

439.652 Administration and oversight of pilot program -- Reentry team members, training, and functions -- Confidentiality of proceedings -- Exception.

- (1) The reentry team shall administer and oversee the reentry drug supervision pilot program. The team shall consist of the following members:
 - (a) A department hearing officer shall lead the reentry team and ensure that due process is followed. If reentry team members disagree on incentives or sanctions, the hearing officer shall be the final decision maker;
 - (b) A parole officer who shall have regular parole officer duties, including drug testing and maintaining records;
 - (c) A reentry liaison or facilitator from the Division of Probation and Parole;
 - (d) A social service clinician;
 - (e) A public defender or his or her designated representative who may or may not be an attorney; and
 - (f) A designated representative from a community mental health center who shall provide substance use disorder treatment to participants.
- (2) The Administrative Office of the Courts shall train reentry team members on the philosophy behind drug courts as well as their roles within the team.
- (3) The reentry team may provide incentives, including but not limited to the following:
 - (a) Promotion to the next phase as outlined in KRS 439.654;
 - (b) Certificates and tokens;
 - (c) Compliance credit or any other parole credit approved by the reentry team;
 - (d) Decreased supervision;
 - (e) Increased privileges and responsibilities;
 - (f) Praise from the hearing officer and reentry team;
 - (g) Extended curfews; and
 - (h) Other individual incentives approved by the reentry team.
- (4) (a) Notwithstanding KRS 439.3108 or 439.340(3)(b) or any other statute to the contrary, only the reentry team may impose sanctions on participants who do not comply with the requirements and conditions established by the reentry team. Notwithstanding KRS 439.3107 or 439.3108 or any other statute to the contrary, sanctions include but are not limited to the following:
 1. Admonishments by the hearing officer;
 2. Graduated sanctions similar to those adopted by the department pursuant to KRS 439.3107;
 3. Community service;
 4. Phase demotion;
 5. Increased pilot program requirements;
 6. Electronic monitoring;
 7. Home incarceration;

8. Imprisonment in a state or local correctional or detention facility or residential center for no more than sixty (60) days in any one (1) calendar year; and
 9. Termination from the pilot program.
- (b) When considering appropriate sanctions, the reentry team shall consider alternatives to incarceration.
 - (c) Notwithstanding paragraph (a) of this subsection, a parole officer may arrest a participant without first consulting the reentry team if the parole officer believes the participant poses an imminent threat to himself or herself or to others. The parole officer shall immediately notify the reentry team of the arrest. Upon receiving notification of the arrest, the reentry team shall then determine whether to impose additional sanctions.
- (5) Reentry team proceedings shall be confidential and shall be closed unless otherwise authorized by the hearing officer. Each reentry team member shall sign a confidentiality agreement and shall comply with state and federal confidentiality laws regarding treatment information. Documents contained in a participant's pilot program case file shall be confidential and only those documents that do not violate these state and federal confidentiality laws shall be released.

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