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|  <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p> | Policy Number | Total Pages |
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| <p>KRS 196.035, 197.020, 532.100 501 KAR 2:020, 2:060, 6:080 ACA 5-ACI-7D-06, 5-ACI-7D-08, 5-ACI-7D-09, 5-ACI-7D-10, 5-ACI-7D-11, 2-CO-3C-01, 2-CO-4A-01, 2-CO-4B-03, 2-CO-4B-01, 2-CO-4F-01, 2-CI-2A-3, 2-CI-4A-1, 2-CI-4A-5, 2-CI-4A-9, 2-CI-5A-3, 2-CI-5A-4, CI-05-01-01, CI-05-02-01 CPP 17.2, 29.1</p> | CLASSIFICATION OF THE INMATE | |

I. DEFINITIONS

None

II. POLICY and PROCEDURES

A. It is the goal of the classification process to:

1. Ensure the safety of the public by maintaining control of the inmate;
2. Ensure the safety of the staff, the institution and inmates by proper housing, program assignment, work assignment, and custody level;
3. Assign program and work activities for the inmate according to assessed needs, as determined by the current validated risk assessment tool, and the availability of resources;
4. Utilize inmates in the operation and daily functions of the Department of Corrections institutions; and
5. Document program and security decisions affecting the inmate's custody level, program participation and completion, housing assignment, work assignment, and disciplinary or adjustment actions.

B. The Director of Population Management shall be responsible for:

1. Overseeing and managing the Classification Branch;
2. Overseeing the classification process;

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3. Developing and initiating classification policies and procedures;
 4. Monitoring the implementation of classification policies and procedures;
 5. Establishing a process whereby all classification policies and the Classification Manual are reviewed regularly and updated, changed or rescinded as circumstances dictate;
 6. Overseeing the classification reviews of the Local Facilities programs;
 7. Reviewing classification and reclassification actions;
 8. Monitoring the placement of any specific inmate who may present a unique or sensitive problem for the Department of Corrections or the public;
 9. Reviewing and approving or disapproving transfers between institutions;
 10. Reviewing and responding to inmate appeals of classification decisions;
 11. Preparing classification training;
 12. Coordinating inmate transfers; and
 13. Preparing and reporting daily inmate count and reviewing institutional populations.
- C. The Warden of each institution shall be ultimately responsible for overseeing the classification process in his specific institution. The Warden shall be responsible for:
1. Implementing any new or revised policies and procedures relevant to classification;
 2. Monitoring all classification policies and procedures within his institution to ensure compliance with Corrections policies and procedures;
 3. Establishing specific classification committees and procedures to review classification actions; and
 4. Establishing a procedure to allow for inmate appeals of classification decisions within the institution.
- D. The following procedures shall be used in classification:
1. The Classification Committee shall assign each inmate a custody level and institutional placement.

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2. The following classification actions shall be completed by a Classification Committee or Classification Subcommittee:
 - a. to assign jobs, or institutional housing;
 - b. to make furlough recommendations; and
 - c. for any other reason as determined by the Warden or designee.
3. The Classification Committee shall document the results of each classification action in the offender management system.
4. The Classification Committee shall establish a definite time to meet each week. Each scheduled inmate shall be notified forty-eight (48) hours prior to his meeting with the Classification Committee. An inmate may waive the forty-eight (48) hour notice. The waiver shall be clearly documented on the classification document. If a document is not completed, the waiver of forty-eight (48) hours notice shall be completed and placed in the offender management system;
5. The inmate shall attend the Classification Committee meeting regarding his custody level in order to present any evidence or testimony to ensure an appropriate classification. If an inmate is unable to appear due to medical reasons or if the inmate's presence may present a severe security problem, written documentation shall be entered in the offender management system. If the inmate has received proper notification of the hearing and he fails to appear, the committee may hold the hearing in his absence. Failure of the inmate to appear may result in disciplinary action; and
6. The inmate may submit a written or verbal request to the Classification Committee prior to his hearing. The request shall be entered into the offender management system.
7. The inmate may be excused from the hearing during the deliberation process. The inmate shall return to the hearing to be notified of the committee decision.
8. Each inmate shall be assigned a Classification and Treatment Officer (CTO). The CTO shall be responsible for:
 - a. Preparation and presentation of the inmate's classification document or other required document. This shall include discussing the classification documents with the inmate prior to the classification hearing unless a threat to security exists;
 - b. Recommendations for assignment or changes in the custody level of the inmate. The CTO may also make recommendations for bed changes or work and program assignments;

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- c. Implementing any referrals recommended by the Classification Committee;
 - d. Collection, summation and presentation of data relevant to the case;
 - e. Having the inmate participate in assessing his own needs and program progression during interviews; and
 - f. Documentation of any data.
9. The chairperson shall report the recommendations of the Classification Committee to the Warden or his designee.
- E. The following shall be general functions of the Classification Committee:
1. Evaluating and approving each inmate's classification document;
 2. Recommending a plan of action to implement the inmate's individual program;
 3. Ensuring the maximum involvement of the inmate in assessing his needs and selecting programs to meet those needs;
 4. Ensuring proper screening and classification of a special needs inmate;
 5. Making appropriate referrals to various institutional programs or agencies;
 6. Ensuring that each inmate receives an orientation upon arrival at an institution;
 7. Recommending transfer of an inmate if appropriate; and
 8. Ensuring that each inmate is assigned to the lowest appropriate custody level.
- F. The Warden may, with the approval of the Director of Population Management, delegate Classification Committee functions to a subcommittee.
1. The Warden may assign a designee to handle specific duties normally handled by the Classification Committee. This may include bed assignments, work assignments or other duties if a full committee action is not necessary.
 2. Any action taken by a classification designee shall be reported to the Warden or Classification Committee. The inmate shall be notified of the action.
 3. Any action taken may be appealed to the Warden or his designee as established by the institution.

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G. Classification Committee Membership

1. All Classification Committees shall consist of a minimum of two (2) members, to include a chairperson of a supervisory level who has received training in the classification process, and a staff member, preferably a CTO prepared to present the case.
2. Other security and program personnel may be utilized by the classification committee if deemed necessary to ensure appropriate decision making.
3. The Classification Committee may use written reports from security and program personnel as a basis for decision making.

H. The two (2) types of Classification Committees shall be:

1. Assessment Center Classification Committee which shall be responsible for all initial classification except for an inmate receiving a penalty of death or received through transfer from another state or a contract inmate; and
2. Reclassification Committee, which shall be responsible for all classification actions taken after initial placement. These committees may be held at the institutional or unit level.

I. The Assessment Center Classification Committee shall meet with the inmate at the end of the initial reception and assessment process.

1. The Assessment and Classification Center shall be located at the Roederer Correctional Complex. A branch of this assessment center shall be located at the Kentucky Correctional Institution for Women and Ross Cash Center. Assessment center locations may be changed or other branch assessment centers established by the Commissioner for the management of the inmate population. The centralized Assessment Center shall be responsible for initial receiving, processing and classification as described in Corrections Policy and Procedures 17.2.
2. The purpose of the Assessment Center Classification Committee shall be to:
 - a. Assess the basic needs of each inmate entering the system;
 - b. Complete a classification document on each inmate;
 - c. Assign the initial institutional placement of each inmate; and
 - d. Recommend short and long-term plans for custody, program placement and housing.

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- J. The Reclassification Committee at each institution shall oversee the entire classification process occurring at the institutional level.
 - 1. The Reclassification Committee shall be responsible for classifying an inmate received from the Assessment Center or other institution:
 - a. Each inmate shall be seen by the Reclassification Committee within ten (10) working days after entering the institution:
 - (1) If an inmate is transferred in order to participate in a specific short-term program including Legal Aide training or medical treatment, a case review may be substituted for a classification action; and
 - (2) This action shall be documented in the offender management system
 - b. Review the inmate's classification document and custody level;
 - c. Revise program placement recommendations if necessary to ensure that the recommended program is realistic in comparison to resources available; and
 - d. Assign or review housing assignments.
 - 2. The Reclassification Committee shall be responsible for ensuring that each inmate has completed an orientation to the institution after being received.
 - a. This orientation shall include:
 - (1) An explanation of rules and regulations of the institution;
 - (2) A list of programs available to the inmate and methods for gaining entry into these programs;
 - (3) An explanation of methods for reducing custody or being transferred to another institution; and
 - (4) An explanation of the inmate performance level expected by the institution;
 - b. A copy of the institution's inmate handbook shall be made available to each inmate; and
 - c. If an inmate is transferred in order to participate in a specific short-term program, the orientation may be condensed to include only those issues pertinent to the program participants.

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K. The Reclassification Committee may vary according to the institution. The committee may be at the unit or institutional level.

1. The Reclassification Committee shall be responsible for:

- a. Reviewing all inmates at least once every six (6) months for program and status reviews;
- b. Changes in work assignments, program assignments and housing assignments;
- c. Reviewing and processing changes in the inmate's visiting list;
- d. Reviewing or reclassifying each inmate referred to the Committee through appropriate sources. These sources may include:

- (1) Inmate's CTO;
- (2) Inmate's request;
- (3) Warden's request;
- (4) Deputy Warden's request;
- (5) Program or work supervisor's request;
- (6) Adjustment Committee; and
- (7) Classification Duty Designee;

- e. Recommending the housing assignment of the inmate;
- f. Recommending restoration of statutory good time loss;
- g. Evaluating and revising each inmate's classification document, if appropriate;
- h. Updating each inmate's custody, if appropriate;
- i. Recommending transfer, if appropriate; and
- j. Making or altering work and program assignments.

2. The inmate may initiate a classification custody review once during a 12 month period.

3. Each inmate may submit to the CTO a written request for a review by the Reclassification Committee. This shall be called a Special Reclassification. Only one (1) Special Reclassification shall be granted per calendar year. In these cases:

- a. If deemed appropriate, the CTO may refer the request to the Reclassification Committee chairperson for a decision on whether to honor the request;

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- b. All approvals or denials of requests shall be documented in the offender management system in the Classification section; or
 - c. If the request for Special Reclassification is denied, the inmate shall be informed in writing of the decision which shall also be documented in the offender management system.
- L. The classification of each institutional inmate shall be reviewed at least once every six (6) months. This action shall require the completion of a classification document and program review.
 1. If an initial classification or reclassification document, including program review, has been completed during this time period, it shall not be necessary to complete a classification document on the month indicated.
 2. An institution may, at the direction of the Warden or Deputy Warden of Programs, schedule more frequent reviews.
 3. The following schedule shall be used by a CTO in scheduling and conducting a reclassification review for an inmate. Each CTO shall review an inmate on his caseload whose last institutional digit corresponds with the following months:
 - a. January – 1, 2;
 - b. February – 3;
 - c. March – 4, 5;
 - d. April – 6;
 - e. May – 7, 8;
 - f. June – 9, 0;
 - g. July – 1, 2;
 - h. August – 3;
 - i. September – 4, 5;
 - j. October – 6;
 - k. November – 7, 8; and
 - l. December – 9, 0.
 4. If an inmate has been classified during that six (6) month period,, it shall be documented in the offender management system that the review was conducted and no classification action was needed. If the inmate has a pending action that may affect the results of his reclassification (i.e. detainer, good time action, or disciplinary action) the hearing may be postponed as long as the action is completed within the required six (6) month period.
- M. Appeals
 1. An inmate may appeal any classification action to the Warden or his


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designee within five (5) working days of the action. The Warden or his designee shall respond in writing to an appeal of a classification action within fifteen (15) working days of receipt of the appeal. An Assessment Center classification action concerning initial placement and custody level shall be appealable to the Director of Population Management. This appeal shall occur in writing within five (5) working days of the action. The Director of Population Management or designee shall respond in writing within fifteen (15) working days of receipt of the appeal.

2. If the inmate is not satisfied with the response received from the Warden or his designee, the inmate may request in writing to the Director of Population Management or designee that his case be reviewed. This request shall be submitted within five (5) working days of receipt of the Warden's response. The Director of Population Management or designee shall respond in writing within fifteen (15) working days of receipt of the request for review. If a copy of the institutional response is not included in the appeal, it shall be returned to the inmate with directions for the proper process to be followed. A re-submission of the request for review shall occur within five (5) working days of return receipt.

N. Inmates Housed in a Local Facility

1. An inmate in the Class C, Class D or Class DE Program shall receive a custody review as outlined in 501 KAR 2:020 and 2:060 and the Classification Manual. The inmate shall not be present during the review.
2. Since an inmate in the Community Service Center or the Community Custody Program is at the lowest possible custody level, the inmate shall not receive a custody review unless there is a change that would alter the custody level or at the discretion of the Director of Population Management or designee.
3. A jail contract inmate's file shall be reviewed every (6) six months for the safety and security of the institution and to determine if the inmate can be returned to the sending jail.
4. The inmate may appeal any action taken in a custody review to the Director of Population Management or designee.
5. Jail staff may request custody reviews by submitting a request to the Classification Branch Office.

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| Authority/References KRS 196.030, 196.035, 197.020 ACA 5-ACI-5B-01, 5-ACI-5B-07, 2-CO-4B-01 | Subject CENTRAL OFFICE CLASSIFICATION COMMITTEE | |


I. DEFINITIONS

None

II. POLICY and PROCEDURES

A Central Office Classification Committee shall be established to ensure that all correctional policies and procedures dealing with classification are followed, monitor the classification process, continually review classification procedures and policies and make suggestions for improvement.

- A. The Central Office Classification Committee shall consist of three (3) persons and shall be under the supervision of the Deputy Commissioner of Support Services.
1. The Director of Population Management shall normally serve as chair of the committee. In Director's absence, the member of highest authority shall act as chair.
 2. Only Classification staff shall serve as members of the committee.
- B. The Central Office Classification Committee shall serve as a final review in all classification matters and may overrule or modify any classification decision reached on the institutional level.
- C. The Central Office Classification Committee may review any case for any reason deemed appropriate. The Committee shall not require an inmate to be present.
- D. A Warden may request in writing that a case be reviewed by the Central Office Classification Committee if the warden believes circumstances warrant a review. The Director of Population Management or designee shall chair the Central Office Classification Committee for these requests.
- E. The Commissioner of the Department of Corrections or a designated Deputy Commissioner shall have final authority over all institutional classification actions.

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| Authority/References KRS 196.035, 640.040, 640.070 28 CFR §§ 115.5, 115.14 ACA 5-ACI-5B-13 | Subject Confinement of Youthful Offenders | |

POLICY and PROCEDURE

This policy and procedure establishes designated housing for youthful offenders under the age of eighteen (18) if the sentencing Circuit Court orders a Youthful Offender committed to an adult institution operated by the Department of Corrections in accordance with KRS 640.070.


I. Requirements for Male Youthful Offenders under the Age of 18

All male youthful offenders ordered committed to the Department of Corrections shall be housed at the Luther Lockett Correctional Complex in a housing unit designated by the Warden that meets all requirements set forth in 28 CFR § 115.14.

II. Requirements for Female Youthful Offenders under the Age of 18

All female youthful offenders ordered committed to the Department of Corrections shall be housed at the Kentucky Correctional Institution for Women in a housing unit designated by the Warden that meets all requirements set forth in 28 CFR § 115.14.

III. Once a youthful offender reaches the age of 18, the youthful offender may be assigned to another institution or housing unit.

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| Authority /References KRS 196.030, 196.035, 196.173, 197.020, 197.110, 197.140 501 KAR 6:080, CPP 9.14, 18.1, CI-05-02-01 ACA 5-ACI-5B-01, 5-ACI-5B-03, 5-ACI-5B-07, 5-ACI-5B-08, 5-ACI-5B-09, 2-CO-4B-01, 2-CI-2A-3, 2-CI-3A-1, 2-CI-4A-9, 2-CO-4B-01, 2-CI-5A-4 | Subject <p style="text-align: center;">CUSTODY LEVEL AND SECURITY</p> | |

I. DEFINITIONS

"Custody" means the level of staff supervision determined by classification and institutional requirements.

"Reduced custody" means minimum or community custody.

"Security" means the level of structural and physical controls provided by an institution.

II. POLICY and PROCEDURES

This policy establishes procedures to determine custody supervision and security level placement in order to ensure the safety of the community, staff, and the inmate population.

A. These procedures shall:

1. Ensure that custody level designations place the inmate in the least restrictive environment suitable to guarantee adequate custody supervision consistent with the inmate's behavior, criminal record, and classification;
2. Require that custody level designations are not imposed as a form of punishment; and
3. Provide that custody level assignments have an objective, behavior-oriented foundation.

- B. An inmate shall be assigned to one (1) of four (4) levels of custody by the classification committee as outlined in CPP 18.1. This level of custody shall be assigned based on the risk assessment of the inmate as outlined in the Classification Manual. An inmate who has not yet been classified shall be considered a medium custody inmate.

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The four (4) levels of custody shall be:

1. Community - an inmate with this custody level may qualify for participation in the Community Center Program. If housed in a community center, the inmate may participate in community-based programs. An inmate with community custody shall be within twenty-four (24) months of his parole eligibility or minimum expiration date.
2. Minimum - an inmate with this custody level may qualify for participation in programs and work assignments both inside and outside the institutional perimeter. An inmate with minimum custody shall be within forty-eight (48) months of his parole eligibility or minimum expiration date.
3. Medium - an inmate with this custody level may be eligible for a program or work assignment inside the perimeter of the institution. A medium custody inmate may only work outside the perimeter on institutional grounds under the supervision of an armed officer. Any other movement outside the institution shall be in full restraints. Movement within the institutional perimeter shall be subject to the policies and procedures of the institution.
4. Maximum - an inmate with maximum custody level may participate in selected program or work assignments inside the perimeter of the institution, as dictated by individual circumstances. Movement within the institutional perimeter shall be subject to the policies and procedures of the institution. All movement outside the institution shall be in full restraints.

C. Each institution shall have a primary security level designation. The four levels of security shall be:

1. Level 1 Security Facilities:
 - a. These are facilities under contract to operate a community-based program. Housing may be a halfway house, contract facility, or jail.
 - b. The Division of Probation and Parole shall maintain a listing of all community contract facilities.
 - c. Only an inmate with community level custody shall be housed at these facilities.
2. Level 2 Security Institutions:
 - a. These institutions shall have a clearly designated institutional perimeter. Housing may be in a room, dormitory, or single living area. These institutions may also have holding cells.


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- b. The Level 2 institutions shall be:
 - (1) Bell County Forestry Camp; and
 - (2) Blackburn Correctional Complex.
 - c. Only reduced custody level inmates shall be housed at these institutions.
3. Level 3 Security Institutions:
- a. These institutions shall have a secure perimeter, which may include the use of a tower occupied twenty-four (24) hours a day, or some form of external patrol or detection device. An inmate may be housed in a cell, room, or dormitory.
 - b. The Level 3 institutions shall be:
 - (1) Lee Adjustment Center;
 - (2) Northpoint Training Center;
 - (3) Roederer Correctional Complex;
 - (4) Southeast State Correctional Complex; and
 - (5) Western Kentucky Correctional Complex
 - c. All custody levels, except maximum custody may be housed in the general population at these institutions.
4. Level 4 Security Institutions:
- a. These institutions shall have all secure housing in cells and a secure perimeter. These institutions may have a tower occupied twenty-four (24) hours a day, and external patrol or detection devices.
 - b. The Level 4 institutions shall be:
 - (1) Kentucky State Reformatory;
 - (2) Kentucky State Penitentiary;
 - (3) Luther Lockett Correctional Complex;
 - (4) Eastern Kentucky Correctional Complex;
 - (5) Kentucky Correctional Institution for Women;
 - (6) Little Sandy Correctional Complex; and
 - (7) Green River Correctional Complex
 - c. All custody levels may be housed at these institutions.
 - d. The Death Row and Protective Custody Unit for males shall be housed at the Kentucky State Penitentiary.

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D. Other Rules

1. An inmate shall not be eligible for reduced custody if he has:
 - a. Any amount of non-restorable good time loss;
 - b. A deportation detainer;
 - c. A Class A or B felony detainer or pending charge or, if from another state, the equivalent of a Class A or B felony detainer; or
 - d. A capital offense conviction.
2. An inmate with a death sentence shall receive maximum custody.
3. An inmate serving a sentence for a Class A felony that is not a sexual offense shall require approval from the Commissioner in order to be eligible for minimum custody.
4. Pregnant inmates - restraints shall be applied in accordance with KRS 196.173 and as outlined in CPP 9.14.

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| Authority/References KRS 196.030, 196.035, 196.070, 197.020, 197.110 ACA 2-CO-4F-01, 5-ACI-5B-11, 5-ACI-6C- 06 CPP 13.13, 14.6, 25.6 | Subject TRANSFERS | |

I. DEFINITIONS

“Business days” means 8:00 a.m. to 4:30 p.m.; Monday through Friday, excluding holidays.

“Special needs inmate” for transfer purposes means an inmate who has a substance use disorder; has or presents as having a diagnosis of mental illness, intellectual disability, traumatic brain injury, significant functional impairment or developmental disability as defined in CPP 13.13; poses a high risk; or requires protective custody.

"Transfer" means the authorized movement of an inmate from one (1) correctional facility to another correctional facility.

II. POLICY and PROCEDURES

The Department of Corrections shall transfer inmates between institutions and facilities to:

1. Maximize the efficient use of resources;
2. Regulate institutional populations;
3. Provide adequate security and supervision to ensure the adequate protection of the public, staff, institution, and inmates;
4. Meet medical and mental health needs; and
5. Meet programming needs.

A. There shall be five (5) types of transfers:

1. The initial placement transfer shall be used after an inmate has completed initial orientation and classification to authorize the movement of the inmate from the Assessment and Classification Center to an institution or facility of residence;

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2. The program progression transfer may result from the recommendation of any Reclassification Committee which authorizes the movement of an inmate from his current institutional placement to another facility for the purpose of participation in a program, school, training course, job, or other activity designed to meet his needs or to increase the opportunity for family contacts, employment, or reintegration into society;
3. The disciplinary transfer shall authorize the movement of an inmate from his current institutional placement to a facility better suited to address the security needs of the inmate. Only an inmate who has been found by the adjustment process to have committed a disciplinary offense may be reassigned by disciplinary transfer. Except if the failure to transfer the inmate immediately will cause a security problem, a custody document shall be completed and the inmate shall be seen by the Reclassification Committee prior to the transfer;
4. The medical transfer shall authorize the movement of an inmate from his current institutional placement to a facility equipped to deal with medical or mental health needs. A medical transfer may be recommended by institutional medical or mental health staff; and
5. The administrative transfer shall authorize the movement of an inmate from his institution of residence to another institution. An administrative transfer shall not be considered punitive in nature. However, the inmate may be reclassified to a higher custody if he has been returned from a lower security setting for the specific reasons listed below and a period of reassessment is required. Reasons for administrative transfers may include:
 - a. Reasonable suspicion that the inmate in question may be involved in activity detrimental to the security and operation of the institution and a period of reassessment may be necessary;
 - b. The inmate has failed to adjust to institutional rules or programming and a period of reassessment may be necessary;
 - c. To control population flow among institutions;
 - d. To meet an institutional need for a particular job skill;
 - e. To separate inmates who appear to have negative influence on each other or other inmates;
 - f. To provide a secure environment for an inmate in need of protection;
 - g. To separate groups or cliques that appear to have a negative influence on the institution; or
 - h. Information provided by institutional staff warrants other placement.

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- B. For security or other substantial reasons, as determined by the Director of Population Management or designee, an inmate may be transferred to another institution without meeting the Reclassification Committee.
1. If an inmate is transferred on an emergency basis prior to being seen by the Reclassification Committee, the Reclassification Committee of the receiving institution shall review the case within ten (10) working days of the inmate's entry into that institution.
 2. An emergency transfer may occur if:
 - a. The conduct of an inmate or group of inmates is of immediate danger to the security of the institution, or the safety of staff or other inmates, and transfer is required without awaiting normal procedure;
 - b. The institution does not have the detention facilities required to contain the behavior of the inmate;
 - c. There is a medical or mental health need that requires immediate treatment; or
 - d. An inmate is behaving in a violent manner or is suspected of being intoxicated, he shall be transferred to a secure facility with available cell space.
- C. A transfer recommendation shall be approved by the Director of Population Management or his designee.
1. Under normal circumstances, an inmate may be recommended for transfer to another facility by the Classification Committee.
 2. A transfer authorization shall be prepared on each inmate recommended for transfer. The transfer shall be entered into the offender management system for approval.
 3. Upon transfer of the inmate and receipt of the transfer authorization, the receiving institution shall indicate the date the inmate was received in the offender management system
 4. The receiving institution shall ensure that the inmate receives an orientation as outlined in CPP 18.1. Each inmate shall be provided a handbook covering the rules and programs of the institution.
 5. The Warden of each institution shall designate a transfer coordinator and first and second backup to the coordinator. The Warden shall notify the Director of Population Management of these designations. The Director of

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Population Management shall prepare a list of the transfer coordinators and forward this information to each institution.

6. During normal working hours, a transfer shall be scheduled with the approval of the Director of Population Management or designee between the transfer coordinators at the sending and receiving institutions. Any other transfer shall be scheduled between the shift supervisors. The sending institution shall notify the receiving institution of the transfer to ensure that appropriate bed space is available.

D. Paperwork

1. Regularly Scheduled Transfers Between Institutions

The following shall be forwarded with the inmate when transferred:

- a. The inmate institutional file, if the record is not available electronically at the receiving institution;
- b. All medication remaining on the inmate's pill card and the medical record, if the record is not available electronically at the receiving institution; and
- c. A minimum of a five (5) day supply of any prescription medications.

2. Transfers to Class D Programs

- a. Inmates who meet the statutory requirements to be placed in the Class D program shall be approved as identified by a list provided monthly from the Classification Branch Office. The approved list shall be forwarded monthly to the receiving institution. The transfer authorization form for these inmates shall not be processed until a transfer is imminent. At that time, the transfer form shall be processed as noted in this policy.
- b. The following shall be available to the jailer:
 1. A five (5) day minimum supply of any prescription medications;
 2. Jailers and staff shall have access to the electronic offender management system.

3. Transfers to Reentry Service Centers

All paperwork for inmates transferring to Reentry Service Center Programs shall be handled as outlined in CPP 25.6. If an inmate is on any prescribed medications when transferred, all medication remaining on an inmate's pill card shall be forwarded with the inmate. A minimum of a five (5) day supply of prescription medications shall be forwarded with the inmate.

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4. Emergency Transfers

For an emergency transfer, the requirements of a regularly scheduled transfer shall be followed on the next business day.


- E. All personal property of an inmate shall be sent with the inmate when transferred. To make efficient use of transportation resources, an inmate being transferred may be housed on a hold ticket at an intermediary institution. In this case, steps shall be taken to ensure care of the inmate's personal belongings.
- F. An inmate shall not be transferred to another institution if he has been placed on a parole board eligibility cut-off list. Any exception shall be approved by the Director of Population Management or designee. If the inmate requires transfer within sixty (60) days of a face-to-face parole hearing, the Parole Board staff shall be informed of the transfer.
- G. Unless approved by the Director of Population Management, an inmate who is scheduled for a court appearance within thirty (30) days shall not be transferred until the scheduled court appearance is completed, unless the transfer results in the inmate being closer to the county in which the appearance is required. If feasible, the sending institution shall notify the receiving institution of this prior to the transfer. The inmate file shall be flagged to reflect the upcoming court appearance.
- H. If the number of approved transfers to Level 1 or 2 institutions exceed the number of Level 1 or 2 bed spaces available, an approved transfer list shall be maintained at each institution.
 - 1. The following priorities shall be used in determining the order of transfer:
 - a. An Assessment and Classification Center inmate;
 - b. An inmate who has been returned from a Level 1 or 2 placement for a rule violation and was found not guilty or had his charge dismissed;
 - c. An inmate from a Level 3 or 4 institution who has been approved for transfer to Level 1 or 2 institution; and
 - d. Any transfer between a Level 1 or 2 institution and another Level 1 or 2 institution.
 - 2. The above priorities may be waived, at the discretion of the Director of Population Management, if medical, mental health, security or program needs require immediate movement. The priorities may also be waived to fill institutional vacancies.

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- I. Any inmate who currently has good time loss in excess of ninety (90) days shall not be transferred to a Level 1 or 2 institution.
 - 1. An inmate with any amount of non-restorable good time loss shall not be transferred to Level 1 or Level 2 institution since he may be ineligible for reduced custody.
 - 2. An inmate assigned to a Level 1 or 2 facility who incurs up to a ninety (90) day good time loss after arrival at the facility, total 180 day good time loss, may be overridden by use of the custody reduction form, to minimum custody and retained at the facility.
- J. Except in special circumstances, as determined by the Director of Population Management, an inmate shall not be transferred from a Reentry Service Center placement to a Level 2 institution for other than disciplinary or medical reasons.
- K. In selecting an inmate to fill available bed space in Level 3 and 4 institutions, priority shall be given to an inmate of the next lower custody level who has the highest custody scores within his level.
- L. After the transfer is approved and scheduled by the Director of Population Management, the sending institution shall confer with the transfer coordinator of the receiving institution, prior to the actual transfer, to transmit information relative to:
 - 1. Requirement for protection and the degree of protection needed;
 - 2. Special medical requirements;
 - 3. Suspected involvement in gang related or other illegal activities;
 - 4. Pending disciplinary reports;
 - 5. Conflicts with other inmates;
 - 6. Special needs inmates; and
 - 7. Other special information which will aid in the assignment and care of the inmate.
- M. An inmate shall not be permitted to refuse transfer between institutions. In situations that an inmate refuses placement, the individual shall be reviewed for disciplinary action and placement at a higher security or custody level.

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- N. An inmate may be transferred to an institution of higher security as a result of a Reclassification Committee action.
1. Each inmate received into the correctional system shall receive a temporary custody level of medium while undergoing classification processing in the Assessment and Classification Center.
 2. An inmate may be transferred to a higher security institution by the Assessment and Classification Center Classification Committee if he has received the appropriate custody score and level. The transfer shall be considered as an initial institutional placement transfer.
 3. An inmate may be transferred to a higher security institution for medical and mental health care if his present institution does not have adequate facilities to meet the inmate's medical and mental health needs. In a medical case, the inmate's custody level shall not change. In a mental health case, the inmate's custody level shall be reviewed for appropriate action.
 4. An inmate may be transferred to a higher security institution for participation in a program, school or assignment offered at that institution. In these cases, the inmate's custody level shall not change.
 5. An inmate may be transferred to a higher security institution for administrative reasons as outlined in this policy. In these cases, the inmate's custody level shall not change unless a determination is made that a higher custody level is more appropriate.
- O. In scheduling any transfer between institutions, priority shall be assigned as follows:
1. Transfer for medical reasons;
 2. Transfer for security reasons;
 3. Transfer for administrative reasons;
 4. Initial institutional placement transfer; and
 5. Program progression transfer.
- P. In general, an inmate shall be required to complete a six (6) to twelve (12) month placement at an institution before a transfer to another institution is considered.

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| Authority/References KRS 196.030, 196.035, 196.610 CPP 30.2 | Subject OUT-OF-STATE TRANSFERS | |

I. DEFINITIONS

None

II. POLICY and PROCEDURES

- A. A recommendation for transfer out-of-state shall be initiated by the Reclassification Committee or Central Office Classification Committee. An out-of-state transfer may only be recommended for safety or security reasons. An out-of-state transfer may also be recommended to provide special housing or security placements. A transfer from or to out-of-state to enhance visitation shall not be considered.
- B. If a decision is made to review an inmate for possible out-of-state placement, a reclassification hearing shall be scheduled as required in CPP 18.1. For security reasons, it may not always be necessary for the inmate to be notified or appear for this hearing.
1. If the Classification Committee recommends an out-of-state placement, a complete report detailing the reason for the recommendation of the out-of-state placement shall also be prepared and forwarded to the Director of Population Management.
 2. The institution shall provide the Director of Population Management with information packets containing the following materials to be used in securing placement.
 - a. Copies of all commitment orders on all charges;
 - b. Copies of all Pre-Sentence Investigation Reports;
 - c. Two (2) pictures and two (2) fingerprint cards (may be optional due to security reasons). If not included in the initial packet these shall be transported with the inmate;
 - d. A summary of all institutional disciplinary reports;

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- e. A detailed summary of the inmate's current medical status;
 - f. Summary of the inmate's current psychological status; and
 - g. A copy of the Resident Record Card.
- C. The Central Office Classification Committee shall review the recommendation of the reclassification committee.
- 1. If approved, the material shall be forwarded to the Interstate Compact Administrator for Adult Institutions to secure placement in another correctional system.
 - 2. If the Interstate Compact Administrator for Adult Institutions is able to secure placement in another correctional system for the inmate, the institution shall be notified and informed of the steps to take to initiate the transfer.
- D. Any request from federal authorities or from authorities in another state for the Department of Corrections to house an inmate convicted in another jurisdiction shall be forwarded to the Interstate Compact Administrator for Adult Institutions for review.
- 1. If the Interstate Compact Administrator feels the inmate is appropriate to be housed in Kentucky, he shall forward the information to the Director of Population Management, and if necessary, to the STG Coordinator, for review.
 - 2. If approved, the sending state shall be required to provide a complete copy of the inmate record and shall be asked to accept a Kentucky inmate in exchange, if appropriate.
 - 3. The sending state shall also be required to provide a copy of the inmate's medical record.
 - 4. The Interstate Compact Administrator for Adult Institutions in conjunction with the Director of Population Management shall determine to which institution the inmate will be transported for admission.
- E. A duplicate set of all medical and institutional records including all commitment orders, shall accompany any inmate transferred out-of-state or to a federal institution. A similar set of records shall be required for any inmate received in an exchange agreement or being accepted from another state.

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- F. After an out-of-state placement has been secured for an inmate, the inmate shall appear before the institutional classification committee to be notified of the transfer.
1. Procedures in CPP 18.1 shall be followed.
 2. This hearing shall be recorded and the recording maintained at the institution.
- G. If an inmate is being housed in Kentucky for another state, the Classification and Treatment Officer assigned to the case shall complete a progress report on the inmate every six (6) months from the date the inmate is received.
1. The report shall give an accurate description of the inmate's adjustment, program participation, and any other information pertinent to the case.
 2. The report shall require approval from the Classification and Treatment Officer's supervisor and appropriate Deputy Warden prior to being forwarded to the Interstate Compact Administrator for Adult Institutions.
 3. A progress report on any Kentucky inmate housed in any state shall be requested.
- H. If, at any time, the Warden of the institution housing an out-of-state inmate feels that it is no longer appropriate to house the inmate in Kentucky, a request shall be made to the Director of Population Management to remove the inmate from the Kentucky Department of Corrections.
- I. If an institutional classification committee is considering reducing the original custody level an inmate was assigned at admission, or transferring the inmate to an institution of a different security level, a request shall be made to the Director of Population Management stating the reasons for the request. This action shall require the approval of the Director of Population Management and the state in which the inmate is convicted.
- J. If an institution transfers an out-of-state inmate to another institution, the Interstate Compact Administrator for Adult Institutions shall be notified.
- K. Except in emergency situations, if an out-of-state inmate requires extraordinary medical or dental services, the institution shall contact the Adult Institutions Medical Division to request that prior approval be sought from the sending state or department prior to scheduling the services.
- L. Institutions housing out-of-state inmates shall be required to forward extraordinary medical and dental bills on out-of-state inmates to the Adult Institutions Medical Division to seek payment from the sending state or department.

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M. Good Time Credit for Out-of-State Program Completion

Good time credit for programs completed while housed in another state shall be awarded in accordance with CPP 30.2.

1. Programs completed while in another state shall be the equivalent of a Kentucky Department of Corrections program to receive credit.
2. The following staff shall refer inmates to programs:
 - a. Classification and Treatment Officers (CTOs) or equivalent position in the housing state; or
 - b. Unit Administrators (UAs) or equivalent position in the housing state; or
 - c. Licensed clinical staff.
3. The Interstate Compact Administrator for Adult Institutions shall upload the completion document through the Program Achievement Screen in the Kentucky Offender Management System within three (3) working days of receipt.

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| References/Authority | Subject | |
| KRS 196.030, 196.035, Chapter 202A, 202A.201, Vitek v. Jones, 445 U.S. 480 (1980), Zinermon v. Burch, 494 U.S. 113 (1990), Washington v. Harper, 494 U.S. 210 (1990), ACA 4-4368, 4-4397, 4-4399, 4-4404 and 2-CO-4F-01 | PLACEMENT FOR MENTAL HEALTH TREATMENT IN CPTU or PCU | |

I. DEFINITIONS

“Emergency referrals” means the placement of an inmate into CPTU or PCU prior to a Vitek Hearing if it is believed that the inmate poses an immediate threat to himself or others.

“Expressed and informed consent” means consent for treatment given voluntarily in writing after sufficient explanation and disclosure.

“Involuntary commitment” means:

1. Placement of an inmate in need of mental health treatment into CPTU or PCU who is competent to give expressed and informed consent but refuses; or
2. Placement of an inmate who is incompetent to give expressed and informed consent into CPTU or PCU.

“Kentucky State Reformatory Corrections Psychiatric Treatment Unit (CPTU) and Kentucky Correctional Institution for Women Psychiatric Care Unit (PCU)” means:

1. A mental health treatment program provided by the Department of Corrections Division of Mental Health to meet an inmate’s mental health needs; and
2. A unit which provides specialized housing as well as treatment programs.

II. POLICY and PROCEDURES

- A. This procedure shall be used to provide an inmate access to mental health treatment for non-emergency referrals. An inmate referral to CPTU or PCU shall be appropriate if the inmate’s mental condition cannot be properly treated in other

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settings.

1. A referral which necessitates transfer from one (1) institution to another shall be made by the sending institution. Mental health or medical staff from the sending institution shall report clinical information to the CPTU or PCU staff.
 - a. A male inmate housed at KSR shall be referred to CPTU Licensed Psychologist Program Administrator or the designee of the Director of the Division of Mental Health. This person shall arrange admission, if appropriate, and notify CPTU personnel.
 - b. A male inmate housed outside of KSR shall be referred to CPTU by contacting the DOC Director of the Division of Mental Health or designee. The Divisions of Mental Health and Population Management shall arrange admission, if indicated, and notify CPTU personnel.
 - c. A female inmate shall be referred to PCU by contacting the Director of Mental Health or designee. The Divisions of Mental Health and Population Management shall arrange admission, if indicated and notify PCU personnel.
2. Transfer procedures in CPP 18.7 shall be followed.
3. Involuntary Commitments
 - a. An involuntary commitment shall be reviewed at least every 180 days to determine if there is a continued need to remain in the mental health unit by the appropriate CPTU or PCU staff.
 - b. An involuntary commitment may remain in that status for 365 days. If the 365 days has expired, another involuntary proceeding shall be implemented.

B. Admission to CPTU or PCU Programs

If the inmate has been found suitable for treatment in either program, the institution shall initiate the admission of the inmate into the program.

1. Voluntary Admission – An inmate in need of treatment shall be assessed by mental health staff of the CPTU or PCU to determine competency and whether or not a voluntary admission is appropriate.

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- a. A Division of Mental Health Request for Voluntary Admission form shall be signed by the inmate and witnessed by two (2) staff members.
 - b. The form shall also be signed by a psychologist or psychiatrist to confirm that the inmate is mentally competent to sign an expressed informed consent for voluntary admission to the CPTU or PCU Program.
2. Involuntary Admission - A Vitek hearing shall be scheduled through the Division of Mental Health Program Administrator for any involuntary admission into the CPTU or PCU Program.
- C. Discharges from CPTU or PCU Program
1. An inmate discharged from the CPTU or PCU program shall receive an appropriate institutional placement.
 2. The discharged inmate may be held in appropriate housing pending placement at another institution.
 3. If the inmate has been voluntarily admitted to the program and is requesting discharge from the program and it is the opinion of the Division of Mental Health program staff that treatment is still warranted, the inmate shall be placed in Administrative Segregation for evaluation and implementation of the involuntary admission procedure.
- D. Preparation for the Vitek Hearing.
1. The Commissioner of Corrections or designee shall designate three (3) members to serve on the Vitek hearing committee.
 - a. Each committee member shall receive appropriate training. A committee member shall be program or custody staff grade ten (10) or above. An exception may be authorized by the Director of Population Management.
 - b. A Central Office staff member with appropriate training shall serve as chairperson.
 - c. If a Central Office staff member is not available, the Director of Population Management shall designate a chairperson of grade thirteen (13) or above.
 - d. Majority decision shall rule.

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- e. A panel member shall be disqualified if he witnessed the behavior of the person charged with specific conduct under review or has any personal involvement in the incident.
2. The Warden shall appoint an institutional representative to coordinate and to ensure compliance with the hearing procedure.
 - a. An institutional representative shall represent the interests of the institution recommending the transfer.
 - b. The institutional representative shall:
 - (1) Contact the Director of Population Management and the Department of Public Advocacy to schedule the hearing;
 - (2) Provide notification of the hearing date and time to the hearing committee membership;
 - (3) Notify the Department of Public Advocacy of the pending action, the date and time of the hearing and provide a brief synopsis of the information on which the decision for the recommended transfer is based;
 - (4) Provide the inmate with a written notice of the intent to transfer; and
 - (5) Notify the inmate that a hearing will be conducted and that the evidence for the placement consideration shall be provided to his representative prior to the hearing. The notice of the hearing shall be given at least twenty-four (24) hours prior to the hearing.
 3. The inmate shall be seen by a physician or psychiatrist within two (2) weeks prior to the hearing.

E. Inmate Rights and Responsibility

1. The inmate shall have legal representation. If the inmate is unable to afford private counsel, he shall be provided legal representation by the Department of Public Advocacy:
 - a. The representative of the Department of Public Advocacy need not be an attorney; and

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- b. The representative shall be advised of the time and date of the hearing.
2. If the inmate chooses to have counsel of his choice rather than a legal representative from the Department of Public Advocacy, the institution shall notify the attorney and make arrangements for the inmate to contact the attorney.
 - a. The institutional representative shall notify that attorney of the pending action, the date and time of the hearing and shall provide a brief synopsis of the information on which the decision for the recommended transfer is based.
 - b. If private counsel cannot appear at the scheduled time of the hearing, the hearing shall not be rescheduled.
 - c. If private counsel is not available, a representative from the Department of Public Advocacy shall be appointed.
3. The inmate shall have an opportunity to be heard in person and to present documentary evidence unless his presence at the hearing may constitute a security risk. The reasons for denial shall be made on the record and documented in writing on the consideration for Mental Health Placement form.
4. The inmate shall be given the opportunity to present witnesses on his own behalf and to confront and cross examine any witness called by Corrections.
5. The inmate shall be entitled to an independent decision maker.
6. The inmate shall be provided a written statement of the facts found by the committee regarding the evidence relied upon and the decision on the transfer recommendation.

F. The Hearing

1. The procedures shall be documented on the Consideration for Mental Health Placement Form and shall be used to ensure that the inmate is provided the rights as required by law.
2. If in the professional judgment of the mental health staff, an inmate may not attend the meeting because of the potential of injury to self or others or because he constitutes a threat to the security of the institution, the following applies:

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- a. The institutional representative shall make that recommendation to the hearing committee on the record and the Chairman shall make the appropriate ruling on the record; and
 - b. The case shall be documented in writing on the Consideration for Mental Health Placement Form.
3. The hearing shall be tape recorded and the recording maintained for one (1) year.
 4. The deliberation phase shall not be recorded.
 5. Based upon the evidence presented at the hearing, the committee shall formulate a written opinion documenting the reasons for the recommendation:
 - a. The decision involving involuntary admission shall be based on substantial evidence that the inmate is mentally ill and cannot be properly treated by the facility; and
 - b. If the decision is to transfer the inmate to CPTU or PCU, the institutional representative shall contact the Population Management Branch and institutional staff to schedule admission.

Name _____ Number _____ Institution _____
Housing Unit _____ Date & Time of Incident _____

The following incident was observed by me or otherwise verified (include statement of verification if applicable):

Place: _____ Staff Involved: _____

Inmates Involved: _____

Description of Behavior: _____

Reporting Employee's Signature and Title: _____

Date and Time of Report: _____

NOTIFICATION OF CONSIDERATION FOR INVOLUNTARY TRANSFER HEARING

Report of Notification Officer: _____

Notification Officer: _____ Title: _____ Date: _____ Time: _____

- I have received a copy of this application.
- I have been advised of my right to call witnesses, provide documentary evidence, be heard in person at the hearing, and cross-examine witnesses called by the Commonwealth unless for good cause shown this right is suspended.
- I have been advised it is my responsibility to make arrangements for legal representation of my choice at my own expense.
- I have been advised the institution will assist me in contacting the legal representative of my choice.
- I have been advised that legal representation of my choice does not include representation by any inmate.
- I have been advised that if I choose to be represented by any counsel of choice, counsel must be available on 24-hour notice and I will be given the opportunity to call private counsel and make arrangements.
- I have been advised that if I cannot afford representation of my choice, representation will be provided to me through the Office of Public Advocacy.
- I have been advised that I will be advised at the hearing as to the evidence being relied upon for transfer.
- I have been advised that my right to be present at the hearing may be denied if in the professional judgment of the mental health staff, my appearance at the hearing would present the potential for injury to myself or others.
- I have been advised I am entitled an independent decision maker to conduct the hearing.

Date & Time of Hearing: _____

Witnesses Requested: _____

Legal Representative of Choice: Yes No; Name _____

Legal Representative Appointed Through DPA: Yes No

Inmate's Signature: _____ Date: _____

Inmate Refused to Sign: Yes Witness: _____

INVOLUNTARY TRANSFER HEARING FINDINGS AND RECOMMENDATIONS

Date & Time of Hearing: _____ Continued to: _____

Reason for Continuance: _____

Hearing Date & Time: _____ Tape _____ Side _____ Begin _____ End _____

Findings and Transfer Recommended Transfer Not Recommended

Reasons for Findings and Recommendations: _____

Chair Person _____ Committee Member _____ Committee Member _____

I have received a copy of this report showing the Committee's Findings & Recommendations Yes No

Inmate's Signature: _____ Date: _____

Legal Representative Signature: _____ Date: _____

Inmate Presence Denied Yes No

Reasons for Denial _____

Inmate Witnesses Denied Yes No

Reasons for Denial _____

- Scan into KOMS
- Copy to Resident
- Copy to Legal Representative
- Copy to Electronic Health Record

**REQUEST FOR VOLUNTARY PLACEMENT IN THE CORRECTIONAL
PSYCHIATRIC TREATMENT UNIT PROGRAM or PSYCHIATRIC
CARE UNIT**

I, _____, # _____, living in Oldham/Shelby County, Kentucky, voluntarily request placement in the Division of Mental Health's Correctional Psychiatric Treatment Unit Program or Psychiatric Care Unit for care and treatment individualized for my needs.

I agree to participate in my individualized treatment plan. Activities may include, but are not limited to, testing and evaluation, group and individual therapy, structured program activities, medication therapy and participation in the behavior program. I agree to follow my psychiatrist's instructions, to cooperate with the Treatment Team, and to follow program rules. I agree to cooperate with the officers and to be respectful to staff and other inmates.

I agree to remain in the Division of Mental Health's Treatment Unit Program voluntarily until I am discharged by the program staff, or until I make a written request for discharge to the program staff. Upon receipt of my written request for discharge, the Treatment Team shall arrange an appropriate placement for me within thirty days.

CONSENT FOR TREATMENT: I authorize the Division of Mental Health and its staff to perform those services deemed necessary for me which are generally provided to program participants.

Inmate Signature

Date

Witness Signature

Date

Witness Signature


Date

I hereby witness the above signature, and I certify that the above named patient has given informed consent to voluntary admission to the Division of Mental Health and that he is capable of giving consent in that he understands that he is entering a mental health unit, understands that he will be offered treatment which he may agree to or refuse, and has the right to request discharge from the Division of Mental Health.

Psychologist Signature

Date

Distribution: Inmate
KOMS, Scanned Documents
Electronic Health Record

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| | 18.12 | 1 |
| | Date Filed | Effective Date |
| | February 15, 2006 | June 2, 2006 |
| References/Authority KRS 504.060, 504.120, 504.130, 504.150 | Subject REFERRAL PROCEDURE FOR INMATES ADJUDICATED GUILTY BUT MENTALLY ILL | |

I. DEFINITIONS

"Mental illness" is defined by KRS 504.060(6).

II. POLICY and PROCEDURES


A. Routine Referral

1. Any inmate adjudicated guilty but mentally ill shall be admitted to the Assessment and Classification Centers of the Roederer Correctional Complex (RCC) or the Kentucky Correctional Institution for Women (KCIW) unless sentenced to death. Any inmate sentenced to death shall be admitted to the Special Security Unit at either the Kentucky State Penitentiary or KCIW.
2. Within seventy-two (72) hours after admission, excluding weekends and holidays, a written referral for evaluation shall be completed by the Classification and Treatment Officer and submitted to the staff psychologist for the Division of Mental Health. Observation of behavior and other relevant historical and medical information shall be submitted in this request.
3. A member of the Division of Mental Health shall complete the initial evaluation of the inmate within seven (7) working days of the referral.

B. Emergency Referral

An emergency transfer to CPTU may be deemed appropriate in any case if an inmate presents an imminent danger to himself or another as a direct result of a mental disease or defect. See CPP 18.11 - Emergency Transfers for accepted transfer procedure.

- C. Offender Information Services shall maintain a log of every inmate who enters the system under a guilty but mentally ill commitment.

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| | 18.13 | 3 |
| | Date Filed | Effective Date |
| | MAY 15 2024 | |
| | Supersedes Effective Date | |
| Authority/References ACA 5-ACI-5B-01, 5-ACI-5B-11 KRS 196.035, 197.020, 197.110 CPP 10.2 | Subject POPULATION CATEGORIES | |

I. DEFINITIONS

“Assessment and Classification Center” means a unit designed to initially receive, process, evaluate and classify offenders committed to Corrections with the exception of inmates sentenced to death who shall be admitted to the appropriate special security unit.

“Death Row” means a housing unit for inmates sentenced to death.

“General Population” means primary housing units which house the majority of inmates at an institution.

“Honor Status” means a status reserved for those inmates who have earned special privileges and incentives by meeting a specified set of criteria established by the institution.

“Institutional Orientation Program” means a program which familiarizes inmates with the institutional rules and regulations, programs, and other opportunities available within an institution.

“Restrictive Housing” is defined in CPP 10.2

“Special Management Housing” is defined in CPP 10.2

II. POLICY and PROCEDURES

The Department of Corrections shall place an inmate in a population category based on his individual needs and institutional adjustment with consideration given to the special characteristics of the institution.

A. Establishment of Categories

The population categories recognized by the Department of Corrections shall be Orientation, General Population, Honor Status, Restrictive Housing, and Death Row.

1. Orientation may include the following subcategories:

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- a. Assessment and Classification Center - shall be located at the Roederer Correctional Complex, the Kentucky Correctional Institution for Women, and the Ross Cash Center.
 - b. An inmate serving a sentence of death shall receive assessment, classification, and orientation at the appropriate death row] unit.
 - c. Institutional Orientation Program - each institution shall have an orientation program as defined in section I of this policy.
2. General Population may include the following subcategories:
- a. Medical or Mental Health Housing Units - for medical or mental health reasons an inmate may be assigned to a living area designed to meet the specific needs of the inmate.
 - b. Voluntarily Unassigned - an institution that permits an inmate to voluntarily elect not to work shall be assigned to this status as a means of regulating his activities. Essential services shall be provided with restrictions on certain privileges.
3. Honor Status - If an institution establishes an Honor Status category, a written set of rules to obtain or lose that status shall be made available to the inmate population.
- a. The following criteria may be used in determining assignment to or loss of Honor Status:
 - (1) Conduct;
 - (2) Program or job evaluation and participation;
 - (3) Potential security risk;
 - (4) Good time loss;
 - (5) Length of time at the institution;
 - (6) Available space;
 - (7) Racial balance; and
 - (8) Consideration of classification documentation.
 - b. Honor Status privileges may consist of the following:

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- (1) Special housing assignment;
- (2) Additional visiting privileges;
- (3) Additional recreational facilities and time;
- (4) Increased leisure time opportunities;
- (5) Additional phone privileges;
- (6) Increased dayroom access;
- (7) Increased canteen privileges; or
- (8) Additional privileges that an institution may have.


c. Honor privileges may be contingent upon the availability of Honor housing rather than simply Honor Status.

B. Use of Restrictions

An inmate may receive restrictions as a result of a disciplinary hearing. Special housing may be designated in General Population housing to assist in enforcing the restrictions.

C. Institutional Transfers

An inmate's population category prior to transfer may be considered by the receiving institution when determining the appropriate placement in one (1) of the categories outlined in this policy. All housing population shall be clearly documented by the Classification Committee during classification.

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| | Date Filed | Effective Date |
| | MAY 15 2024 | |
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| Authority/References KRS 196.035, 197.020, 197.110 ACA Standard 5-ACI-4A-05, 5-ACI-4A-07, 5-ACI-4A-08, 2-CO-4B-01 | Subject PROTECTIVE CUSTODY | |

I. POLICY and PROCEDURES

- A. Protective custody shall be offered to an inmate who is known to be in actual danger of physical harm within Department of Corrections institutions.
- B. Protective custody shall not be granted to inmates who wish to live apart from the general institutional population simply to avoid the pressures of the institutional environment.
- C. Protective custody shall not be considered as a punitive assignment. Privileges and opportunities shall be made available to protective custody inmates consistent with:
 1. Their custody level; and
 2. Their need for protection.
- D. Inmates in segregation status for any other reason shall not be permitted to request protective custody until released from segregation status.
- E. The Classification Committee shall make decisions concerning whether an inmate will be assigned to protective custody.
- F. If an inmate requests protective custody, a detention order shall be prepared indicating the reason for the protective custody request and the inmate shall be placed in administrative segregation.
 1. An investigation shall be conducted relative to the reason for the inmate's request.
 2. A protective custody form shall be initiated indicating the results of the investigation.
- G. Within seven (7) working days of the protective custody request, a classification hearing shall be held to determine the inmate's need for Protective Custody. This hearing shall be consistent with the requirements in CPP 18.1 - Classification of the Inmate.

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H. The following shall be considered as grounds to disapprove the protective custody request:

1. Failure to provide a specific reason for requesting protective custody;
2. Failure to provide names of inmates who present threats; or
3. Requesting protective custody due to a close release date.

I. Based on the information supplied by the inmate and any investigation or witnesses, the Classification Committee shall determine if the inmate requires assignment to protective custody. The following shall be reasons for which the inmate may need protective custody:

1. Inmate is unable to function in his present assignment;
2. The nature of the inmate's conviction or life style makes him a target for inmates in the general population;
3. Inmate owes a debt to another inmate;
4. Inmate has testified or informed against another inmate;
5. Inmate has a conflict with another inmate that originated outside the institution or during his present incarceration;
6. Inmate has worked as a correctional employee or law enforcement officer; or
7. Inmate has received threats from other inmates within the institution.


J. Upon completion of the hearing, the committee shall select one of the following options:

1. Grant the inmate protective custody status and place him in the institutional protective custody unit. If a male inmate is in need of long-term protective custody and is not receiving special medical or mental health services, he shall be transferred to the protective custody unit at the Kentucky State Penitentiary. If a protective custody bed space is not available, the inmate shall be maintained in administrative segregation until bed space becomes available or transfer is initiated;
2. If a conflict has been determined, recommend transfer to another institution where a conflict does not exist or where the inmate is better able to function. The inmate shall remain in administrative segregation status until transfer is completed. A Conflict Notification Form shall be prepared and entered

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in the offender management system; or

3. Determine that the inmate is not in need of protective custody and return to the general population.
- K. If the inmate disagrees with the decision of the Classification Committee, he may appeal this decision to the Warden or designee within five (5) working days of the hearing.
1. The inmate shall appeal the decision to the Warden or designee by completing the appropriate space on the protective custody form. Institutional staff shall notify the Warden of the appeal. The Warden or designee shall respond in writing within seven (7) working days of receipt of the appeal.
 2. If the inmate is not satisfied with the response received from the Warden or designee, the inmate may appeal in writing to the Director of Population Management by completing the appropriate space on the protective custody form within five (5) working days of receipt of the Warden's response. Institutional staff shall notify the Director of Population Management of the appeal.
- L. Copies of all forms, investigations and supporting material shall be placed in the offender management system for review by the Central Office Classification Committee.
- M. All protective custody assignments shall be reviewed on the institutional level as required by CPP 10.2. All institutional decisions regarding protective custody shall be subject to review by the Central Office Classification Committee.
- N. An inmate requesting release from protective custody shall submit his request in writing to the unit Classification Committee. A classification hearing shall be scheduled to determine if release is appropriate. If release from protective custody is appropriate, the reclassification committee shall:
1. Document why the inmate is being released from protective custody; and
 2. Assign the inmate to an appropriate general population placement or recommend transfer to another facility.
- O. All actions of the reclassification hearing relative to request for release from protective custody shall be documented in the offender management system.

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| | 18.16 | 1 |
| | Date Filed | Effective Date |
| | January 13, 2020 | September 1, 2020 |
| Authority/References KRS 196.035, 197.020, 439.380 ACA Standards 5-5B-4304, 2-CO-4B-01 | Subject INFORMATION TO THE PAROLE BOARD | |

I. DEFINITIONS


None

II. POLICY and PROCEDURES

The Department of Corrections shall provide information to the Parole Board prior to the inmate's parole eligibility date. The information shall include the pre-sentence investigation, a summary of the inmate's institutional progress, current status, and background.

Pre-parole Progress Reports (PPPR)

- A. A PPPR for each institutional or community center inmate shall be available in the offender management system prior to the inmate's scheduled meeting or review with the Parole Board.
- B. The PPPR shall consist of information specifically requested by the Parole Board. The PPPR shall be prepared in the appropriate format. The information in the report shall be verified if possible.
- C. An employee shall not make a recommendation to the Parole Board suggesting an inmate be granted parole or not. An employee shall not make a recommendation to the Parole Board as to a suggested deferment, suggested length of deferment, a level of supervision if granted parole, or length of supervision if granted parole.

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| | 18.17 | 5 |
| | Date Filed | Effective Date |
| | May 14, 2007 | August 31, 2007 |
| | Supersedes Effective Date | |
| References/References KRS 196.035, 197.020, 440.450 | Subject INTERSTATE AGREEMENT ON DETAINERS | |

I. DEFINITIONS

"Detainer" means a written notification filed by a criminal justice or law enforcement agency with the institution that an inmate is serving a sentence, advising that the inmate is wanted in connection with a criminal offense, and requesting the institution to hold the inmate or to notify the agency if the inmate is about to be released. The detainer may have documents attached in support, such as an indictment or other charging instruments, a court bench warrant, a parole violation warrant, or an escape warrant.

"IAD" means the Interstate Agreement on Detainers, KRS 440.450.

"IAD Forms" means the standard IAD forms completed to carry out a temporary transfer under the IAD.

"State" means a state of the United States, except for Louisiana and Mississippi; the Federal Government; Washington, D.C.; the Commonwealth of Puerto Rico; and any territory or possession of the United States which has enacted the IAD.

II. POLICY and PROCEDURES

- A. The IAD shall be involved only if a detainer has been lodged by law enforcement officials of another state. Detainers lodged by private individuals or organizations, such as a bail bond company, shall not invoke the IAD. Information contained in an inmate's presentence investigation report (PSI) shall not be treated as a detainer. If the PSI indicates that an inmate has charges pending in another state, the institution may send an informational letter to the other state so that the state may determine whether to lodge a detainer.
- B. The IAD shall be invoked only if the detainer contains outstanding, untried, pending criminal charges. The IAD shall not be invoked if the detainer is based on probation, parole, or conditional discharge - type violations, or if the detainer seeks custody of an inmate to serve out a sentence. The IAD shall not be invoked based on Immigration and Naturalization Service detainers for deportation.
- C. If an inmate attempts to dispose of a detainer that is not based on an outstanding

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charge by submitting IAD Forms I and II, these forms shall be returned to the inmate with an explanatory letter stating that the IAD does not apply.

- D. An IAD Form IV to Deliver Temporary Custody shall only offer to deliver temporary custody with respect to open, untried charges listed in the detainer.
- E. A copy of KRS 440.450 and KRS 440.250 shall be retained in the records office of every institution.
- F. A detainer shall not be officially lodged by the institution until the records clerk is satisfied that sufficient documentation has been received that the detainer is a valid detainer and identification of the inmate has been established. If a detainer is officially lodged, the institution shall send to the agency lodging the detainer an acknowledgement that the detainer has been lodged. A copy of the acknowledgement shall be sent by the institution to the appropriate prosecuting official where the criminal charges are pending.
- G. The institution shall promptly inform the inmate of the source and contents of the detainer. The institution shall also promptly inform the inmate of his right to request disposition of the outstanding charges by providing to the inmate a completed IAD Form I and I-A.
- H. An inmate shall not be delivered over to another state in order to dispose of outstanding charges until the institution is in possession of a completed Form VI. The institution shall release an inmate only into the custody of the agent whose signature appears on the Form VI. For a female inmate, one transporting agent shall be a female agent, whose signature shall appear on the Form VI.
- I. The institution shall immediately notify Kentucky's Extradition Secretary if a detainer based on a death penalty offense is received.
- J. Transfer upon request of the inmate.
 - 1. IAD Forms I, I-A, II, III, IV, VI, VII and IX shall be used to facilitate the temporary transfer of an inmate upon the request of the inmate.
 - 2. If the inmate desires to activate the IAD, the inmate shall sign a completed IAD Form II and send it to the records clerk of the institution where the inmate is housed. The inmate may seek assistance in completing the form from the Department of Public Advocacy, inmate services or the institutional records office. The records clerk shall review the Form II for completeness.
 - 3. If the inmate completes a Form II requesting disposition of an outstanding, untried charge to the records clerk, the records clerk shall

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prepare the IAD forms III and IV along with a cover letter. The signature of the Warden shall be affixed to the IAD Form IV. For private prisons, the signatures of the director of the facility and the private prison monitor shall appear on the Form IV.

4. The completed and signed IAD Forms I, I-A, II, III and IV, and IAD Forms VI, VII and IX shall be sent by the institution, by certified mail, return receipt requested, to the appropriate prosecuting official and court in the receiving state.
5. The institution shall also promptly notify all other appropriate prosecuting officials and courts located in jurisdictions within the same state who lodged detainees. The written notification of the fact of the inmate's request for disposition and the offer to deliver temporary custody shall be accompanied by copies of the completed IAD Forms I, I-A, II, III and IV and Forms VI, VII and IX. The notification shall request the officials to arrange transfer between jurisdictions within the state and to indicate the arrangements in the "Special Arrangements" section of IAD Form VII. The notification shall also request the prosecuting officials to keep the institution informed of the inmate's location. A copy of the written notification shall be sent to the prosecutor and court indicated in the IAD forms.
6. The institution shall require a completed IAD Form VI and Form VII from the prosecuting official before the inmate shall be released. If detainees are pending from more than one jurisdiction within a state, a completed IAD Form VIII shall also be received from each other prosecuting official desiring temporary custody.
7. If detainees are pending from more than one jurisdiction within a state, only the jurisdiction actually transporting the inmate from the institution shall be requested to submit a Form VI.
8. If the inmate has activated the IAD by submitting an IAD Form II, the IAD procedure shall be initiated and followed even if the inmate is scheduled to serve out his Kentucky sentence within 180 days or has been recommended for Kentucky parole.

K. Transfer upon request of the prosecutor:

1. IAD Forms I, II, III, IV, V, V-A, V-B, VI and IX shall be used to facilitate the temporary transfer of an inmate upon the request of a prosecuting official. IAD Forms II and VIII may also be used depending on the circumstances.


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2. If a prosecuting official desires to request temporary custody of an inmate to dispose of outstanding charges for which a valid detainer has been lodged, the records clerk shall require the prosecuting official to submit a completed Form V. The Form V request for temporary custody shall be accompanied by certified copies of the indictment or other charging instruments, the warrant and identifying information as a fingerprint card, photograph, or physical description, unless this information was already submitted with the detainer. The prosecutor's Form V request for temporary custody shall not be acknowledged by the institution until the supporting documentation has been submitted by the prosecutor.
3. Once the IAD Form V has been acknowledged by the institution, the records clerk shall promptly send a completed Form III to the prosecuting official. If detainers are pending from more than one jurisdiction within a state, the records clerk shall simultaneously send to the prosecuting officials of those jurisdictions copies of the Form III and the submitted Form V.
4. Once the IAD Form V has been acknowledged by the institution, the records clerk shall provide the inmate a copy of the Form V and supporting documents, and shall provide the inmate with a completed Form V-A. The records clerk shall also forward a copy of the Form V and supporting documents to the office of the Governor, Attn. Extradition Secretary.
5. If the inmate, after reviewing Form V-A, elects to request disposition of the outstanding charge, the inmate shall be provided with an IAD Form II, and the transfer shall be processed in accordance with this policy.
6. If the inmate, after reviewing the Form V-A, elects to waive further extradition proceedings before the district court, the records clerk shall make an appointment in the district court and prior to the hearing, send the court copies of the detainer with supporting documents, IAD Form V- A and a completed IAD Form V-B.
7. If the inmate, after reviewing the Form V-A, declines to waive further extradition proceedings, the records clerk shall make an appointment in the district court for the inmate to appear for a pre-transfer hearing in which the court advises the inmate in accordance with Section 10 of the Uniform Criminal Extradition Act, KRS 440.250.
8. If the inmate elects not to waive further extradition proceedings, the inmate shall NOT be transferred until 30 days after the submission of the IAD Form V to the Governor. If, after the expiration of the 30 days,

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there has been no objection from the Governor, the records clerk shall send a Form IV offer to deliver temporary custody to the prosecuting official UNLESS a habeas corpus petition has been filed and is pending.

9. If the inmate does not waive further extradition proceedings, and the inmate is about to be released from further service of his Kentucky sentence, the prosecuting official shall be notified of the need to seek a Governor's Warrant. If prior to the actual transfer of custody the inmate is released by expiration of sentence, or by parole, then the matter shall be dealt with without the application of this procedure.
10. The records clerk shall send a completed Form IV to the prosecuting official filing the Form V. The records clerk shall simultaneously send a Form IV, along with a Form VIII, to the prosecuting officials in the other jurisdictions within the same state who have lodged detainers. The records clerk shall request the prosecuting officials make arrangements for the transfer between the jurisdictions and record the arrangements in the "Special Agreements" section of Form VIII.
11. If detainers are pending from more than one jurisdiction within a state, only the jurisdiction actually transporting the inmate from the institution shall be required to submit a Form VI.
12. If an inmate transfers to another state at their request (Form II) and is convicted in the that state of the offense on which he was transferred to be tried then returned to a Kentucky institution, he may be returned to the other state to serve the sentence imposed there at the completion of his Kentucky sentence without being taken to court and without facing or waiving formal extradition proceedings.

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| References/References | Subject | |
| KRS 196.035, 296.073, 197.020, 197.505 ACA Standards 4-4280 | INTERNATIONAL TRANSFER OF INMATES | |

I. DEFINITIONS

"Administrator" means that person appointed by the Commissioner of Corrections to review requests for transfers to a foreign country under the provisions of this policy.

"Foreign National" means a citizen of any country other than the United States.

II. POLICY and PROCEDURES

- A. Any inmate who is identified as a foreign national, shall, upon entry into an institution, be notified of any treaties between the United States and certain foreign countries which may allow him to serve the remainder of his sentence in the country of which he is a citizen.
- B. The inmate shall be notified how to apply for a transfer. If an inmate wishes to apply for a transfer to the country of which he is a citizen, institutional staff shall contact the Administrator to determine if a treaty exists which makes possible the transfer of the particular inmate. If a treaty does not exist, the request for transfer shall be denied and the inmate shall be so notified.
- C. If a treaty exists which shall make the requested transfer possible, the institutional staff shall assemble the following information:
 1. The nature of the inmate's crime, the source of his commitment, and the length of his sentence;
 2. The last action of the Parole Board with reference to the inmate; and
 3. The existence of any pending legal matter known to the institutional staff.
- D. An inmate with less than six (6) months remaining until completion of his sentence or an inmate seeking transfer to Mexico or Canada who has not been ordered by the Parole Board to serve out the remainder of his

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sentence shall not be eligible to transfer under any existing treaty. The application for transfer shall be denied at the institutional level and the inmate shall be so notified. A copy of the application, the denial notification and supporting documentation shall be sent to the Administrator.

- E. The inmate's application for transfer, if not already denied, along with the information gathered by institutional staff, shall then be sent to the Administrator. The Administrator shall review the application and obtain any additional information needed, including:
 - 1. A statement, if available, from the prosecutor who prosecuted the inmate as to whether there are any objections to the transfer;
 - 2. Whether there is any pending legal action involving the inmate; and
 - 3. Any other information needed to determine the advisability of the transfer.
- F. The Administrator shall prepare a report to the Commissioner advising whether the inmate appears to qualify for the requested transfer and whether there exists any known objection to the transfer.
- G. The Commissioner shall decide whether to approve or reject the application to transfer. If the transfer is rejected the inmate shall be notified. If the application is approved by the Commissioner, the Administrator shall forward all assembled information to the Governor's Office for his consideration.
- H. If the Governor approves, the Administrator shall then forward all assembled information to the Prisoner Transfer Unit, Office of Enforcements Operations, Criminal Division, and United States Department of Justice.
- I. If the application for international transfer is approved at the federal level, the institutional staff shall cooperate with the Federal authorities in arranging for the appearance of the inmate in Federal Court.
- J. Upon acknowledgment by the U.S. Department of Justice that the inmate is ready for transfer, custody of the inmate may be turned over to the agents designated by the U.S. Department of Justice.