses and documents.
- b. Shall review all available video and consider as documentary evidence in making the final decision, if an inmate requests as an exhibit a video recording of the incident giving rise to the institutional charge. Any video evidence considered shall remain confidential and shall not be shown or provided to the inmate without written approval from the warden.
- c. Shall assess penalties for a violation of the rules or regulations as provided in CPP 15.2.
 - (1) If an amendment is made to another violation within the same category or to a lower category violation, and the committee is convinced the amendment will alter the inmate's defense to the amended violation, the committee or officer shall give the inmate the option of at least a twenty-four (24) hour continuance for preparation.
 - (2) However, nothing in this policy shall prohibit a charge from being amended to conform to the evidence presented. Amendment options before the committee or officer shall include amending to a lower category violation; amending the violation within the same category; or, dismissing the charged violation.
- d. May send back for further investigation and more appropriate charge.
 - (1) Prior to the hearing, if it appears that the charge is not proper, the committee chairperson or officer may send the disciplinary report back to an investigator for a more appropriate charge, including a higher charge.
 - (2) If during the hearing, the fact finder determines that the charge is inappropriate, the report may be returned to the investigator for a more appropriate charge, including a higher charge, but the committee or officer shall not

Policy Number	Effective Date	Page
15.6	June 1, 2018	4

participate in a subsequent re-hearing. This procedure shall be in addition to amending the charge within the same category or a lower category, whichever is more appropriate.

- e. May make recommendations as to referrals for prosecution.
 - f. May suspend the discipline for a period not to exceed six (6) months.
 - (1) During the suspension period if the inmate has not been found to have an additional rule violation, the discipline shall be vacated, but the disciplinary report and related documents shall be retained in the inmate electronic record.
 - (2) Suspended discipline may be revoked during the period of suspension upon the finding of a Major Violation.
 - g. If more than one (1) disciplinary violation is heard, or the inmate is currently serving or waiting to serve disciplinary segregation and the decision is made to assess segregation time, it shall be designated as to whether the time shall be served consecutively or concurrently.
2. The institution shall preserve the audio tape recording of the hearing for a period of two (2) years from the date of the Warden's review. If, through any mechanical malfunction, the recording is lost, nothing shall effect the ultimate decision of the committee or officer, pending the Warden's review.
 3. Function of Staff Counsel or Assigned Legal Aide
 - a. The function of staff counsel, if one is assigned, or assigned legal aide shall be to aid the inmate in preparing and presenting a defense.
 - b. Staff counsel or an assigned legal aide shall be appointed if it appears that an inmate is not capable of collecting and presenting evidence on his behalf.
 - c. In all cases, the inmate and staff counsel or the assigned legal aide shall leave the hearing during the deliberation phase.
- C. Adjustment Procedures
1. The Disciplinary Report
 - a. The disciplinary report shall be clear, concise and contain only the facts the reporting employee has personally witnessed or otherwise verified, including a statement of how verification is made.

Policy Number	Effective Date	Page
15.6	June 1, 2018	5

- b. A report shall be entered in the offender management system.
2. The disciplinary report shall include:
 - a. a description of the incident;
 - b. the date and time of the incident;
 - c. the date and time the report is completed;
 - d. list of witnesses to the incident;
 - e. disposition of physical evidence;
 - f. any immediate action taken, including use of force, or unusual inmate behavior;
 - g. the reporting employee's signature.
 3. Upon completion of the disciplinary report it shall be reviewed by the shift supervisor or other designated supervisor .
 4. Investigation
 - a. Supervisor's Review
 - (1) Upon receipt of a disciplinary report, the shift supervisor or other designated supervisor shall begin the initial investigation by reviewing the report to determine that it contains all pertinent data.
 - (2) The supervisor's review shall begin within twenty-four (24) hours of the completion of the disciplinary report unless circumstances prevent it, which shall be documented on Part I of the report.
 - (3) Upon the completion of his review, the supervisor shall sign the report, indicating the date and time the review was begun.
 - (4) The supervisor shall not be prohibited from completing the review if he witnessed or investigated the incident.
 - b. Investigator's Review
 - (1) Following the supervisor's review:

Policy Number	Effective Date	Page
15.6	June 1, 2018	6

- (a) The investigation shall be completed in a timely manner whenever possible, by an appropriate supervisor not involved in the incident. The investigator's review shall begin as soon as practicable after the completion of the supervisor's review.
 - (b) Nothing in this policy shall prohibit the supervisor's review and investigator's review from being conducted by the same supervisor unless the individual witnessed the incident.
- (2) During the course of the investigator's review, the investigator shall:
- (a) Collect evidence, documents and statements.
 - (b) Interview witnesses, unless a witness is clearly irrelevant to the issues presented, and record a brief statement of what the witness reports.
 - (c) Assign the most appropriate violation.
 - (d) List witnesses the inmate indicates he wishes to have at the hearing.
 - (e) Advise the inmate of his right to consult with an assigned legal aide of his choice at least twenty-four (24) hours prior to the hearing and list the choice in the space provided. If the inmate does not provide his choice, he shall be informed that unless he does so within twenty-four (24) hours of receiving the report, he has waived his legal aide. If the inmate submits a choice after the investigation, he shall do so in writing to the chairperson of the adjustment committee or to the adjustment officer.
 - (f) Record on the form and advise the inmate of the anticipated date, time, and place of the hearing. An inmate transferred from another facility or a community service center shall be notified of the anticipated date and time of the hearing upon arrival to the institution provided the necessary documentation is received upon his arrival.

Policy Number	Effective Date	Page
15.6	June 1, 2018	7

- (g) Advise the inmate of his right to waive his presence at the hearing.
 - (h) Nothing in this policy shall prohibit a disciplinary report from being re-investigated if deemed appropriate or necessary.
- (3) Upon completion of the investigation, the investigator shall:
- (a) Place the date and time the investigation is completed on the report and have the inmate sign the report.
 - (b) Provide the inmate a copy of the disciplinary report. If the report is not provided, the report shall be given to the inmate not less than twenty-four (24) hours prior to the hearing unless notice is waived.
 - (c) Provide the inmate with a copy of all documents to be used by the Adjustment Committee or Adjustment Officer unless the disclosure of those documents constitutes a threat to the safety and security of an inmate, the public, or the institution. The inmate is not entitled to documents or other evidence that is not submitted for the hearing. Documents include reports, photographs, tests, tape recordings or other written materials to be used as evidence.
 - (i) Excluding those documents prohibited from disclosure as noted above, documents not provided the inmate immediately following the completion of the investigation shall be provided not less than twenty-four (24) hours prior to the hearing.
 - (ii) If the documents are not provided, a summary of the information contained in the documents shall be provided. The summary may be included in and consist of the disciplinary report, which shall be noted on Part I of the disciplinary report.
 - (d) If during the investigation, the investigator determines there is insufficient evidence to support a charge against the inmate, he shall dismiss the disciplinary report. Further action shall not be taken

Policy Number	Effective Date	Page
15.6	June 1, 2018	8

on the report other than placing it in a designated file for record-keeping purposes.

5. Inmate Responsibilities - _

- a. If the inmate has not done so during the course of the investigation, the inmate shall:
 - (1) Identify to the Adjustment Committee or Adjustment Officer what assigned legal aide or staff counsel, if one is available, he has chosen within twenty-four (24) hours of his receipt of the completed disciplinary report.
 - (2) Identify to the Adjustment Committee or Adjustment Officer what witnesses he has selected not less than twenty-four (24) hours prior to the initial hearing.
- b. Failure to identify an assigned legal aide, staff counsel or witnesses in accordance with this procedure shall constitute a waiver.
- c. Special consideration may be given to an inmate transferred from another institution or community center to identify his legal aide or staff counsel no later than twenty-four (24) hours before the hearing.

D. The Hearing

1. The hearing shall be held within seven (7) working days after the completion of the investigation. A delay beyond this time shall be justified and documented in writing on Part II of the report. This time limitation is to benefit staff and does not constitute a time in which the inmate has a right to a hearing.
2. At the hearing the inmate shall be entitled to the following:
 - a. An opportunity to be present during all phases of the hearing, except the deliberations phase, unless he waives this right or his unruly or aberrant behavior does not permit attendance. If an inmate is denied the right to be present during the hearing, the reason shall be stated in writing on Part II of the report. If the inmate has a legal aide and is ejected from the hearing, the legal aide shall remain in the hearing unless his conduct dictates otherwise. If an inmate is ejected from the hearing and does not have a legal aide, the assigned legal aide shall be directed to attend the remainder of the hearing, if one is available.

Policy Number	Effective Date	Page
15.6	June 1, 2018	9

- b. Assistance by a chosen assigned legal aide or appointed staff counsel who has been given an opportunity to confer with the inmate at least twenty-four (24) hours in advance of the hearing unless denied under provisions of C.4 b.2.f.. If a legal aide or staff counsel is denied, the reason for denial shall be stated in writing on Part II of the report.
 - c. Consideration of those documents or a summary of those documents provided to the inmate at least twenty-four (24) hours before the hearing. If the documents or the summary is not provided to the inmate, the reason for failure to make these documents available to him shall be made a part of the record of the proceedings.
 - d. An opportunity to make a statement and to present documentary evidence.
 - e. To be informed of his right to remain silent during the hearing but that his silence may be used against him in the hearing.
 - f. An opportunity to call witnesses unless doing so is unduly hazardous to institutional safety and correctional goals; is irrelevant to the issues; is cumulative; or, is unnecessary. If an inmate is not permitted to call a witness, justification shall be made in writing on Part II of the report or, if the reason is based on security information that should not be revealed to the inmate, in a confidential supplement to the findings.
 - g. An opportunity to question the reporting employee and relevant witnesses, unless doing so will be unduly hazardous to institutional safety and correctional goals or a reason in f. above.
 - (1) A speaker phone, telephone, or written statements may be used at the hearing.
 - (2) If the Adjustment Committee or Officer denies the inmate the opportunity to call and confront the reporting employee or witness, justification shall be made in writing on Part II of the report.
 - h. May plead guilty.
3. The fact finder shall prepare a written record that includes:
- a. The date and time of the hearing and reasons for a continuance, if any.

Policy Number	Effective Date	Page
15.6	June 1, 2018	10

- b. A list of witnesses called or denied.
- c. A summary of the evidence upon which the decision and discipline is based.
- d. The decision shall have specific findings of fact. The findings may be based on facts contained in the employee's report. The findings shall explicitly state which facts were determined to be true if facts in the employee's report are relied upon.
- e. If an inmate requests documentary evidence regarding the incident giving rise to the disciplinary report, the fact finder shall:
 - (1) State in the written findings that:
 - (a) The documentary evidence was reviewed and considered in arriving at the final decision; and
 - (b) If any documentary evidence is not made available to the inmate for security reasons, a confidential supplement to the written findings exists regarding the documentary evidence.
 - (2) Prepare a supplemental, confidential finding describing any documentary evidence that is not made available to the inmate for security reasons that was considered in arriving at the final decision and retain a copy of the documentary evidence described in the supplemental confidential finding.
- f. If information from a confidential informant is relied upon in the findings of fact, the decision shall reflect evidence of the reliability of the information from the confidential informant or identify corroborating factors. The evidence may include:
 - (1) An oath or affirmation of the investigating officer as to the truth of his report containing confidential information with his appearance before the decision maker;
 - (2) Corroborating testimony;
 - (3) A statement on the record by the chairman or adjustment officer that he had firsthand knowledge of the sources of information and considered them reliable on the basis of their past record of reliability;

Policy Number	Effective Date	Page
15.6	June 1, 2018	11

- (4) In camera review of material documenting the investigator's assessment of the credibility of the confidential informant;
- (5) Multiple unnamed informants whose stories are consistent and corroborate one another; or
- (6) Other factors that provide some corroboration of the information provided by the confidential informant.

- g. The discipline imposed and the reason for imposing it.
- h. A statement as to whether the discipline may be stayed during an appeal and the reason.
- i. The signature of all committee members or adjustment officer.
- j. The signature of the inmate and assigned legal aide or staff counsel.

- 4. If the Adjustment Committee or Adjustment Officer finds the inmate did not commit the violation or if an appeal results in the reversal, the disciplinary report shall be removed from the inmate's file.
- 5. After resolution of the adjustment proceeding, an adjustment officer or committee may refer the incident to the internal affairs officer for investigation pursuant to CPP 3.23.

E. Disposition of Disciplinary Report Forms

- 1. At the end of the hearing and completion of the form, a copy shall be given to the inmate.
- 2. The disciplinary report shall be routed to the Warden or his designee for his signature after action by the Adjustment Committee or Adjustment Officer.
- 3. If the inmate is scheduled to meet the Parole Board or has been recommended for parole and receives a disciplinary report, the institutional Offender Information office shall forward a copy of the disciplinary report to the Central Office Placement Office. The Placement Office shall forward the disciplinary report to the Parole Board.

F. Appeals

- 1. An inmate may appeal in writing the adjustment decision to the Warden.
- 2. The appeal shall be directed to the Warden of the institution whose Adjustment Committee or Adjustment Officer heard the case.

Policy Number	Effective Date	Page
15.6	June 1, 2018	12


3. The inmate has fifteen (15) days after the decision to detail the reasons for the appeal. If an inmate is due to be released by minimum expiration of his sentence within the fifteen (15) days, the Warden's review shall occur prior to the inmate being released and the inmate may still file his appeal for further review by the Warden.
 4. The Warden or his designee shall respond in writing within thirty (30) days of the Adjustment Committee or Adjustment Officer decision.
 5. The Warden or his designee may, during his review:
 - a. Order a rehearing because of procedural errors, substantive errors, or other appropriate reasons;
 - b. Reduce the penalty;
 - c. Suspend the penalty for a period of time not to exceed six (6) months;
 - d. Void the disciplinary report in its entirety;
 - e. Reduce the category of violations;
 - f. Remand the charge for a new hearing before a different Adjustment Committee or Adjustment Officer.
 6. The Warden or his designee shall not during his administrative or appellate review:
 - a. Order a rehearing if the action has been dismissed;
 - b. Raise the discipline;
 - c. Order a rehearing on a new charge that carries a higher penalty.
 7. An appeal may not be taken beyond the Warden.
 8. The Warden has the authority at any time to order the disciplinary report to be vacated upon justification and may allow it to be re-investigated or re-heard, or both. This is at the Warden's level only and shall not create any new time for additional appeals. The Warden may also dismiss the report.
- G. Access to Disciplinary Hearing Tapes
1. Access to tapes shall be arranged pursuant to CPP 6.1.

Policy Number	Effective Date	Page
15.6	June 1, 2018	13

2. Copies of that portion of the tape, pertaining to the particular hearing concerned, less the deliberation phase, shall be provided, if the audiotape is available.
3. A reasonable fee consistent with the cost of providing the materials involved may be charged.

H. Informal Resolution of Minor Violations

1. If an inmate waives his right to a hearing by the Adjustment Committee or Adjustment Officer on a Minor Violation:
 - a. The disciplinary report shall be heard by a Unit Hearing Officer.
 - b. At the unit hearing the inmate shall be entitled to make a statement and present documentary evidence.
2. At the conclusion of the unit hearing, the Unit Hearing Officer shall complete the disciplinary report and indicate:
 - a. The finding;
 - b. The discipline imposed;
 - c. The date and time of hearing;
 - d. The signature of the Unit Hearing Officer.
3. A copy of the completed report shall be given to the inmate.
4. Decisions of a Unit Hearing Officer shall not be subject to appeal.
5. The completed disciplinary report shall be forwarded to the Unit Director, Warden or appropriate designee for an administrative review.

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	15.7	4
	Date Filed	Effective Date
	MAY 15 2024	
	Supersedes Effective Date	
Authority/References KRS 196.035, 197.020 CPP 9.6, 9.8, 15.2, 16.2 ACA 5-ACI-5A-06, 2-CO-1B-14	INMATE ACCOUNTS	

I. DEFINITIONS

"Indigent" means an inmate who has maintained a balance in his inmate account and media account for a combined total of \$5.00 or less for thirty (30) days prior to requesting indigent status.

"Immediate family" is defined in CPP 16.1.

"Media account" means funds an inmate may have available for the purchase of digital music through an approved vendor or for the purpose of email through an approved vendor as described in CPP 16.2.

II. POLICY and PROCEDURES

Each inmate may have a personal financial account. This account shall be maintained by the institution at which the inmate is assigned. While allowing freedom of control for each inmate, certain restrictions shall be necessary for institutional security. Any interest earned shall be used strictly for the benefit of inmates.

A. Receipt of Funds

An inmate may receive funds in accordance with the following:

1. Funds received shall be in the form of:
 - a. Electronic fund transfer through the Department of Corrections approved vendor;
 - b. Check from an insurance company, a stockbroker, or a governmental agency, except for a Social Security check. A Social Security check shall be returned to the Administrative Services Division, Social Security Administrator, or as otherwise instructed by the Social Security Administration;

Policy Number	Effective Date	Page
15.7		2

- c. Check for a dividend, pension, or refund from a vendor; or
- d. Cashier's check or bank money order if an inmate is withdrawing funds from his savings account to be credited to his inmate account.

2. Other funds received shall only be accepted if justified by the inmate and approved by the Warden or his designee.

B. Disbursement of Funds

1. Transfer of funds between inmates shall not be permitted unless the inmates are legally married or are immediate family members as defined in CPP 16.1. Approval shall be obtained from both the Warden where the inmate receiving money is incarcerated and the Warden of the institution where the inmate sending funds is incarcerated before funds may be transferred.

2. Money of any dollar amount shall not be sent outside the institution except for:

- a. Purchase of authorized items or periodicals from vendors approved by the Department;
- b. Payment of restitution, child support, Crime Victim's compensation, or other court-ordered deductions or fees; or
- c. Quarterly disbursement to an immediate family member not to exceed \$200 per quarter. The disbursement shall be during the months of March, June, September, and December.

C. Court Ordered Restitution

Court ordered restitution shall be deducted from an inmate's account as determined by court order. If the court order directs the institution to collect victim restitution from an inmate, the institution shall collect the money and forward it to the court for disbursement to the victim, the victim's survivors, or as dictated by the order. Any court order for the institution to collect monies or restitution from an inmate shall take precedence over institutional debts or restitution.

D. Payment of Restitution or Debts

1. If an inmate owes the institution money or restitution, incoming funds to the inmate's account shall be applied to outstanding debts or freezes.

Policy Number	Effective Date	Page
15.7		3

2. The percent frozen shall be in the discretion of the warden or designee, but shall not exceed fifty (50) percent if an inmate receives one hundred (100) dollars or less in incoming funds.
3. If an inmate receives more than one hundred (100) dollars, the institution shall fully apply the amount of incoming funds over one hundred (100) dollars to the restitution or debt. The institution may then apply up to fifty (50) percent of the remaining one hundred (100) dollars to the restitution or debt.

E. Account Balance Limit

1. An inmate account may have a maximum balance of one thousand dollars (\$1000.00).
2. An inmate may request an exception to this limit for exceptional circumstances in writing to the Warden or his designee.
3. The Warden or his designee may approve exceptions to this limit on a case-by-case basis.
4. An inmate media account may have a maximum balance of one hundred dollars (\$100.00).

F. Freezing Accounts

Reasonable Suspicion of Illegal Activity or Violation of Rule or Law

1. If there is reasonable suspicion to believe an inmate obtained money in his account by engaging in an illegal activity or by violating an institutional rule or federal or state law, the inmate's account shall be frozen to allow for a complete investigation.
 - a. If it is determined that the inmate's account will be frozen, a notification form shall be issued in writing. See Attachment I, "Notification of Restriction of Inmate Account" form.
 - b. After the notification is written, it shall be presented to the inmate to provide notice.
 - c. The inmate shall be given an opportunity to respond to the notice when the notification is delivered to the inmate. The response shall be recorded on the notification form and signed by the inmate.
 - d. A copy shall be given to the inmate after it is signed.

Policy Number	Effective Date	Page
15.7		4

- e. If the inmate refuses to sign, it shall be noted on the form with the signature of the witnessing staff member.
 - f. The notification form shall be reviewed by the Warden or his designee within seventy-two (72) hours excluding weekends and holidays and forwarded to the proper institutional fiscal authority.
 - g. Funds believed to be obtained through illegal methods shall be frozen. This may be accomplished by setting up a separate account for the inmate from which he shall not draw funds.
 - h. An account may be frozen for no longer than sixty (60) days, at which time it shall be re-opened or a new notification written, issued, and approved. Inmate funds frozen for investigative purposes shall not exceed a six (6) month period of time.
 - i. If investigation shows no cause for action, the account shall be re-opened.
2. If an inmate is transferred to another Kentucky Department of Corrections institution, his account shall remain frozen until the transferring institution completes the investigation by established timeframes.

G. Confiscation of Monies

1. All money confiscated shall be frozen on the inmate's account until the inmate is no longer incarcerated in a state institution or private prison facility. However, this shall be subject to any valid court order or a final institutional Adjustment Committee's order of restitution.
2. Confiscated money shall be frozen in the inmate's account, but the inmate shall not be allowed to withdraw funds from this account.
3. Funds shall remain frozen until the inmate is released from the institution on serve out or parole. Upon release, the money shall be unfrozen and given to the inmate.

ALL INFORMATION CONTAINED ON THIS DOCUMENT SHALL BE PRINTED OR TYPED.

NOTIFICATION OF RESTRICTION OF INMATE ACCOUNT

INMATE NAME AND NUMBER: _____

DATE AND TIME OF REVIEW: _____

The above named and numbered inmate's account shall be frozen for the following reasons: _____

STAFF NAME AND TITLE

-DATE AND TIME

INMATE'S RESPONSE TO RESTRICTION

The following is _____'s response to the restriction notice issued on _____, 20____, at _____, .m.: _____

I have received a copy of this notification. The above accurately reflects my response.

WITNESS SIGNATURE

INMATE SIGNATURE

WITNESS SIGNATURE

DATE AND TIME

WARDEN'S REVIEW


Mark One: APPROVE _____ DISAPPROVE _____

COMMENTS: _____

WARDEN OR DESIGNEE

DATE AND TIME

White Copy to Institutional Records Office
Yellow Copy to Fiscal Authority
Pink Copy to Inmate

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	15.8	5
	Date Filed	Effective Date
	April 12, 2018	June 1, 2018
References/Authority KRS 196.035, 197.020 <i>Byerly v. Ashley</i> , 825 S.W.2d 286, Ky.App., (1992) CPP 9.6, 13.8, 15.2	Subject POSSESSION OR USE OF UNAUTHORIZED SUBSTANCE AND SUBSTANCE ABUSE TESTING	

I. DEFINITIONS

"Chain of custody" means a written record of the proper collecting and handling of a urine specimen or contraband typically furnished by the testing company.

"Drug screen" means a test conducted by qualified laboratory personnel to determine the presence of unauthorized substances.

"On-site screening test" means a field test done in the presence of the inmate, if possible when a urine specimen is collected.

"Unauthorized substance" means any drug or intoxicant not permitted for use by an inmate in the custody of Corrections.

II. POLICY and PROCEDURES

Each institution shall implement drug testing of inmates to control the use of unauthorized substances. Each Warden shall designate a drug testing coordinator who shall be responsible for implementing an inmate drug-testing program.

A. Inmate Selection Criteria

1. Testing shall not be used as a form of punishment, harassment or intimidation. Any inmate shall be subject to drug testing. Testing may be conducted randomly. At least ten percent 10% of the institutional population shall be tested each month. Random selection shall be made by a computer generated method.
2. Certain inmates may be targeted for additional testing, including any inmate:
 - a. suspected of unauthorized substance use.
 - b. living or working where a pattern of unauthorized substance use is discovered or suspected.

Policy Number	Effective Date	Page
15.8	June 1, 2018	2

- c. who has a greater opportunity for unauthorized substance use due to work assignment, program assignment or furlough.
- d. with a history of illegal substance use, especially within the institution.
- e. participating in the First Incarceration Shock Treatment Program and the Substance Abuse Program.

B. Taking the Sample

1. A urine sample for drug testing shall be collected and witnessed by staff of the same sex as the inmate submitting the sample.
2. A urine sample shall be taken in a private, clean area.
3. If an inmate is called to submit a urine sample, the inmate shall not be allowed to urinate prior to giving the sample.
4. The inmate shall be ordered to thoroughly wash his hands prior to submitting a urine sample and if wearing long sleeves he shall be ordered to roll them up.
5. Staff shall wear latex gloves at all times during the procedure. Staff taking the sample may place dye in the toilet bowl to help ensure the sample is not tainted by the inmate.
6. A specimen bottle for the urine sample shall be labeled to positively identify the inmate.
7. The inmate shall submit an acceptable specimen in the presence of the staff member witnessing the collecting of the sample.
 - a. If an insufficient amount of urine is given for a drug screen and the inmate indicates he is unable to produce more at that time, the inadequate sample shall be properly disposed of; and
 - b. a newly labeled specimen bottle shall be used.
8. If an inmate indicates he is unable to submit a sample when requested, he shall be given:
 - a. a maximum of three 3 hours; and

Policy Number	Effective Date	Page
15.8	June 1, 2018	3

- b. at least one 1 eight (8) ounce glass of water per hour to induce urination.
 - c. The inmate shall be maintained in a secure area while waiting to submit a sample.
9. If the inmate does not provide an acceptable urine specimen within the three 3 hour period, he shall receive a disciplinary report charging him with refusing or failing to submit to a drug urinalysis test within three 3 hours.
10. If the sample is requested from an inmate who has an established physical or psychological inability to urinate in the presence of another, he shall:
- a. Be placed in a dry cell until a sample is produced;
 - b. Be stripped of all personal property except the sample container;
 - c. Be observed while consuming water;
 - d. Be provided a sack lunch, if meal time occurs during this period; and
 - e. Not produce a sample while food or drinks are in the cell.
11. If an on-site screening test is used, supervising staff shall perform the urine test in the presence of the inmate.
12. Each institution shall document a drug screen that shall detail:
- a. The inmate's name;
 - b. Date sample collected;
 - c. The name of the staff collecting the sample;
 - d. The date test returned; and
 - e. The results.
13. Any deviation from 4 or 5, above, shall not be considered a violation of this policy as it does not affect the test results, but shall be reviewed administratively regarding staff compliance.

Policy Number	Effective Date	Page
15.8	June 1, 2018	4

C. Chain of Custody

1. An institution that uses any outside delivery agent to deliver a urine sample to the laboratory shall ensure that the sample is released to the delivery agent by signature of staff packaging the sample.
2. The laboratory personnel conducting the testing shall sign and date the chain of custody certifying that the sample:
 - a. Was received intact; and
 - b. Is properly identified as the inmate's.
3. The laboratory shall report which substance the urine sample tested positive for, if any.
4. If the test indicates the use of an unauthorized substance:
 - a. The sending institution shall be notified of the results; and
 - b. The institution shall initiate a disciplinary report against the inmate.
5. If a positive test for an unauthorized substance occurs, the institution shall determine and document through consultation with medical or pharmacy staff whether the inmate is taking medication that may have resulted in the positive results.
6. The inmate shall receive a copy of the results of the test if a disciplinary report is filed against him.

D. Training

Each institution shall ensure that staff assigned to obtain urine samples shall receive proper instruction in the collection of urine samples, and conducting an on-site screening test.

E. Sanctions

Sanctions shall be imposed following a positive drug screen, refusal of drug screen or possession of an unauthorized substance defined as dangerous contraband in CPP 9.6. An alleged violation shall be fairly processed and an inmate's due process rights shall be fully protected. Sanctions shall include:

Policy Number	Effective Date	Page
15.8	June 1, 2018	5

1. Penalties as provided in CPP 15.2.
2. Classification referral to a pretreatment drug or alcohol counseling or education course as outlined in CPP 13.8.
3. Administrative restriction of visitation privilege for six (6) months.
4. Program sanctions as outlined in CPP 13.8 for an inmate who is in the Intensive Residential Substance Abuse Treatment IRSAT program.