

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective Date
References/Authority	Subject	
KRS 17.500, 17.550, 196.035, 197.020, 197.170, 440.010, 520.010, 532.200, 532.210, 532.220, 532.230, 532.240, 532.250, 532.260, 532.262 CPP 27-15-02, 27-22-02	HOME INCARCERATION PROGRAM	
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	January 13, 2020	September 1, 2020

I. DEFINITIONS

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

“Eligibility review list” means a list generated from the offender management system of the names of inmates who are within three hundred sixty-five (365) days of their minimum expiration date to be reviewed for eligibility for the home incarceration program.

“Emergency” means an unexpected, legitimate condition that would cause an inmate to violate a condition, order or directive relating to home incarceration and monitoring.

“Escape” is defined in KRS 520.010(5).

“Home” is defined in KRS 532.200(1).

“Home incarceration” is defined in KRS 532.200(2).

“Sex crime” is defined in KRS 17.500.

II. POLICY and PROCEDURE

A. In order to maintain a program for review of inmates for home incarceration and electronic monitoring pursuant to KRS 532.260, the Program Administrator shall:

1. Oversee and manage the home incarceration and electronic monitoring program for inmates;
2. Monitor and revise procedures for the program;
3. Review and approve or disapprove placement in the home incarceration program;
4. Collect data relevant to the program; and
5. Maintain a list of inmates and offenders on home incarceration.

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B. In order for an inmate to be considered for transfer to home incarceration the inmate shall:

1. Be a class C or D inmate who meets the eligibility requirements of KRS 532.260(1);
2. Have no prior convictions for a violent felony as listed in the offense charts for violent offenses on pages 36 - 38 of the Classification Manual incorporated by reference in 501 KAR 6:080 or sex crime;
3. Have nine (9) months or less to serve on his sentence after receiving eligible meritorious good time credit;
4. Not have a pending felony charge, detainer, warrant or other process issued by a jurisdiction pursuant to KRS 532.230;
5. Not have an active emergency protective order, domestic violence order, or permanent protective order;
6. Not have more than ninety (90) days restorable good time loss;
7. Be classified as Level 1 or Level 2 custody according to the Classification Manual;
8. Not be determined guilty of any category VII disciplinary violation within the last five (5) years;
9. If serving an escape conviction, the offense date shall be more than five years old;
10. Freely and voluntarily agree in writing to home incarceration and the conditions set by the Department of Corrections and KRS 532.220; and
11. Have an approved home placement within Kentucky.

III. REVIEW PROCEDURES

A. Institutional and Jail Review Procedures for designated institutional staff members and Home Incarceration Program (HIP) Officers:

1. Review the eligibility list of inmates serving on class C or D felonies generated from the offender management system for program eligibility. If eligible, complete a records check to confirm program eligibility.
2. Inmates who meet eligibility requirements shall be reviewed in regards to SAP status and requirements.

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3. Send home placement form to the class D coordinator at the local jail.
4. Upon receiving the home placement form, determine if the inmate requests placement in the home incarceration program and has a home placement.
5. If the inmate is not eligible or does not have a home placement, document the specific reasons for ineligibility in the offender management system and provide notice of ineligibility to the inmate and Central Office HIP staff.
6. The officer shall submit a discharge plan in the offender management system.
7. Process the home placement form and enter the discharge plan in the offender management system within five (5) days. Processing beyond five (5) business days shall require approval from the Program Administrator.
8. Notify the inmate upon acceptance or rejection for the Home Incarceration Program.

B. Central Office processing procedures:

1. The Home Incarceration Program Administrator or designee shall review the recommendation and ineligibility determinations for accuracy.
2. The Home Incarceration Program Administrator or designee shall intermittently review an inmate's continued program eligibility.
3. Offender Information Services staff shall audit the inmate's sentence calculation.
4. In the absence of the assigned HIP Officer, the Program Administrator shall assign another HIP Officer or designee to process the required documentation.
5. If the inmate is not classified, the inmate shall be submitted to the Classification Branch.

C. Investigation of the home placement:

1. The HIP Officer or designee shall verify and approve the home placement.
2. In areas requiring a landline phone, the officer shall confirm the inmate's residence has a valid landline phone. Prior to recommending the discharge plan, the HIP Officer or designee shall select the correct monitoring equipment.

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3. All home placement investigations shall be completed and returned to Central Office HIP staff within five (5) working days.

IV. PROCEDURES FOR TRANSFER TO THE HOME INCARCERATION PROGRAM

- A. Upon final approval of home placement and program eligibility, the Central Office HIP staff shall provide transfer documentation and notification of the inmate's release date to the following:
 1. Electronic monitoring vendor;
 2. Institution or facility where inmate is located; and
 3. Probation and Parole Officer, District Supervisor, and District Transfer Investigation Box for the county in which the inmate will reside.
- B. Prior to release, the electronic monitoring vendor shall enter the necessary information for the initial enrollment in the electronic monitoring service provider's web-based system.
- C. Prior to transfer of the inmate to the home incarceration program, all appropriate home incarceration documentation shall be completed and signed.
 1. Prior to transfer, the HIP transfer paperwork shall be emailed to the jail or facility. Upon confirmation by the facility, the HIP Officer shall update documentation in the offender management system.
 2. Prior to the inmate's release from custody from the jail or prison facility, the officer shall assist the inmate in arranging for transportation. If needed, the inmate shall be transported to the bus station.
 3. On the day of transfer, the HIP Officer shall confirm with facility staff the transfer of the inmate to the HIP program by the inmate's release from the facility.
- D. Upon transfer, the inmate shall be provided the date and time to report to the Probation and Parole Office to be fitted with the approved monitoring device. The electronic monitoring service shall provide all electronic monitoring equipment. All hook up and termination of equipment shall be completed by the electronic monitoring service provider or trained DOC staff.
- E. If an inmate is released from an institution, the institution's Offender Information Services staff shall enter the external movement into KOMS transferring the inmate to home incarceration. If the inmate is released from a local jail facility or halfway house, Central Office HIP staff shall enter the external movement into the offender management system transferring the inmate to home incarceration. Upon the offender's release from the custody to home incarceration, the external movement

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entry in the offender management system automatically activates VINE notification.

- F. Upon reporting to the Probation & Parole Office for equipment hook-up, the inmate shall review the program rules and submit a signed agreement to participate in the home incarceration program. The inmate's program eligibility and agreement to participate shall be documented in the offender management system.

V. CONDITIONS OF PROGRAM

- A. An inmate placed on home incarceration shall:

1. Have the ability to be monitored through a telephone landline unit or cellular network tower that is compatible with an approved monitoring device;
2. If applicable, pay any restitution owed from earnings; and
3. Report to the assigned Probation and Parole Office as directed and for approval of schedule changes as needed.

- B. Supervising Home Incarceration Program Inmates

1. A HIP inmate shall report to the HIP Officer at least one time per month.
2. A HIP inmate shall be reviewed and scored by means of a risk and needs assessment. See CPP 29.1 Risk and Needs Assessment.
3. The Case Planning phase shall be followed per CPP 29.2.

- C. Home Incarceration Program Violator Procedures

1. Probation and Parole shall complete a violation report in KOMS for all violations.
2. The HIP Officer or designee shall report any home incarceration violations to the Central Office HIP staff or Program Administrator and District Supervisor or designee. The HIP Officer shall enter a supervision contact into KOMS for each home incarceration violation. The Central Office HIP Program Administrator and District Supervisor shall be notified during business hours and provided with a violation report if the inmate is returned to the institution or jail due to a violation.
3. The decision to lodge a HIP offender shall be made by the HIP Program Administrator or designee and in consultation with supervising Probation and Parole Officer and District Supervisor or designee.

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4. The HIP Program Administrator shall notify Classification for reclassification of a HIP inmate.
 5. If the violation is substance related:
 - a. The HIP CTO shall refer the HIP inmate to the appropriate Community Social Service Clinician.
 - b. The Community Social Service Clinician shall assess the HIP inmate and recommend the appropriate level of treatment based on assessed need.
 - c. Classification shall review custody level and reclassify as necessary.
 - d. If the custody level permits the HIP inmate to remain on HIP:
 - (1) If the level of treatment is IOP, Classification shall notify HIP Program Administrator and Community SSC who shall arrange to return the HIP inmate to HIP and schedule appointment with CMHC.
 - (2) If the level of treatment is community residential, Classification shall request a treatment bed from the Placement Office and copy the HIP Program Administrator or designee. Once a treatment bed is obtained, the Placement Office shall send a releasing email to the Class D Officer of the county in which the HIP inmate is in custody, the District inbox, the District Supervisor or Designee, HIP inmate's supervising Officer, HIP Program Administrator or HIP Program Administrator Designee.
 6. If the HIP inmate is offered treatment and refuses, the Probation and Parole Officer shall prepare a violation report. The HIP Program Administrator or designee shall notify Classification to review custody level and reclassify as necessary.
- D. The inmate may be lodged in the county jail on a detainer if a violation occurs. These violations include:
1. Use or possession of alcohol or illegal drugs;
 2. Possession of a deadly weapon or dangerous instrument;
 3. Unauthorized change of home placement;
 4. Failure to report to HIP Officer or Probation and Parole Officer as directed;

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5. Failure to submit to a drug test;
 6. Leaving the county of residence without authorization;
 7. Tampering with or removal of the electronic monitoring equipment;
 8. Unauthorized absence from home in excess of one hour and thirty minutes (1.5 hours); or
 9. An arrest for a misdemeanor or felony offense committed while on the home incarceration program.
- E. If the HIP participant loses his home placement and no violation has occurred, the offender shall be returned to the custody of Department of Corrections and be given the opportunity to find another. If another home placement is not available, the offender shall remain in custody with no HIP violation.
- F. An inmate who violates the terms of home incarceration may be returned to an institution or jail. If the violation was an absence from required placement for longer than one hour and thirty minutes, the inmate may be charged with escape.
- G. The HIP Officer or designee shall enter a supervision contact and documentation in the offender management system for any violations of the Home Incarceration Program. The HIP Officer shall enter an external movement for an offender returning to custody from the Home Incarceration Program due to violations. All electronic monitoring equipment shall be collected and returned to the electronic monitoring vendor.
- H. The grievance procedure for inmates supervised under the home incarceration program is outlined in CPP 27-12-06.

VI. COMPLETION OF HOME INCARCERATION

- A. On the inmate's release date from home incarceration (i.e. minimum expiration date, transfer to parole, transfer to mandatory reentry supervision), the inmate shall report to the Probation and Parole Office with all monitoring equipment for removal of the approved monitoring device. The device shall be removed, equipment shall be returned and the inmate shall receive his final discharge or release to parole or mandatory reentry supervision.
- B. The HIP Officer or designee shall enter a supervision contact to reflect the discharge from the Home Incarceration Program and the reason for discharge.
- C. The HIP Officer or designee shall document the return of all excess equipment and return the equipment to the electronic monitoring vendor.

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- D. Offender Information Services or HIP Officer shall enter an external movement and activate VINE immediately upon the inmate's release from the Home Incarceration Program.