

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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	NEW	
Authority/References KRS 196.035, 196.045, 197.025, 197.047 439.250, 439.268, 533.020 CPP 15.04	Subject PROBATION PROGRAM CREDIT	

I. DEFINITIONS

“Probation Program Credit” is defined as a sentence credit on the sentence of a supervised individual who is on probation, probation with an alternative sentence, or conditional discharge for educational credit, program completion credit, or work-for-time credit”

“Community Supervision” is defined as the placement of a defendant under supervision with conditions imposed by a court for a specified time.

“Working Days” is defined as a business day that does not include Saturday, Sunday or legal holiday.

“Life skills program” is defined in KRS 197.010

“Promising Practice” is defined in KRS 197.010

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

II. POLICY and PROCEDURE

A. Probation and Parole responsibilities for any supervised or inactive offender on probation, probation with alternative sentence, shock probation, conditional discharge, felony misdemeanor probation or misdemeanor intensive program shall receive probation credits upon successful completion of educational, approved treatment, promising practice or life skills program or work for time credit pursuant to KRS 439.268. Accrual of probation program credits shall begin the first (1st) day of the first (1st) month beginning July 15th 2020. Probation program credit shall be earned as defined:

1. Education Credit

- a. If the officer receives notification that any supervised offender while on community supervision pursuant to KRS 439.268 has obtained a high school equivalency diploma or a high school diploma, a college degree, a completed vocational or technical education program or a correspondence post-secondary education program which results in a diploma or degree as defined and approved by the department. Officer shall verify education result and certificate of completion provided by the offender.

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- b. The officer shall enter the certificate of the education achievement in scanned documents, update the offender demographics, education history and place a notation in the contacts screen in the offender management system within three (3) working days of the receipt of the qualifying documentation.
- c. The officer shall submit notice of the ninety (90) days educational credit per diploma, degree, vocational or technical education program completed to offender information services within three (3) working days of the receipt of the qualifying documentation.
- d. Kentucky offenders supervised out of state shall receive education credit for completion as in subsection 1(a). The officer shall include the education credit information on the interstate transfer application and the validated education documentation required. Officer shall upload the education documentation within three (3) working days upon receipt through the interstate compact process. Officer shall enter the information into the offender management system as in section 1(b). Officer shall submit notice of education credit to be applied as in section 1(c).

2. Program Completion Credit

- a. If the officer receives notification the supervised individual has successfully completed a validated drug treatment program, evidence-based program, or any other promising practice or life skills program, the officer shall verify successful or unsuccessful program completion. The officer shall notify the corresponding agency.
- b. The Division of Addiction Services shall validate and approve treatment program completed and enter probation program credit days awarded. Probation program credits shall be awarded upon approval in the amount no more than ninety (90) days.
 - (1) Kentucky offenders supervised out of state through interstate compact shall receive probation program credits for completion of a treatment program approved by the Division of Addiction Services.
 - (2) The Kentucky supervising officer shall include the treatment credit information on the interstate transfer request application and the completion treatment documentation required to validate credit.
 - (3) The officer shall notify the Division of Addiction Services upon receipt on the validated documentation within three (3) working days.

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- (4) Program completion documentation shall be scanned into the offender management system by the supervising officer. The Division of Addiction Services shall enter the approved program credit.
 - (5) Officer shall follow the process as outlined in section 5 sentencing court notification.
 - (6) If the sentencing court, upon receiving the probation credit notice does not return any objections or takes no action pursuant to KRS 533.020 prior to the new calculated end date, the compliance credit shall be applied. The officer shall notify the supervising state agency through the interstate compact of the approved end date with in three (3) working days.
- c. The Division of Reentry Services shall review and approve completion of an evidence based or any other promising practice or life skills program and enter program credit days awarded. Probation program credits shall be awarded upon approval in the 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 15.4 (Program Credit).
- (1) Offenders supervised out of state through the interstate compact process shall receive program completion credits for an approved Division of Reentry Services evidence based, promising practice or life skills program provided by an agency in the receiving State.
 - (2) The supervising officer shall include program credit information on the interstate transfer request and application to the receiving state.
 - (3) The Division of Reentry shall validate the program on a case by case basis.
 - (4) The supervising officer shall notify the reentry coordinator upon receiving final completion documentation through the interstate compact process.
 - (5) Program completion documentation shall be scanned into the offender management system by the supervising officer. The reentry coordinator shall enter the approved program credit.
 - (6) Officer shall follow the process as outlined in section 5 sentencing court notification.

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(7) If the sentencing court, upon receiving the probation credit notice does not return any objections or takes no action pursuant to KRS 533.020 prior to the new calculated end date, the compliance credit shall be applied. The officer shall notify the supervising state agency through interstate compact of the approved end date within three (3) working days.

c. 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 Addition Services or Division of Reentry.

3. Work for time Credit

- a. 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 197.047.
- b. The officer shall verify supervised offender's employment, employment shall be verified by employment records, pay stub, employment letter, or similar reliable method.
- c. 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.
- d. Kentucky offenders supervised out of state shall receive work for time credit. The officer shall include the work for time credit on the interstate transfer application including the validated employment documentation required. Officer shall upload verified employment documentation within three (3) working days into the offender management system to allow for the appropriate application.

4. Probation Program Credit Application

- a. Supervised offenders on 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 pursuant to KRS 439.268.
- b. Offenders released on shock probation shall lose credits accrued during incarceration. Program credit shall start upon release to community supervision.

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- c. If the offender is revoked, probation program credits accrued shall be voided.

5. Sentencing Court Notification

- a. The officer shall receive an alert notification through offender actions due report, five (5) working days prior to the ninety (90) days notification submission to the sentencing court.
- b. Officer shall provide notification to the sentencing court no less than ninety (90) days, before the offenders new sentence end date calculation noted in the offender management system.
- c. 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. Officer shall add notation in the supervision contact screen in the offender management system, the submission date of the special report to the sentencing court within three (3) working days.
- d. If the sentencing court, upon receiving the probation credit notice does not return any objections or takes no action pursuant to KRS 533.020 prior to the new calculated end date, the compliance credit shall be applied and the supervised individual shall be discharged by end date computed in the offender management system. Officer shall add notation in the supervision contact screen in the offender management system, no sentencing court objections received within three (3) working days.

6. Probation Program Credit Denial

- a. Probation program credits shall only be applied with supporting completion documentation entered into the offender management system, with notation in the supervision contact screen, type and verification of documentation received and entered.
- b. In order to prevent the offender management system from applying probation program credits as noted in sections 1, 2 or 3, the officer shall enter notation in the supervision contacts screen in the offender management system, probation credits denied with supporting reason within three (3) working days.
- c. The district supervisor or designee shall approve the deduction of the probation program credits. The officer shall manually enter the reduction of the specified program credits from the supervision time line in the offender management system.

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- d. 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.