

 <p><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective Date
Authority/References	Subject	
<p>KRS 196.035, 439.330, 439.3401, 439.348, 439.470, 532.200, 532.210, 532.220, 532.230, 532.240, 532.250, 532.260, 532.262, 533.020, 533.030 501 KAR 6:080 and 6:270 CPP 25.12</p>	<p><b>HOME INCARCERATION, CURFEW, AND ELECTRONIC MONITORING FOR COMMUNITY OFFENDERS</b></p>	
	27-15-02	4
	June 4, 2015	October 2, 2015

## I. DEFINITIONS

“Approved monitoring device” is defined in KRS 532.200(5).

“Curfew” means specified hours when the offender is restricted to the offender’s home.

“Curfew violation” means when the offender fails to return to the assigned residence at the established time or leaves at an unauthorized time.

“Home” is defined in KRS 532.200(1).

## II. POLICY and PROCEDURE

### A. Criteria for Placement of Offender under the Supervision of the Division of Probation and Parole on Curfew and Curfew with an Approved Monitoring Device

1. An offender on supervision with the Division of Probation and Parole may be placed on curfew without an approved monitoring device at the officer’s discretion.
2. An offender on supervision for a Kentucky conviction shall not be placed on curfew with an approved monitoring device without approval from the releasing authority.
3. An offender on supervision as an Interstate Compact case shall not be placed on curfew with an approved monitoring device, unless approval is obtained from the sending state in accordance with CPP 27-14-01 (Interstate Compact).

Policy Number	Effective Date	Page
27-15-02	October 2, 2015	2

B. Application

An offender shall be supervised for a maximum of ninety (90) days on curfew or curfew with an approved monitoring device, unless approval is obtained from the releasing authority for an extension.

1. Curfew with an approved monitoring device may be used for multiple minor violations or a major violation as outlined in CPP 27-15-03 (Graduated Sanctions and Discretionary Detention).
2. Curfew may be used for a minor violation or violations as outlined in CPP 27-15-03 (Graduated Sanctions and Discretionary Detention).

C. Responsibilities of an Offender Placed on Curfew

An offender placed on curfew by the Division of Probation and Parole shall:

1. Have an approved home placement as determined by the probation and parole officer;
2. Provide verification of employment or job search, as required by the probation and parole officer;
3. Attend and provide verification for all recommended aftercare and educational programs as approved by the probation and parole officer;
4. Provide a weekly schedule to the probation and parole officer;
5. Obtain prior approval from the probation and parole officer for any deviation from the schedule;
6. Comply with all conditions of supervision; and
7. Report to the probation and parole officer as instructed.

D. Responsibilities of an Offender on Curfew with an Approved Monitoring Device

1. The offender shall not transfer to another area until the time on curfew is completed, unless approval is obtained from the supervisor.
2. An offender shall:
  - a. Meet the responsibilities of an offender placed on curfew stated above;

Policy Number	Effective Date	Page
27-15-02	October 2, 2015	3

- b. Agree to secure and maintain a telephone line in the residence that does not have call waiting, call forwarding, caller ID, or any other option that may interfere with the equipment and the line shall be compatible with the approved monitoring device;
- c. Agree to secure and maintain electric service in the residence to power any required equipment;
- d. Agree in writing to curfew with a monitoring device and to comply with the conditions of supervision;
- e. Pay the daily monitoring fee and make payment directly to the monitoring service provider;
- f. Be responsible for payment for damage, other than normal wear, to the assigned monitoring equipment; and
- g. Report to the probation and parole office as directed on the date of release from curfew with all monitoring equipment for removal of the monitoring device by the service provider.

E. Responsibilities of the Probation and Parole Officer for Curfew with an Approved Monitoring Device

The probation and parole officer shall:

1. Read and explain the conditions of supervision to the offender, including any special provisions for curfew with an approved monitoring device;
2. Obtain the offender's signed, written agreement for curfew with an approved monitoring device prior to the offender being placed on an approved monitoring device;
3. Enroll the offender in the web-based monitoring system;
4. Instruct the offender to report to the probation and parole office to be fitted with the monitoring device by the service provider according to the service provider's schedule; and
5. Review information concerning monitoring on the web-based system for the assigned offender each business day.

Policy Number	Effective Date	Page
27-15-02	October 2, 2015	4

F. Offender Schedule

The probation and parole officer shall:

1. Authorize a schedule for the offender that shall include any movement away from the offender's residence for work, treatment, reporting, or free time; and
2. Conduct home visits as required by CPP 27-12-01 (Case Classification).

G. Response to Curfew Violations with an Approved Monitoring Device

1. If the monitoring receiver reports a violation to the monitoring center, the monitoring center shall call the offender.
2. If the problem is not resolved with the offender, the monitoring center shall report the violation to the officer.
3. The probation and parole officer shall report violations as outlined in CPP 27-15-01 (Investigating and Reporting Violations and Unusual Incidents).
4. The response to violations shall be handled as outlined in CPP 27-15-03 (Graduated Sanctions and Discretionary Detention).

H. Special Concerns with Approved Monitoring Device

1. In a situation such as inpatient treatment, long-term hospitalization, or short-term care where the monitoring transmitter is not permitted, the offender may be removed from curfew with an approved monitoring device. The probation and parole officer shall consult with the supervisor in this situation to determine what will be done.
2. If the probation and parole officer learns that an offender is unable to maintain the offender's current residence, the probation and parole officer shall investigate the new home plan and update the offender information on the web-based system indicating the change of address or updating any necessary information. If no new home plan is available, the probation and parole officer shall review with the supervisor for alternative supervision strategies.