

 <p><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	14.5	2
	Date Filed	Effective Date
	April 12, 2018	June 1, 2018
References/Authority KRS 49.010, 49.020, 49.180, 108 KAR 1:010	Subject <b>CLAIMS COMMISSION</b>	

## I. DEFINITIONS

“Claims Commission” means the entity established in KRS 49.010 that has the authority to address negligence claims against the Commonwealth and its agencies pursuant to KRS 49.020(1).

“Claims Officer” means a staff member designated by the Warden to investigate claims.

## II. POLICY and PROCEDURES

### A. Claims

1. If an individual believes that he has suffered a loss or injury to his person or property as a result of negligence on the part of Corrections or its employee or agent, he may file a claim with the Claims Commission. All claims shall be processed through the Claims Commission if payment is required. A claim shall not be brought before the Commission unless the value of the total amount of damages claimed therein meets the limits set forth in KRS 49.180.
2. For all claims under \$1,000.00 the Claims Commission provides a copy of the claim to the appropriate institution or division, along with a request for an investigation. The results of the investigation shall be forwarded to the Office of Legal Services within twenty (20) days of the date of the Commission’s notification. For any claim over \$1,000.00, the Office of Legal Services shall request an investigation. In all cases, the investigation report and recommendation for or against payment shall be forwarded to the Office of Legal Services within the designated time. The Office of Legal Services shall review the investigative report and recommendation and shall be responsible for filing the appropriate response with the Claims Commission.

### B. Investigation

1. Institution Claim

Policy Number	Effective Date	Page
14.5	June 1, 2018	2

- a. The Warden of each institution shall designate a staff member as the Institutional Claims Officer.
- b. The Claims Officer shall maintain each claim in a separate file.
- c. The Claims Officer shall investigate the circumstances surrounding each claim to determine if it is a claim that should be paid. The investigative report shall be accompanied by documentation in support of the facts contained in the report. The results of the investigation shall be reported to the Warden or his designee for approval and recommendation prior to being forwarded to the Office of Legal Services.

2. Division of Probation and Parole Claim

The Director of Probation and Parole or designee shall appoint a staff member to investigate.

3. Central Office Claim

The Commissioner or designee shall appoint a staff member to investigate.

C. Reimbursement

Each respective budget unit shall be responsible for paying an approved claim of \$4,999.99 and under attributed to it and shall charge the claim to expense line item 378 – Claims and Judgments in its operating budget. Claims of \$5,000 or more shall be paid out of a special account in the Treasury as a necessary governmental expense.