

 <p>KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	25.13	14
	Date Issued	Effective Date
	November 13, 2018	January 4, 2019
Authority/References KRS 196.030, 196.035, 196.070, 196.075, 197.020, Chap. 218A, 439.250, 439.310, 439.3110, 439.3401, 441.560, Chap. 510, 529.100, 530.020, 530.064, 531.310, 531.320 CPP 18.1, 25.11 Probation and Parole 27-15-03, 27-14-01	Subject <p style="text-align: center;">WOMEN’S MEDICAL RELEASE: PREGNANCY</p>	

I. DEFINITIONS

“Licensed inpatient residential treatment program” means a residential treatment program recognized by the Cabinet for Health and Family Services as a behavioral health service organization or alcohol and other drug abuse treatment provider.

“Women’s Medical Release” means a form of pregnancy release established pursuant to KRS 439.3110.

II. POLICY and PROCEDURE

A. Women’s Medical Release Requirements

1. A pregnant offender shall be reviewed for Women’s Medical Release based on the following requirements:
 - a. Currently incarcerated on a sentence or under the supervision of the Division of Probation and Parole for a Kentucky sentence;
 - b. Determined by the Court or the Department of Corrections Division of Substance Abuse to have a substance use disorder;
 - c. Currently charged with or serving on one or more convictions under KRS Chapter 218A; and
 - d. Has never been convicted of and does not have pending charges for any of the following offenses:
 - (1) Violent offense under KRS 439.3401;
 - (2) Sex offense under KRS Chapter 510;

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- (3) Human Trafficking involving commercial sexual activity (KRS 529.100);
 - (4) Incest (KRS 530.020);
 - (5) Unlawful Transaction with a Minor 1st Degree involving illegal sexual activity (KRS 530.064);
 - (6) Use of a Minor in a Sexual Performance (KRS 531.310); or
 - (7) Promoting Sexual Performance by a Minor (KRS 531.320).
2. An inmate housed in a jail that transports for or provides a substance abuse program for female inmates and who is eligible to participate in the substance abuse program shall not be subject to Women’s Medical Release.
 3. Individuals eligible for Women’s Medical Release, other than those subject to order of the Court, shall be subject to conditions of release set by the Department of Corrections.
 4. Individuals previously released and subsequently returned for a violation of Women’s Medical Release shall not again be eligible for Women’s Medical Release during service of the sentence for which they were previously granted Women’s Medical Release.
- B. County Inmates Housed by Department of Corrections according to KRS 441.560
1. For county inmates in the Department’s custody pursuant to KRS 441.560 who appear to be eligible for Women’s Medical Release, the Division of Local Facilities shall alert the originating local detention facility.
 2. The local detention facility shall be responsible for making arrangements to take custody of the inmate for return to the county of original jurisdiction pending the Court’s order regarding Women’s Medical Release.
 3. The county inmate shall be returned to the Court for determination of Women’s Medical Release eligibility, including determination of a substance use disorder, and release to Women’s Medical Release.
- C. Prison Inmate Women’s Medical Release Eligibility and Release Procedures
1. Upon identifying an inmate who appears eligible for Women’s Medical Release, the institution’s Re-Entry Coordinator or designee shall confirm

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eligibility by:

- a. Consulting the institutional medical provider to confirm the inmate's medical status;
 - b. Reviewing the inmate's record with Offender Information Services to assess if the inmate's offense or pending charges meet the eligibility criteria;
 - c. Requesting an assessment for a substance use disorder from the Division of Substance Abuse. The Division of Substance Abuse shall document the assessment results in the offender management system;
 - d. Documenting eligibility for Women's Medical Release in the offender management system; and
 - e. Notifying Offender Information Services of an inmate's eligibility, who shall review for release. Approval for release shall be documented in the offender management system.
2. Upon determination that an inmate is eligible for Women's Medical Release, the institution's Offender Information Services staff or designee shall provide the inmate information about Women's Medical Release.
 - a. The inmate's agreement to participate shall be acknowledged in writing and she shall agree to abide by the conditions of Women's Medical Release in writing.
 - b. If an inmate refuses to abide by the release conditions, the inmate shall no longer be eligible for release.
 - c. The inmate's agreement to participate or refusal shall be documented in the offender management system.
 3. Once an eligible inmate agrees to participate, the Re-Entry Coordinator or designee shall contact Victim Services who shall provide victim notification of the upcoming release, if applicable.
 4. Upon notice of an eligible inmate's agreement to participate, the institution shall contact Offender Information Services Placement Office, who shall work in consultation with the Division of Substance Abuse to locate placement for the inmate in a licensed inpatient residential treatment program. The inmate may choose a licensed inpatient residential treatment

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program of her choice and provide verification of acceptance into the program. The inmate shall remain in custody until a bed is available.

5. Upon notice of an inmate's participation and bed availability, the institution shall enter a placement discharge plan.
6. Offender Information Services shall notify the institution that the offender is approved for release. The institution shall process the inmate for release and issue a notice of discharge to Women's Medical Release:
 - a. Prior to release, the inmate shall sign conditions of release and a release of information for the licensed inpatient residential treatment program which shall be retained in the inmate's record in the offender management system;
 - b. An inmate released to a detainer shall be provided instructions to contact the Department of Corrections within twenty-four (24) hours of release from the detainer to obtain reporting instructions. The inmate shall acknowledge the duty to report to the licensed inpatient residential treatment program upon release from the detainer;
 - c. The institution shall assist in arranging transportation to the licensed inpatient residential treatment program, if needed;
 - d. Upon release, the institution shall notify the Department of Community Based Services (DCBS);
 - e. Upon release, if applicable, victim notification shall be conducted according to CPP 25.11;
 - f. The Division of Probation and Parole shall document the inmate's entrance to the licensed inpatient residential treatment program in the offender management system; and
 - g. The institution shall notify the Division of Probation and Parole Central Office of an inmate's release to Women's Medical Release. The inmate's status shall be updated in the offender management system to reflect Women's Medical Release.
7. While on Women's Medical Release, the inmate shall be monitored according to Subsection II (F).

D. Jail State Inmate Women's Medical Release Eligibility and Release Procedures

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1. Upon identifying a state inmate serving her sentence in a jail who appears eligible for Women's Medical Release, the Classification Branch, in conjunction with the Division of Local Facilities, shall confirm eligibility by:
 - a. Receiving a medical movement from the jail which indicates the inmate's medical status;
 - b. Reviewing the inmate's record with Offender Information Services to assess if the inmate's offense or pending charges meet the eligibility criteria;
 - c. Requesting an assessment for a substance use disorder from the Division of Substance Abuse. The Division of Substance Abuse shall document the results in the offender management system;
 - d. Documenting the eligibility determination for Women's Medical Release in the offender management system; and
 - e. Notifying Offender Information Services of an inmate's eligibility, who shall review for release. Approval for release shall be documented in the offender management system.
2. Upon determination that a jail inmate is eligible for Women's Medical Release, the Classification Branch shall notify Probation and Parole. Probation and Parole shall provide the inmate information about Women's Medical Release in accordance with Subsection II (C)(2).
3. Once an eligible inmate agrees to participate, Probation and Parole shall contact Victim Services, who shall provide victim notification of the upcoming release, if applicable.
4. Upon notice of an eligible inmate's agreement to participate, the Division of Probation and Parole shall notify the Offender Information Services Placement Office and the Classification Branch, who shall work in consultation with the Division of Substance Abuse to locate placement for the inmate in a licensed inpatient residential treatment program. The inmate may choose a licensed inpatient residential treatment program of her choice and provide verification of acceptance into the program. The inmate shall remain in custody until a bed is available.
5. Upon notice of an inmate's participation and bed availability, Offender Information Services shall enter a placement discharge plan.

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6. Offender Information Services shall review for release and notify Probation and Parole once the offender has been approved for release.
7. Probation and Parole shall process the inmate for release according to Subsection II (C)(6). While on Women's Medical Release, the inmate shall be monitored according to Subsection II (F).

E. Community Supervision Offenders

1. Post Release Supervision Offenders under Home Incarceration Program, Parole, Mandatory Reentry Supervision, and Postincarceration Supervision:

- a. If an offender under post release supervision is pregnant and incarcerated for violations of supervision, the jail shall submit notification of medical status to the Department of Corrections Classification Branch. Upon receipt, the offender shall be reviewed for eligibility by the Classification Branch pursuant to Subsection II (A)(1) and, if eligible, processed for release to Women's Medical Release according to Subsection II (D).

- b. If a community offender under post release supervision is pregnant, the offender shall be reviewed for Women's Medical Release eligibility:

- (1) The offender shall provide verification of the qualifying medical condition which shall be documented in the offender management system. Verification may be through pregnancy testing with the offender's signed consent.

- (2) The Probation and Parole Officer shall review the offender's record to assess if the offender's offense or pending charges meet the eligibility criteria for Women's Medical Release as outlined in Subsection II (A)(1).

- (3) The Officer shall provide the offender's information to the Classification Branch, who shall review the offender's record with Offender Information Services to confirm eligibility and coordinate with the Division of Substance Abuse and the Division of Probation and Parole.

- (4) The Division of Substance Abuse shall assess for a substance abuse disorder and document the assessment results in the offender management system. The Division of

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Substance Abuse shall notify the Classification Branch and Offender Information Services of the determination.

- (5) The Classification Branch shall document the eligibility determination for Women's Medical Release in the offender management system.
 - (6) Offender Information Services shall review for release to Women's Medical Release. Approval for release shall be documented in the offender management system. Offender Information Services shall notify the Classification Branch and Probation & Parole, who shall coordinate the offender's release to Women's Medical Release.
- c. If the offender meets the eligibility requirements for Women's Medical Release:
- (1) A Probation and Parole Officer shall provide the offender information about Women's Medical Release:
 - (a) The offender shall indicate agreement to participate and abide by the conditions of Women's Medical Release.
 - (b) If an offender refuses to abide by the conditions of Women's Medical Release, it shall be considered a refusal, with the offender no longer eligible for Women's Medical Release.
 - (c) The offender's agreement to participate or refusal shall be documented in the offender management system.
 - (2) An eligible offender shall be provided information about Women's Medical Release. The steps in Subsection (1) of this section shall apply regardless of compliance with supervision.
 - (3) An eligible offender who previously completed substance abuse treatment and is currently compliant with supervision, but is not clinically determined to need licensed inpatient residential substance abuse treatment, shall remain eligible for Women's Medical Release under KRS 439.3110.

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- (a) The offender shall acknowledge receipt of the information and shall agree to participate in the conditions of Women's Medical Release, to include licensed inpatient residential substance abuse treatment.
 - (b) Failure to agree to participate in licensed inpatient residential substance abuse treatment shall be considered as a refusal. Refusal shall be documented in the offender management system.
 - (c) An offender shall not be eligible for release to Women's Medical Release unless admitted to a licensed inpatient residential treatment program.
- (4) Upon notice of an eligible offender's agreement to participate, the Probation & Parole Regional Manager shall communicate with the Classification Branch and the Division of Substance Abuse, who shall coordinate a treatment placement for the offender. The offender may choose a licensed inpatient residential treatment program of her choice and provide verification of acceptance into the program. The offender shall remain in custody or on active supervision until a bed is available.
 - (5) Prior to release, the offender shall sign conditions of release and a release of information for the licensed inpatient residential treatment program which shall be retained in the offender management system.
 - (6) Probation and Parole shall assist in arranging transportation to the licensed inpatient residential treatment program, if needed.
 - (7) The Division of Probation and Parole shall document the offender's entrance to the licensed inpatient residential treatment program in the offender management system.
 - (8) Upon release, the Officer shall update the offender's status in the offender management system to show Women's Medical Release. (9) While on Women's Medical Release, the offender shall be monitored according to Subsection II (F).

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2. Offenders subject to orders of the Court under Misdemeanor Probation, Pre-trial Diversion, Probation, or Shock Probation:
 - a. If an offender under the jurisdiction of the Court is pregnant:
 - (1) The Officer shall review the current or pending offense to determine if the offender meets the eligibility requirements for Women's Medical Release under pregnancy release conditions established in KRS 439.3110.
 - (2) The offender shall provide verification of the qualifying medical condition which shall be documented in the offender management system.
 - (3) The Officer shall review the Women's Medical Release acknowledgement form for eligible offenders under the Court's jurisdiction. The signed form shall be documented in the offender management system.
 - (4) The Officer shall notify the Court through a special supervision report for the Court's ruling and order on eligibility and release, including a determination of a substance use disorder.
 - (5) The Court's ruling and order shall be documented in the offender management system.
 - (6) If the Court orders release in accordance with KRS 439.3110, the Officer shall modify the offender's status in the offender management system to reflect Women's Medical Release.
 - (7) If the Court terminates the sentence early or returns the probationer to supervision following a violation of Women's Medical Release, Probation & Parole shall update the offender's status in the offender management system according to the Court's order.
 - b. If a probationer is pregnant and incarcerated for violations of supervision, the jail shall notify the Officer who shall follow the steps outlined in Subsection (a) of this section.
 - c. If requested by the Court, the Division of Substance Abuse may conduct a substance abuse assessment to determine eligibility for Women's Medical Release. The Division of Substance Abuse shall

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procure placement for an offender in a licensed inpatient residential treatment program if the Court orders the offender to be supervised by Probation & Parole while on Women's Medical Release.

3. If an eligible offender is before the Court for sentencing:
 - a. The Presentence Investigation Report shall indicate the offender's apparent eligibility for Women's Medical Release under KRS 439.3110.
 - b. If the offender is on Women's Medical Release at the time of sentencing or is placed on Women's Medical Release by the Court at sentencing, Probation and Parole shall enter the order for Women's Medical Release pursuant to KRS 439.3110 and update the offender management system to reflect Women's Medical Release status.
 - c. If the offender is not on Women's Medical Release at the time of sentencing and the Court sentences the offender to a state sentence of incarceration, the Department shall review the offender for Women's Medical Release eligibility and if eligible, shall release the offender as authorized by KRS 439.3110, following the steps outlined in Subsection II (A) and II (C).
 - d. If the offender is not on Women's Medical Release at the time of sentencing and the Court places the offender on supervision, the Officer shall review the offender for Women's Medical Release eligibility and follow the steps as outlined for Community Supervision Offenders in Subsection II (E) of this policy, unless previously denied by the Court.
4. Kentucky offenders on interstate compact supervision in another state:
 - a. If a Kentucky offender currently on interstate compact supervision in a receiving state is pregnant, the Interstate Compact Office shall follow the steps in Subsection II (E)(1)(b) or (E)(2)(a) to determine eligibility.
 - b. If the offender meets the eligibility requirements for Women's Medical Release, the Interstate Compact Office shall facilitate contact with the other state agency to inquire if the offender agrees to participate.

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- c. As facilitated by the Interstate Compact Office, the offender shall be informed about Women’s Medical Release as outlined in Subsection II (E)(1) through (3). The Offender shall be notified of the obligation to enter a licensed inpatient residential treatment program as defined in this policy.
- d. Upon notice of an eligible offender’s agreement to participate, the Interstate Compact Office shall communicate with the Division of Substance Abuse to locate placement for the inmate in a licensed inpatient residential treatment facility. The offender may choose a licensed inpatient residential treatment program of her choice and provide verification of acceptance into the program. The offender shall remain incarcerated or on active supervision until a bed is available.
- e. Once a bed is obtained, the offender’s signature for the conditions of release and release of information shall be facilitated through the Interstate Compact Office, with all documentation uploaded in the offender management system.
- f. If a bed is obtained, reporting instructions shall be issued to the licensed inpatient residential treatment program. The offender’s entrance to the licensed inpatient residential treatment program shall be documented in the offender management system. Upon confirmation of the offender’s entrance to the licensed inpatient residential treatment program, the Interstate Compact case shall be closed.
- g. The offender’s status in the offender management system shall be updated to reflect Women’s Medical Release and the offender monitored in accordance with Subsection II (F). All correspondence for interstate compact offenders shall be conducted in accordance with CPP 27-14-01.

5. If the offender is currently before the Parole Board for violations of supervision:

- a. If the offender is currently held on a parole violation warrant, a request may be submitted to the Parole Board to rescind the warrant to allow for release to Women’s Medical Release.
- b. Parole Board warrants that have not been rescinded shall remain pending.

F. Monitoring of Individuals on Women’s Medical Release

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1. For individuals released by the Department to Women's Medical Release, the Division of Probation and Parole shall monitor entrance and completion of the licensed inpatient residential treatment program. The Division of Substance Abuse shall procure verification of program completion. Program completion shall be documented in the offender management system.
2. Immediately upon release from the licensed inpatient residential treatment program, the individual shall report to the Division of Probation and Parole for updated conditions of Women's Medical Release.
3. Individuals released by the Department to Women's Medical Release shall be subject to monitoring.
4. When releasing an offender to Women's Medical Release who has a detainer, the Department of Corrections staff shall instruct the offender to report to Probation & Parole upon release from the detainer. Individuals on Women's Medical Release who are released to a detainer shall be monitored by the Parole to Hold caseload. Once the offender is released from the detainer, the offender shall report to Probation & Parole for further instructions. The offender may be held in custody until a bed date is available.
5. Inmates and Post Release Supervision Offenders released to Women's Medical Release shall receive the same credits toward their sentence as those awarded to parole offenders.
6. If the Department receives notice of an individual's non-compliance with Women's Medical Release, violation procedures according to Subsection II (G) shall be followed.
7. For record keeping purposes, violations of Women's Medical Release shall be documented in KOMS in the same manner as a violation of supervision.
8. Upon reaching the expiration date, unless a violation is pending, the offender shall be discharged at minimum expiration date.

G. Violation Procedures

1. Violation Procedures for an Inmate
 - a. If an inmate on Women's Medical Release fails to comply with the conditions of release required in KRS 439.3110(1)(b), the inmate

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shall be returned to custody to serve the remainder of her sentence as well as any subsequent sentence incurred.

- b. Upon notification that an inmate is noncompliant with Women's Medical Release conditions:
 - (1) Documentation of the violation shall be entered in the offender management system.
 - (2) The Commissioner's Office or designee shall be notified and shall proceed with issuing a warrant. Once the warrant is issued, designated staff in Central Office shall enter the inmate's name and identifying data into NCIC and LINK with a nationwide pick-up radius with no bond amount set.
 - (3) Upon notification of a new arrest, a detainer shall be filed with the agency where the inmate is lodged.
 - (4) If arrested out of state, the inmate shall be subject to extradition back to Kentucky for service of sentence.
 - (5) Upon service of the warrant, the inmate shall be returned to custody to resume service of the inmate's sentence.
 - (6) Offender Information Services shall review the sentence calculations. The Classification Branch shall conduct a classification review in accordance with CPP 18.1.

2. Violation Procedures for an Offender on Post Release Supervision

- a. If an offender on post release supervision fails to comply with the conditions of Women's Medical Release required in KRS 439.3110(1)(b), the offender shall be returned to her previous supervision status.
- b. Documentation of the violation shall be entered in the offender management system.
- c. The violation which resulted in the removal from Women's Medical Release shall not be considered a violation of supervision conditions and cannot be used in violation proceedings against the offender.
- d. Minor violations shall be handled according to CPP 27-15-03.

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- e. Violation Procedures for an offender under Women’s Medical Release:
 - (1) Upon notice of failure to comply with Women’s Medical Release conditions, the Officer shall provide notification to the offender of the violations with instructions to report immediately to the Probation and Parole Office for further instructions. If the offender is in custody, they shall be instructed to report immediately upon release.
 - (2) The offender management system shall be updated to reflect the offender’s return to the previous supervision status.
 - (3) Future violations of supervision shall be handled in accordance with CPP 27-15-03.

- f. Specific Violations
 - (1) Subsection II (G)(2)(c) notwithstanding, the Officer shall obtain a Commissioner’s warrant following the procedure outlined in Subsection II (G)(1)(b), if an offender on post release supervision fails to comply with the conditions of Women’s Medical Release by the following:
 - (a) The offender fails to respond to the Officer’s instruction issued under Subsection II (G)(2)(e)(1);
 - (b) The offender is considered high risk due to illegal substance use while pregnant;
 - (c) The offender absconds and is unavailable for supervision; or
 - (d) The violation results from an arrest or charge which threatens public safety.
 - (2) The issuance of a warrant for noncompliance with the conditions of Women’s Medical Release shall terminate Women’s Medical Release.
 - (3) Following arrest, the offender shall be returned to the previous supervision status with the supervision type updated in the offender management system. The offender shall re-sign conditions of supervision.