

 <p><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	27-12-04	3
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	June 4, 2015	October 2, 2015
Authority/References KRS 119.025, 196.035, 196.700, 439.250, 439.315, 439.340, 439.346, 439.348, 439.470 439.480(2), 533.030(4), 533.050(2) Kentucky Constitution Section 145(1) P&P ACA 2A-05, 2A-12, 2B-01	Subject  <b>CONDITIONS OF SUPERVISION DOCUMENT AND REQUEST FOR MODIFICATION</b>	

## I. DEFINITIONS

“Community supervision” is defined by KRS 439.250.

“Conditions of supervision” is defined by KRS 196.700.

“Parole” means a conditional release from a correctional institution by a paroling authority that places a parolee under the supervision of a parole officer. The parolee may be subject to return to a correctional institution if found to be in violation of any condition of supervision prior to the expiration date or final discharge by the paroling authority.

“Probation” means a procedure whereby a defendant, after a criminal conviction, is placed on supervision by the Court.

## II. POLICY and PROCEDURE

- A. Initial Interview: When the offender reports to the officer, the officer shall read and explain the conditions of supervision document including any special conditions, set by the Department of Corrections, the releasing authority and the officer. This shall be done within fourteen (14) working days after release.
- B. Review and Interpretation of Conditions: The officer shall explain and discuss the general and specific conditions of release, defining the behavior expected of the offender. To ensure that the appropriate information and notations regarding supervision of the case and the special conditions of release are incorporated into the conditions of supervision document, the officer shall:
  1. Review the case material,
  2. Cross check specific orders of the releasing authority with the items on the conditions to ensure consistency, and

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3. Add special conditions of the releasing authority and the officer in the conditions.

After review and discussion of the conditions of release, the officer shall sign and date the document. The offender shall sign and date the document to acknowledge receipt of the document and understanding of the conditions. Any offender who is unable to write shall make his mark in lieu of a signature.

C. Non English Speaking or Deaf Offender

If an offender does not speak or understand English or is deaf, the officer shall contact the District Supervisor or designee to secure an interpreter for the offender for review of the conditions of supervision document. The officer shall determine if it is possible to provide a copy of the conditions in the language spoken by the offender. (2B-01)

D. Distribution of Conditions of Supervision Document

The offender shall be given a copy of the conditions of supervision document and the original shall be retained in the case record.

E. Modification of Conditions

1. Modification of Conditions of Supervision Document

The special conditions of supervision may be changed while the offender is on supervision. If the conditions are changed, the officer shall complete a new conditions of supervision document that shall be signed and dated by the offender and the officer. A copy shall be given to the offender and the original shall be retained in the case record. An officer may request modification of the conditions of supervision from the releasing authority with prior approval of the District Supervisor or designee.

2. Modification of Special Conditions Ordered By the Releasing Authority

The officer may request the court or the Parole Board to add, remove, or modify any or all of the special conditions of supervision. Removal of a special condition or the imposition of a new or different condition shall be requested as follows: (2A-05)

- a. Recommendations for Modification

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An officer may recommend an adjustment in the original special conditions ordered to the releasing authority. The officer shall state the requested modifications and reasons on an approved supervision report. If a special condition ordered by the releasing authority is not available in the community of supervision, the officer shall prepare an approved supervision report advising the releasing authority with recommendations or an alternative plan. (2A-12)

b. Recommendation for Adjustment Supervision Fee

For any adjustments regarding the offender's ability to pay a supervision fee ordered by the releasing authority, the officer may recommend modification or waiver of the original order by preparing the request for waiver in accordance with criteria set forth in KRS 439.315.

c. Distribution of Recommendations

The supervision report and supporting documentation shall be forwarded through the District Supervisor or designee to the releasing authority.

d. If the officer is advised that the releasing authority approves the recommendation for modification of the conditions of supervision document, the officer shall advise the offender and make the necessary changes on a new conditions of supervision document. The conditions of supervision document shall be signed and dated by the offender and officer. The offender shall receive a copy, and the original shall be retained in the case record.