

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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Authority/References KRS 196.035, 196.045, 197.010, 197.025, 197.047 439.250, 439.265, 439.268, 446.010, 533.020, 533.254 CPP 19.3, 20.1, 27-12-06, 27-14-01, 30.2, 30.7	30.4	8
	**	July 20, 2021
	PROBATION PROGRAM CREDIT	

I. DEFINITIONS

“Probation program credit” means a sentence credit for a supervised individual who is on probation, probation with an alternative sentence, or conditional discharge for education credit, program completion credit, or work-for-time credit.

“Community supervision” means the placement of a defendant under supervision with conditions imposed by a court for a specified time.

“Working day” means a business day for a state office, but does not include Saturday, Sunday or a holiday set by KRS 18A.095.

“Life skills program” is defined in KRS 197.010.

“Promising practices” is defined in KRS 197.010.

“Evidence-based practices” is defined in KRS 446.010 and 196.111(1).

II. POLICY and PROCEDURE

Any supervised or inactive offender on probation, probation with an alternative sentence, shock probation, conditional discharge, misdemeanor probation, misdemeanor intensive program, or felony pretrial diversion, and eligible Kentucky offenders supervised out of state, shall receive probation program credits upon successful completion of education, approved treatment, promising practice, or life skills program or work for time credit as outlined in this policy pursuant to KRS 439.268. Accrual of probation program credits shall begin the first (1st) day of the first (1st) month following July 15th 2020. Probation program credit shall be earned as defined:

A. Education Credit

1. Any supervised offender while on community supervision shall be eligible to receive education credits pursuant to KRS 439.268(1)(a) and CPP 20.1 for the following:
 - a. A high school equivalency diploma;
 - b. A high school diploma;

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- c. A credential for successful completion of a career or technical education program;
 - d. An associate's degree, bachelor's degree, master's degree, or doctoral degree from an accredited college or university pursuant to CPP 20.1; or
 - e. An approved post-secondary correspondence program diploma or degree pursuant to CPP 20.1.
2. Sentence credit shall not be awarded for:
- a. An individual course;
 - b. A certificate;
 - c. Completion of a module or level within a larger trade or career or technical education program;
 - d. A degree or diploma from a non-approved correspondence course provider;
 - e. A degree or diploma from a non-accredited entity; or
 - f. Any course not approved by the Division of Education.
3. Within three (3) working days of receipt, the officer shall verify the education achievement and submit the official high school equivalency transcript or a transcript documenting career and technical education program completion, diploma, or college degree for an associate's degree, bachelor's degree, master's degree, or doctor's degree to the Division of Education Registrar at DOCEdu.Registrar@ky.gov for review and award. Refer to CPP 20.1.
4. Within three (3) working days of the receipt of the qualifying approval returned from the Division of Education, the officer shall update the offender demographics and education history, and place a notation in the contacts screen in the Kentucky Offender Management System.
5. Eligible Kentucky offenders supervised out of state shall receive education credit for completion pursuant to KRS 439.268 and CPP 20.1.
- a. The Division Officer shall explain the probation education credit to the offender during the orientation interview or interstate transfer process.
 - b. The Division Officer shall include the education credit information on the interstate transfer application and the validated education documentation required.

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- c. Within three (3) working days upon receipt, the Division Officer shall submit all education documentation pertaining to an offender's high school equivalency transcript or transcript documenting receipt of a credential for successful completion of a career and technical education program, or an associate's degree, bachelor's degree, master's degree, or doctoral degree to the Division of Education registrar, DOCEdu.Registrar@ky.gov for review and award approval.
 - d. If approval from the Division of Education registrar or designee is received, the Division Officer shall enter the information into the offender management system within three (3) working days as outlined in subsection A(3).
6. The Officer shall follow the procedure as outlined in section E, Sentencing Court Notification for eligible Kentucky offenders supervised in or out of State.

B. Program Completion Credit

Any supervised offender while on community supervision who successfully completes an approved treatment program, evidence-based program, or approved promising practice or approved life skills program, shall be eligible to receive program completion credits pursuant to KRS 439.268.

1. Addiction Services Review and Approval Process

- a. The Division of Addiction Services shall verify the treatment program was completed and approved pursuant to its approval process in CPP 30.7. The Division of Addiction Services shall enter any probation program credit days awarded for a completed, approved program in an amount of no more than ninety (90) days.
- b. Kentucky offenders supervised out of state shall receive program credit for completion of qualifying treatment programs outlined in subsection B (1).
 - (1) The Division Officer shall explain the probation program treatment completion credit and the treatment program pre-approval to the offender during the orientation interview or interstate transfer process.
 - (2) The Division officer shall include the program treatment credit information on the interstate transfer application and the validated completion documentation required.
 - (3) The Division Officer shall upload the certificate of program completion into the Kentucky Offender Management

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system within three (3) working days upon receipt.

- c. All treatment programs attended in or out of state shall be preapproved and qualifying program treatment credit per program shall only be applied by the Division of Addiction Services.
- d. The Officer shall enter a notation in the supervision contacts screen as to the type and amount of probation credits awarded within three (3) working days of the approval from Division of Addiction Services.
- e. Officer shall follow the process as outlined in section E Sentencing Court Notification for eligible in or out of state Kentucky offenders.

2. Division of Reentry

- a. The Division of Reentry Services shall verify the completion of an evidence-based program, promising practice, or life skills program approved pursuant to its approval process in CPP 30.2. The Division of Reentry Services shall enter program credit days for completed and approved programs or promising practices. Probation program credits shall be awarded upon approval in an amount of no more than ninety (90) days. Any change in program status shall be entered into the offender management system by the Reentry Coordinators within the Division of Reentry Services in accordance with CPP 30.2 (Program Credit).
- b. Kentucky offenders supervised out of state shall receive probation program credit for completion of a Division of Reentry preapproved evidence-based program, promising practice, or life skills program.
 - (1) The Division Officer shall explain the probation program evidence-based program, life skills program, or promising practice completion credit and the required program pre-approval to the offender during the orientation interview or interstate transfer process.
 - (2) The Division Officer shall include probation program credit information on the interstate transfer request and application to the receiving state.
 - (3) The Division Officer shall notify the Division of Reentry Services program coordinator upon receipt of the verified completion documentation. The Division Officer shall upload the final completion documentation into the Kentucky Offender Management system.

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- c. All evidence-based programs, promising practices, or life skills programs in or out of state shall require preapproval and qualifying credit shall only be applied by the Division of Reentry.
- d. The officer shall enter a notation in the supervision contacts screen as to the type and amount of probation credits awarded within three (3) working days of the approval from the Division of Reentry Services.
- e. The Officer shall follow the process as outlined in section E Sentencing Court Notification.

- 3. A certificate of program completion shall be entered by DOC staff for out of state offenders supervised by Kentucky into the Kentucky Offender Management system. This completion shall not be placed into the Kentucky Offender Management system as a program achievement. A copy of the offender's certificate of program completion shall be sent to the sending state to apply credit as necessary based on the sending state's authorizing statutes.

C. Work for time Credit

- 1. If a supervised offender provides documentation of verifiable wage earning employment hours worked in any public employment, work for time credit shall be applied pursuant to KRS 439.268(2) and 197.047.
- 2. The officer shall verify supervised offender's employment, employment shall be verified by employment records, pay stub, employment letter, or similar reliable method.
- 3. The offender shall receive one (1) sentence credit for every eight (8) hours of employment worked. For every five (5) sentence credits earned, one (1) day shall be deducted from the maximum expiration date unless the officer determines the work is not supported, accurately reported, or other similar reason. The officer shall enter supporting employment documentation into the offender management system to allow for the appropriate application within three (3) working days.
- 4. Kentucky offenders supervised out of state shall receive work for time credit. The Officer shall explain the work for time credit to the offender during the orientation interview or interstate transfer process. The officer shall include the work for time credit details on the interstate transfer application including the verified employment documentation required. The Officer shall upload verified employment documentation upon receipt within three (3) working days into the offender management system to allow for the appropriate application.

D. Probation Education, Work for Time Credit, and Program Credit Application

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1. Pursuant to KRS 439.268, any eligible probated supervised offender on community supervision prior to the effective date, shall begin to accrue probation program credits on the first day of the first month after the official effective date.
2. Credits earned while incarcerated by offenders granted the privilege of shock probation shall be removed prior to release to community supervision. Probation program credit shall accrue upon release to community supervision.
3. All eligible offenders pursuant to KRS 439.268 shall be informed by the supervising officer during the orientation and initial interview procedure about the probation credit eligibility and process. The offender shall sign and date the offender checklist to indicate he has understood the terms of the program.
4. Interstate Kentucky offenders who transfer out of state shall be informed about the probation credit program by the supervising officer prior to the transfer. The Officer shall follow the procedure outlined in CPP 27-14-01.
5. If the offender is revoked, probation program credits accrued shall be voided.

E. Sentencing Court Notification Procedure

1. The officer shall receive an alert notification through the offender actions due report, five (5) working days prior to the ninety (90) days notification submission to the sentencing court.
2. The Officer shall provide notification to the sentencing court no less than ninety (90) days, before the offender's new sentence end date calculation noted in the offender management system.
3. Notification to the sentencing court shall be compiled as a special supervision report, under the drop down title, Probation Credit Notice available in the offender management system. The special supervision report, Probation credit notice shall provide the type, amount of probation credit applied, and the new supervision end date with validating signatures of both officer and district supervisor or designee. The Officer shall within three (3) working days, note the date the special report was submitted to the sentencing court as a supervision contact entry within the offender management system.

F. Sentencing Court Response

1. The sentencing court judge will make the decision to allow or deny the probation program credits.

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2. If no response or objections are received from the sentencing court judge within the ninety (90) days, a ten (10) working day waiting period shall commence to provide the sentencing court judge time to respond with a decision to allow or deny the program credit.
3. Pursuant to KRS 533.020(4), if the sentencing court, upon receiving the Probation Credit Notice special supervision report, does not return any objections or takes no action within in the time frame, the compliance credit shall be applied and the supervised individual shall be discharged by the end date computed in the offender management system.
4. The Officer shall add a notation within three (3) working days in the supervision contact screen within the offender management system, “No sentencing court objections were received and the program credits were applied.”

G. Probation Program Credit Denial

1. Probation program credits shall only be applied with supporting completion documentation entered into the offender management system, with notation in the supervision contact screen of the type and verification of documentation received and entered.
2. In order to prevent the offender management system from applying probation program credits as noted in sections F. 1, 2 or 3, the officer shall enter a notation in the supervision contacts screen within the offender management system, “Probation credits denied”, and provide supporting reason within three (3) working days.
3. The deduction of the probation program credits shall require district supervisor or designee review and approval. The officer shall manually enter the reduction of the specified program credits from the supervision time line in the offender management system.
4. If the program credits are denied by the sentencing judge, the reason for the denial shall be entered into the supervision contacts screen in the offender management system by the officer. The supervision credits shall not be applied and the original end date shall be reactivated in the supervision time lines. The officer shall check the original end date has been reentered within three (3) working days from the date of the sentencing court decision.

H. Grievance Procedure

1. If the offender wishes to dispute the eligibility for Probation Program Credit, the offender may pursue the grievance procedure outlined in CPP 27-12-06.
2. The Officer shall inform the offender during the initial orientation interview the

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final decision to apply probation program credits remains at the discretion of the sentencing court.