

 <b>KENTUCKY CORRECTIONS</b> Policies and Procedures	Policy Number	Total Pages
	15.2	12
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	August 12, 2016	January 6, 2017
Authority/References KRS 196.035, 197.020, 197.045, 197.525, 218A.500, 508.130 and 520.010(3) CPP 9.6, 10.2, 15.6; CI-05-03-01, CI-06-03-01 ACA 4-4226, 4-4231, 4-4252, 4-4281, 2-CO- 3C-01	Subject  <b>RULE VIOLATIONS AND PENALTIES</b>	

## I. DEFINITIONS

"Contraband" is defined by CPP 9.6.

"Dangerous contraband" is defined by CPP 9.6.

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

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

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

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

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

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

"Stalking" is defined by KRS 508.130.

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

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## II. POLICY and PROCEDURES

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

### A. Referral to Law Enforcement Authorities

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

### B. Rule Violations and Penalties

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

### C. Categories of Offenses and Penalty Range

	Violation	Minimum Penalty	Maximum Penalty
<b>Category I (Minor Violations)</b>			
1.	Faking illness or injury	1	4
2.	Improper or unauthorized use of or possession of state equipment or materials	1	4
4.	Illegal possession of canteen tickets	1	4
5.	Littering	1	4

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

**Category II (Minor Violations)**

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

**Category III (Major Violations)**

1.	Interfering with an employee in the performance of his duty	2	7
2.	Refusing or failing to obey an order	2	7
3.	Violation of mail or visiting regulations	2	7
4.	Breaking or entering into another inmate's locker, room, cell or living unit	2	7
5.	Unexcused absence from assignment	2	7
6.	Refusing or failing to carry out work assignment	2	7

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7.	Bucking an inmate line	2	7
8.	Involvement in the writing, circulating or signing of petitions which may lead to disruption of institutional operations	2	7
9.	Failure to clean bed area or pass bed area inspection	2	7
10.	Unauthorized changing of bed assignment	2	7
11.	Physical action or force against another inmate if no injury has occurred, including horseplay	2	7
12.	Inflicting injury to self	2	7
13.	Charging another inmate for any services	2	7
14.	Violation of the Furlough Code of Conduct	2	7
15.	Being in a restricted or unauthorized area	2	7
16.	Unauthorized communication between inmates	2	7
17.	Forgery	2	7
18.	Violating a condition of any outside work detail	2	7
19.	Failure to abide by penalties imposed by Adjustment Committee, Adjustment Officer or Unit Hearing Officer	2	7
20.	Abusive, disrespectful, vulgar, obscene or threatening language, gestures or actions directed toward or about an employee, visitor, or non-inmate	2	7
21.	Lying to an employee	2	7

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22.	Unauthorized communication with any member of the public or staff	2	7
23.	Violating the institutional dress code or the dress code provided in CPP 17.1	2	7
24.	Violation of institutional telephone rules	2	7
25.	Use or possession of tobacco products in a minimum custody facility as described in CPP 18.5	2	7

**Category IV (Major Violations)**

1.	Physical action resulting in injury to another inmate	2	8
2.	Unauthorized use of drugs or intoxicants	2	8
3.	Failure to appear, without prior approval, at a classification hearing, orientation meeting, medical appointment or any other scheduled meeting	2	8
4.	Interfering with the taking of a drug urinalysis test, breathalyzer or search	2	8
5.	Smuggling of contraband items into, out of or within the institution	2	8
6.	Engaging in extortion or blackmail	2	8
7.	Refusing or failing to comply with institutional count or lockup procedures	2	8
8.	Nonviolent demonstration or inciting a nonviolent demonstration that may lead to a disruption of institutional operations	2	8
9.	Unauthorized absence from the institution	2	8
10.	Negligent or deliberate destruction, alteration or defacing of state, personal, or community property of less than \$100 in value	2	8

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11.	Obtaining money, goods, privileges, or services under false pretenses	2	8
12.	Sexual behavior	2	8
13.	Gambling or possession of gambling paraphernalia	2	8
14.	Stealing or possession of stolen personal, state, community, or another's property under \$100	2	8
15.	Unauthorized transfer of money or property	2	8
16.	Possession of tattoo or body-piercing paraphernalia	2	8
17.	Indecent exposure	2	8
18.	Misuse of authorized or issued medication	2	8
19.	Making threatening or intimidating statements	2	8
20.	Refusing to submit to a breathalyzer or search	2	8
21.	Pursuing or developing a relationship that is unrelated to correctional activities with a non-inmate	2	8
22.	Possession of drug paraphernalia, including any recipes, directions and descriptions for producing unauthorized drugs	2	8
23.	Stalking	2	8
24.	Cruelty to animals	2	8
25.	Placing personal ads in any publication or with any internet provider that includes false, deceptive or misleading personal information, photographs, or drawings	2	8

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26. Possession of unaccountable canteen items 2 8

**Category V (Major Violations)**

1. Negligently or deliberately destroying, altering or defacing of state, personal, or community property valued at \$100 or more 4 9

2. Destroying or tampering with life safety equipment, locking or security devices 4 9

3. Eluding or resisting apprehension 4 9

4. Loan sharking or collecting or incurring debts 4 9

5. Stealing or possession of stolen personal, state or community property over \$100 4 9

6. Bribery 4 9

7. Tampering with physical evidence or hindering an investigation 4 9

8. Using mail to obtain money, goods or services by fraud 4 9

9. Possession of or displaying gang paraphernalia 4 9

10. Involvement in gang activity 4 9

11. Physical action against another inmate if three (3) or more inmates are involved 4 9

12. Violent demonstration 4 9

**Category VI (Major Violations)**

1. Escape 6 10

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2.	Deliberately or negligently causing a fire	6	10
3.	Possession or promoting of dangerous contraband	6	10
4.	Possession of money \$20 or more in excess of authorized amount if possession of money is authorized	6	10
5.	Possession of tokens or money if not authorized	6	10
6.	Possession of staff uniform clothing or uniform related items	6	10
7.	Taking property by force or threat of force	6	10
8.	Using an authorized object as a weapon or to facilitate escape	6	10
9.	Refusal to submit to medical testing	6	10
10.	Creating or causing a health hazard	6	10
11.	Enforcing or threatening gang activity	6	10
13.	Tattooing or piercing self or others or allowing self to be tattooed or pierced	6	10
14.	Unauthorized use of drugs or intoxicants after testing positive a third time or more, after July 13, 1998	6	10
15.	Refusing or failing to submit to a drug urinalysis test within three (3) hours	6	10
16.	Possessing, creating or distributing any writing or photography of which child pornography, including violence, bondage and the like, is the subject, whether factual or fictitious	6	10
17.	Prostitution as defined in KRS 529.020	6	10



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### **Category VII (Major Violations)**

1.	Physical action against an employee or non-inmate	11	11
2.	Physical action resulting in the death or serious injury of another inmate	11	11
3.	Sexual assault	12	12
4.	Physical action resulting in the death or injury of an employee or non-inmate	12	12
5.	Hostage taking	12	12
6.	Concealing an item that punctures or penetrates the skin of an employee conducting a search	12	12
7.	Inciting to riot or rioting	11	12

#### **D. Dismissed Lawsuits**

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

#### **E. Inchoate Violations**

1. A person may be found to have committed the violation listed in this policy if he:

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- a. Attempts to commit the violation;
- b. Solicits another or others to commit the violation;
- c. Conspires with another or others to commit the violation;
- d. Aids the action of another or others in committing the violation.

F. Penalty Code - General Principles

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

G. Penalties

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

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

- a. destruction, injury, improper use, removal or theft of property of the state, employees, visitors or other inmates;
- b. infliction of injury to staff members;

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- c. obtaining money, goods, privileges or services under false pretenses or other unauthorized means;
- d. reimbursement for the costs of an escape;
- e. any other costs that have been incurred due to any rule violation.

- 5. Loss of privileged housing or meritorious living conditions.
- 6. Assignment to disciplinary segregation for a maximum of fifteen (15) days, each offense.
- 7. Loss of up to sixty (60) days good time, each offense.
- 8. Loss of up to sixty (60) days good time and assignment to disciplinary segregation for a maximum of fifteen (15) days, each offense.
- 9. Loss of up to ninety (90) days good time and assignment to disciplinary segregation for a maximum of thirty (30) days, each offense.
- 10. Loss of up to one hundred eighty (180) days good time and assignment to disciplinary segregation for a maximum of thirty (30) days, each offense.
- 11. Loss of up to two (2) years NON-RESTORABLE good time, and assignment to disciplinary segregation for a maximum of thirty (30) days, each offense.
- 12. Loss of up to four (4) years NON-RESTORABLE good time and assignment to disciplinary segregation for a maximum of thirty (30) days, each offense.

#### H. Reduction in assignment to Disciplinary Segregation

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

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

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I. Suspension of Discipline

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

J. Notification to Inmates and Staff

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