

 <p><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	18.15	3
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	January 12, 2018	June 1, 2018
Authority/References KRS 196.035, 197.020 ACA Standard 4-4251, 4-4253, 4-4254, 2-CO-4B-01	Subject <b>PROTECTIVE CUSTODY</b>	

## I. POLICY and PROCEDURES

- A. Protective custody shall be offered to an inmate for whom it is known that the inmate is 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. Inmates shall be placed in protective custody status as the result of a decision by the Classification Committee.
- 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

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hearing shall be consistent with the requirements in CPP 18.1 - Classification of the Inmate.

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;

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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 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 his designee within five (5) working days of the hearing.
1. The inmate shall appeal the decision to the Warden or his designee by completing the appropriate space on the protective custody form. Institutional staff shall notify the Warden of the appeal. The Warden or his 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 his 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.
- 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.