	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 3-JTS-1A-29; 1C-17, 23, 24 3-JDF-1A-33; 1C- 15, 21, 22 3-JCRF-1A-20, 21; 1C-05, 17 1-JDTP-1A-26; 1C-18, 24, 25 1-JBC-1A-25; 1C-14, 19, 20 4-JCF-6F-01, 6G-06 1-CO-1A-29; 1C-04, 20, 24
CHAPTER: Administration		AUTHORITY: KRS 15A.065
SUBJECT: Code of Ethics		
POLICY NUMBER: DJJ 102		
TOTAL PAGES: 3		
EFFECTIVE DATE: 12/01/2014		
APPROVAL: Bob D. Hayter		,COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall expect from staff honesty, integrity, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. The department shall require a drug-free workplace.

II. APPLICABILITY

This policy shall be applicable to all DJJ staff.

III. DEFINITIONS

Refer to Chapter 100.

IV. PROCEDURES

- A. Staff shall respect and protect the civil and legal rights of youth under the care, custody, and control of the department.
- B. Staff shall serve each youth with appropriate concern for their welfare and with no purpose of personal gain.
- C. Relationships with colleagues shall be of such character to promote mutual respect within the profession and improvement of its quality of service.
- D. Staff shall not influence other staff to violate the standards of ethical conduct.
- E. Staff shall respect the importance of all elements of the criminal justice system and cultivate professional cooperation with each segment.
- F. Each staff shall maintain the integrity of private or confidential information. Staff shall not seek information beyond that needed to perform their job responsibilities. Staff shall not reveal information to anyone not having professional use for such. All staff, consultants, contract personnel, interns, and volunteers shall sign a Confidentiality/Security Form as a condition of employment or service.
- G. Staff shall respect and protect the right of the public to be safeguarded from

POLICY NUMBER DJJ 102	EFFECTIVE DATE 12/01/2014	PAGE NUMBER 2 of 3
----------------------------------------	--------------------------------------------	-------------------------------------

criminal activity.

- H. Staff shall report any corrupt, unethical behavior, or policy violations which may affect either a youth or the integrity of the organization and any abuse or neglect as required by KRS 620.030.
- I. Staff shall not discriminate against any youth, other staff, or prospective staff on the basis of religion, race, sex, age, disability, national origin, color, sexual orientation, gender identity, genetic information, political affiliation, or veteran's status.
- J. Staff shall follow the Executive Branch Ethics Code. Further, the "Guide to the Executive Branch Code of Ethics" published by the Executive Branch Ethics Commission shall provide staff additional guidance. DJJ staff shall be directed to take available and necessary action to follow these guidelines and avoid even the appearance of unethical conduct.
- K. Staff shall not use their official position to secure privileges for self or others and shall not engage in activities that constitute a conflict of interest.
- L. Staff shall not act in their official capacity in any matter in which they have personal interest that may impair objectivity and create the appearance of conflict of interest.
- M. Political activities of staff shall be in compliance with KRS 18A.140.
- N. Workplace violence shall be prohibited and constitute grounds for disciplinary action and referral for criminal prosecution.
- O. DJJ staff shall comply with the Commonwealth of Kentucky's Drug Free Workplace requirements as enacted by the Anti Drug Abuse Act (P.L. 100-690).
 - 1. DJJ staff shall not report for duty or operate a state vehicle after consuming alcohol. Possession of alcohol at the work site or the consumption of alcohol during working hours shall be prohibited.
 - 2. DJJ staff shall not report for duty or operate a state vehicle after the misuse of prescription or non-prescription drugs or use of illegal drugs. The misuse of prescription and non-prescription drugs or use of illegal drugs on state property during working hours shall be prohibited.
 - 3. Staff shall not manufacture, distribute, dispense, possess, or use any controlled substance in the workplace or on state property.
 - 4. Staff found to be in violation shall be subject to discipline up to and including dismissal.
- P. If a staff is arrested for or charged with any offense, other than a minor traffic violation, they shall notify their immediate supervisor if available or the highest level supervisor on duty. This report shall be made prior to their next scheduled shift. Staff shall not be relieved of the responsibility of providing notice or reporting to work as a result of being detained.
 - 1. Staff shall furnish the supervisor with the name of the charging authority, the city or county where the charges are filed, and the next court date assigned to


POLICY NUMBER DJJ 102	EFFECTIVE DATE 12/01/2014	PAGE NUMBER 3 of 3
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them.

2. The supervisor upon notification of the staff arrest or charge shall by email up-line through the chain of command, to the Division Director, the details of the incident.
 3. The Division Director shall immediately notify the Director of Administrative Services, Deputy Commissioner, and the Commissioner by email.
 4. Staff shall be subject to discipline up to and including dismissal for failure to comply.
- Q. If a staff becomes aware that they are the subject of an investigation of child abuse, neglect or dependency, they shall notify their immediate supervisor if available or the highest level supervisor on duty. This report shall be made prior to their next scheduled shift.
1. Staff shall furnish the supervisor with documentation detailing the circumstances of the investigation.
 2. The supervisor upon notification of the staff's investigation shall by email up-line through the chain of command to the Division Director, the details of the incident.
 3. The Division Director shall immediately notify the Director of Administrative Services, Deputy Commissioner, and the Commissioner by email.
 4. Staff shall be subject to discipline up to and including dismissal for failure to comply.
- R. If a licensed staff has their licensure or certification under investigation, suspended, or revoked, they shall notify their immediate supervisor if available or the highest level supervisor on duty. This report shall be made prior to their next scheduled shift.
1. Staff shall furnish the supervisor with documentation detailing the circumstances of the investigation, suspension, or revocation.
 2. The supervisor upon notification of the staff's investigation, suspension, or revocation shall by email up-line through the chain of command to the Division Director, the details of the incident.
 3. The Division Director shall immediately notify the Director of Administrative Services, Deputy Commissioner, and the Commissioner by email.
 4. Staff shall be subject to discipline up to and including dismissal for failure to comply.

V. MONITORING MECHANISM

Monitoring shall be done by all supervisors on an ongoing basis.

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 3-JTS-1B-21 3-JDF-1B-21 3-JCRF-1B-17 1-JDTP-1B-19 1-JBC-1B-19 4-JCF-6D-06
CHAPTER: Administration	AUTHORITY: KRS 15A.065	
SUBJECT: Code of Conduct		
POLICY NUMBER: DJJ 104		
TOTAL PAGES: 4		
EFFECTIVE DATE: November 30, 2018		
APPROVAL: Carey D. Cockerell , COMMISSIONER		

I. POLICY

Staff, volunteers, interns, and contract personnel shall conduct themselves in a professional manner. All persons shall be aware that their personal conduct reflects upon the integrity of the agency and its ability to provide services to youth.

II. APPLICABILITY

This policy shall apply to all staff, volunteers, interns, and contract personnel of the Department of Juvenile Justice. This policy shall apply to contract facilities and programs.

III. DEFINITIONS

Refer to Chapter 100.

IV. PROCEDURES

- A. Staff shall arrive and leave work at scheduled times as determined by their supervisor.
- B. Staff shall perform their work assignments competently and in a professional manner. It is the responsibility of each staff to know and act in accordance with department policy and procedures.
- C. Staff are required to obey the lawful order or directive of a supervisor. If the order or directive conflicts with an order or directive previously issued by another supervisor, the staff shall make the supervisor aware of the conflict. If the supervisor does not alter the order or directive, the most recent order shall stand and the responsibility shall be assigned to the supervisor issuing the most recent order.
- D. Staff shall remain in their assigned working areas during working hours. Staff shall not disturb or interrupt others at their working areas or prevent other staff from carrying out their duties.

POLICY NUMBER DJJ 104	EFFECTIVE DATE 11/30/2018	PAGE NUMBER 2 of 4
----------------------------------------	--------------------------------------------	-------------------------------------

- E. Staff are prohibited from entertaining friends or family on the premises of any DJJ office or program except during appropriate scheduled and approved events.
- F. Loud, abusive, or profane language and boisterous and unprofessional conduct shall not be tolerated. Staff shall refrain from making comments that are critical of colleagues or the agency.
- G. State property and resources or items purchased with Youth Activities Funds shall not be utilized by staff or others for personal use.
- H. Staff shall be prohibited from purchasing products for personal use from the agency's contracted vendors at the reduced agency rate.
- I. Staff shall also be prohibited from using the DJJ procurement card to make purchases of any kind for personal use.
- J. Staff shall only accept gifts that are allowable under the Executive Branch Ethics Code of Ethics.
- K. Donations made to offices or programs, including money, property, or material goods shall not be accepted by individual staff without authorization of the superintendent or district supervisors. Donations of money, property, and material goods shall be properly recorded.
- L. All shall be truthful in correspondence and interactions with other DJJ staff, youth, parents, outside agencies, investigators, and in the completion of any type of work-related written documentation (computer-based, hand-written, or typed).
- M. Items deemed to be contraband shall be prohibited in DJJ facilities and offices. No one shall transport contraband of any kind into a DJJ facility.
- N. Theft of any state property, including, linens, clothing, supplies, or equipment is prohibited.
- O. Cell phones shall be prohibited in areas of programs occupied by youth. All persons are prohibited from allowing youth to use a personal cell phone in any part of the facility. In areas where cell phones are allowed, the use shall not disturb or interrupt staff at their working areas or prevent staff from carrying out their duties.
- P. Staff are prohibited from sleeping, or giving an appearance of sleeping, while on duty. Sleeping on duty may result in disciplinary action up to, and including dismissal. Exception, staff assisting in emergency situations and unable to return home shall be provided sleeping and leisure areas separate from youth residential areas.
- Q. Staff shall not be on the premises except during working hours unless approved by their immediate supervisor.
- R. All persons shall be prohibited from having sexual or intimate contact while on department owned or leased property, or in a state vehicle..
- S. In accordance with KRS 237.110(13), KRS 237.110(14) and KRS 237.115(1), staff are prohibited from possession of firearms, or any other

POLICY NUMBER DJJ 104	EFFECTIVE DATE 11/30/2018	PAGE NUMBER 3 of 4
----------------------------------------	--------------------------------------------	-------------------------------------

deadly weapon as defined in KRS 500.080(4), at any program which houses delinquent youth and in any state vehicle or while transporting DJJ youth.

- T. All persons are prohibited from engaging in unwelcome written, verbal, or physical conduct that either degrades, shows hostility, or aversion towards a youth on the basis of race, color, national origin, age, sex, religion, disability, gender identity, sexual orientation, or genetic information.
- U. Staff shall protect the individual safety of youth and themselves through the use of approved controlling techniques utilizing no more than the absolute amount of force necessary to diffuse a confrontational situation. Staff shall only use controlling techniques in which they have been certified by the Division of Professional Development.
- V. All persons shall take appropriate precautions in dealing with youth to prevent allegations of inappropriate verbal communication, written communications, sexual contact or abuse of any type.
- W. Abuse or other mistreatment of youth in the care or custody of the department shall not be tolerated. Staff abusing youth shall be subject to disciplinary action up to and including dismissal under 101 KAR 1:345. All persons suspected of abuse are subject to investigation and prosecution under all applicable laws.
- X. All persons shall act in a manner that provides youth with a positive role model.
- Y. All persons shall be expected to maintain a professional relationship with youth at all times. The following rules help delineate this relationship and prevent complications in treatment of youth.
- Z. All staff are prohibited from the following actions:
 1. Selling or loaning personal belongings to youth or youth's representative;
 2. Entering into a business relationship or financial transaction with youth or the representatives of a youth;
 3. Giving special privileges to a youth, unless privileges are earned by the youth as part of the treatment plan;
 4. Accepting a bribe or payment from a youth or the representatives of a youth for special services rendered to them;
 5. Lending money to a youth or the representatives of a youth;
 6. Entering into an intimate or romantic relationship or having sexual contact with an individual who is currently under the custody, care, or supervision of DJJ. (reference KRS 510.020 (3)(e) regarding consent);
or
 7. Staff working at a Detention Center, Youth Development Center, or Group Home shall not send communications or correspondence to a

POLICY NUMBER DJJ 104	EFFECTIVE DATE 11/30/2018	PAGE NUMBER 4 of 4
----------------------------------------	--------------------------------------------	-------------------------------------

youth that within the last five (5) years has resided at the facility the staff works or worked at unless the Facility Superintendent has approved the communication or correspondence. If staff receive any communication or correspondence from a youth that resided at the facility the staff works or worked at within the last five (5) years, then the staff shall immediately forward a copy of the communication or correspondence to the Facility Superintendent.

- AA. DJJ staff are persons holding a position of authority and special trust as defined in KRS 532.045. DJJ prohibits any staff, regardless of his or her age, from subjecting anyone under the custody, care, or supervision of DJJ, with whom he or she comes into contact as a result of his or her position, to sexual contact.
- BB. Staff shall fully cooperate with and shall not interfere with any investigation conducted by the Internal Investigation Branch (IIB), a DJJ Supervisor, or Ombudsman, subject to Federal and State constitutional protections.
 - 1. Staff shall provide a written or verbal statement in a departmental investigation or when directed by a supervisor. Failure to provide a written statement as requested shall result in a disciplinary action, up to and including dismissal.
 - 2. Staff shall not discuss any active or inactive investigation with anyone other than IIB staff or a DJJ Ombudsman. Exceptions to this may be made under the direct authorization of the DJJ Commissioner's Office.

V. MONITORING MECHANISM

Administrative Managers and supervisors shall monitor staff conduct for adherence to this policy on a day-to-day basis.



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

**REFERENCES:
CIO-060**

CHAPTER: Administration

AUTHORITY: KRS 15A.065

SUBJECT: Email and Internet Access

POLICY NUMBER: DJJ 115

TOTAL PAGES: 6

EFFECTIVE DATE: 12/01/2014

APPROVAL: Bob D. Hayter

,COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall adhere to the Office of the Chief Information Officer Enterprise Policy, CIO-060, Kentucky Revised Statute (KRS), and all other applicable laws, regulations, and directives of the Commonwealth in the use of E-mail and Internet services.

II. APPLICABILITY

This policy shall apply to all (DJJ) offices, programs, and staff.

III. DEFINITIONS

Refer to Chapter 100.

IV. PROCEDURES

- A. Technology applications for the implementation of all aspects of this policy shall be the responsibility of the Commonwealth Office of Technology.
- B. The Proxy Server shall be configured to deny all Internet sites in DJJ facility classrooms. Access to Internet sites shall be granted by the Information Systems Branch.
- C. Staff shall adhere to the set of rules and guidelines set forth in this policy when using the Kentucky Information Highway (KIH) or any other network that is used as a result of its KIH connection, including Internet and E-mail.
 1. Internet and E-mail resources, services, and accounts shall be the property of the Commonwealth of Kentucky.

POLICY NUMBER DJJ 115	EFFECTIVE DATE 12/01/2014	PAGE NUMBER 2 of 6
----------------------------------------	--------------------------------------------	-------------------------------------

2. These resources shall be used for state business purposes in serving the interests of state government, citizens, and customers in the course of normal business operations.
 3. Intentional, inappropriate use of Internet and E-mail resources may result in disciplinary action pursuant to KRS 18A up to and including dismissal.
- D. DJJ staff shall use the Internet and E-mail to accomplish job responsibilities more effectively and to enrich their performance skills.
1. The acceptable use of Internet and E-mail represents the proper management of a state business resource.
 2. The ability to connect with a specific Internet site shall not in itself imply that staff are permitted to visit that site.
 3. Monitoring tools shall be in place to monitor staffs use of E-mail and the Internet.
 4. Staff shall have no expectation of privacy associated with E-mail transmissions and the information they publish, store, or access on the Internet using the Commonwealth's resources.
 - a. E-mail may be subject to an open records request under KRS Chapter 61; therefore, any request for inspecting a transmission or obtaining a copy shall be subject to the procedures of DJJPP Chapter 1, Open Records, and the requirements and protections of KRS Chapter 61, KRS 197.025 and KRS 439.510.
 - b. If a subpoena for E-mail is received, the Office of General Counsel shall be contacted immediately.
 5. Incidental personal uses of Internet and E-mail resources shall be permissible, but not encouraged. Excessive personal use shall lead to loss of the resource privileges and may result in disciplinary action pursuant to KRS 18.A, up to and including dismissal. Staff shall be responsible for exercising good judgment regarding incidental personal use. Any incidental personal use of Internet or E-mail resources shall adhere to the following limitations:
 - a. It shall not cause any additional expense to the Commonwealth or the staff's agency;
 - b. It shall be infrequent and brief;
 - c. It shall not have any negative impact on the staff's overall productivity;
 - d. It shall not interfere with the normal operation of the staff's agency or work unit;
 - e. It shall not compromise the staff's agency or the Commonwealth in any way; and

POLICY NUMBER DJJ 115	EFFECTIVE DATE 12/01/2014	PAGE NUMBER 3 of 6
----------------------------------------	--------------------------------------------	-------------------------------------

f. It shall be ethical and responsible.

E. Staff and User Responsibilities

1. Staff and users shall read, acknowledge, and sign an agency acceptable use policy statement before using these resources.
2. Staff and users shall use their access to the Internet and E-mail in a responsible and informed way, conforming to network etiquette, customs, courtesies, and any or all applicable laws or regulations.
3. As with other forms of publications, copyright restrictions and regulations shall be observed.
4. Staff and users shall be aware that their conduct or information they publish could reflect on the reputation of the Commonwealth. Therefore, professionalism in all communications shall be of the utmost importance.
5. Staff and users who choose to use E-mail to transmit sensitive or confidential information or attachments shall encrypt such communications using the Enterprise Standards (X.509 certificates) and approved product for secure electronic messaging services. E-mail of a sensitive nature or that is confidential shall contain a confidentiality statement.
6. Staff and users shall represent themselves, their agency, or any other state agency accurately and honestly through electronic information or service content.

F. Supervisor Responsibilities

1. Administrative Managers and Supervisors shall be required to identify Internet and E-mail training needs and resources, to encourage use of the Internet and E-mail to improve job performance, to support staff attendance at training sessions, and to permit use of official time for maintaining skills, as appropriate.
2. Administrative Managers and Supervisors shall be expected to work with staff to determine the appropriateness of using the Internet and E-mail for professional activities and career development, while ensuring that staff shall not violate the general provisions of this policy, which prohibit using the Internet and E-mail for personal gain.
3. Administrative Managers and Supervisors who suspect that a staff is using E-mail inappropriately shall examine procedures defined in CIO-084, E-mail Review Request, for reviewing the staff's E-mail account. The COT-F084, E-mail Review Request Form, should be utilized.

G. Agency Responsibilities

POLICY NUMBER DJJ 115	EFFECTIVE DATE 12/01/2014	PAGE NUMBER 4 of 6
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1. DJJ shall be responsible for the content of any published information and the actions of staff, including the proper retention and disposal of E-mail records. Enterprise Standard 4060: Recordkeeping- Electronic Mail shall be observed.
 2. Any commercial use of Internet connections by the Department shall be approved by COT to make certain it does not violate the terms of COT's agreement with the Commonwealth's Internet provider. No reselling of access shall be allowed.
 3. DJJ shall not accept commercial advertising or vendor-hosted website advertising for which the agency receives compensation. As a general practice, state agencies shall avoid endorsing or promoting a specific product or company from agency websites, however the placement of acknowledgements, accessibility, and certification logos shall be acceptable.
- H. Use of Internet and E-mail resources shall be a privilege that may be revoked at any time for unacceptable use or inappropriate conduct. Any abuse of acceptable use policies may result in notification of agency management, revocation of access, and disciplinary action up to and including dismissal (Refer to CIO-090, Information Security Incident Response Policy). The following activities shall be prohibited, except with approval due to job responsibilities, legitimate state, or government business:
1. Violating the rights of any person or company protected by copyright, trade secret, patent, or other intellectual property, including the downloading, installation or distribution of pirated software, digital music, and video files.
 2. Engaging in illegal activities or using the Internet or E-mail for any illegal purposes, including initiating or receiving communications that violate any state, federal, or local laws and regulations, including KRS 434.840-434.860 (Unlawful Access to a Computer) and KRS 512.020 (Criminal Damage to Property Law). This shall include malicious use, spreading of viruses, and hacking.
 3. Using the Internet and E-mail for personal business activities in a commercial manner such as buying or selling of commodities or services with a profit motive.
 4. Using resources to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws, whether through language, frequency, or size of messages. This shall include statements, language, images, E-mail signatures, or other materials that are reasonably likely to be perceived as offensive or disparaging of others based on the basis of religion, race, sex, age, disability, national

POLICY NUMBER DJJ 115	EFFECTIVE DATE 12/01/2014	PAGE NUMBER 5 of 6
----------------------------------------	--------------------------------------------	-------------------------------------

origin, color, sexual orientation, gender identity, genetic information, or veteran's status.

5. Using abusive or objectionable language in either public or private messages.
6. Knowingly accessing pornographic sites on the Internet and disseminating, soliciting, or storing sexually oriented messages or images.
7. Misrepresenting, obscuring, suppressing, or replacing a user's identity on the Internet or E-mail. This shall include the use of false or misleading subject headers and presentation of information in the distribution of E-mail.
8. Using the E-mail account of another staff without receiving written authorization or delegated permission to do so.
9. Forging E-mail headers to make it appear as though an E-mail came from someone else.
10. Sending or forwarding chain letters or other pyramid schemes of any type.
11. Sending or forwarding unsolicited commercial E-mail (spam) including jokes.
12. Soliciting money for religious or political causes, advocating religious or political opinions, and endorsing political candidates.
13. Making fraudulent offers of products, items, or services originating from any Commonwealth account.
14. Using official resources to distribute personal information that constitutes an unwarranted invasion of personal privacy as defined in the Kentucky Open Records Act, KRS 61.870.
15. Online investing, stock trading, and auction services such as eBay unless the activity is for Commonwealth business.
16. Developing or maintaining a personal web page on or from a Commonwealth device.
17. Using peer-to-peer (referred to as P2P) networks such as Napster, Kazaa, Gnutella, Grokster, Limewire, and similar services.
18. Any other non-business related activities that will cause congestion, disruption of networks or systems including Internet games, online gaming, unnecessary Listserve subscriptions, and E-mail attachments; and chat rooms and messaging services such as Internet Relay Chat (IRC), I SeeK You (ICQ), AOL Instant Messenger, MSN Messenger and similar Internet-based collaborative services.

POLICY NUMBER DJJ 115	EFFECTIVE DATE 12/01/2014	PAGE NUMBER 6 of 6
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I. YOUTH ACCESS TO EMAIL AND INTERNET SERVICES


1. Youth shall not be permitted access to e-mail.
2. Through use of the Proxy Server, the Information Systems (IS) Branch shall ensure that sexually explicit materials shall not be available via any video or computer system, software or hardware product, or internet service in any classroom setting or areas where youth are present within the offices and programs of the Department.
3. Internet access shall occur only with a Proxy Server in place. Internet access shall be supervised and purposeful for the completion of academic and vocational learning objectives.

J. ATTORNEY-CLIENT PRIVILEGE

1. Attorney-client privilege shall be construed and shall not be used to protect a transmission or document which fails to meet the criteria set forth below.
2. A message or transmission shall be subject to the attorney-client privilege if the Communication is made:
 - a. In confidence to the DJJ, Office of General Counsel;
 - b. By a DJJ staff; or
 - c. For the purpose of obtaining legal advice from a staff attorney acting in his professional capacity as legal counsel.
3. A transmission which is prepared in anticipation or during the course of litigation shall be designated as “work product” for purposes of safeguarding the document or information from improper disclosure and applying the appropriate records retention schedule.

V. MONITORING MECHANISM

Monitoring shall be conducted on an on-going basis by supervisory staff and IS Branch staff.

	JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	505 KAR 1:100 REFERENCES: 3-JTS-1A-06; 5B-01, 07, 08 3-JCRF-5B-02 1-JBC-5B-01, 02, 06
CHAPTER: Admissions	AUTHORITY: KRS 15A.069	
SUBJECT: Classification		
POLICY NUMBER: DJJ 201		
TOTAL PAGES: 4		
EFFECTIVE DATE: 4/05/2019		
APPROVAL: Carey D. Cockerell, COMMISSIONER		

I. POLICY

Youth committed or sentenced to the Department of Juvenile Justice (DJJ) shall be assessed and placed based upon the least restrictive environment within which the youth's treatment needs can safely be met, identifying special needs of a youth, and identifying the level of structure and supervision required by a youth subject to bed availability. The overall authority and responsibility for classification in the Department has been assigned to the Classification Branch.

- A. The Department shall provide services to youth without discrimination as to race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.
- B. Youth shall not be admitted to the Department program or contracted agency if detoxification from alcohol or drugs is required. If detoxification is required, medical clearance shall be submitted in writing prior to admission.
- C. Only youth who are adjudicated for offenses that would be crimes if committed by adults and are committed or sentenced to the Department of Juvenile Justice shall be placed by DJJ.
- D. This policy shall not be intended to address procedures for admission into detention facilities, alternatives to detention, or day treatment programs operated by or under contract with the Department of Juvenile Justice.

II. APPLICABILITY

POLICY NUMBER DJJ 201	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 2 of 4
----------------------------------------	-------------------------------------------	-------------------------------------

This policy shall apply to all DJJ community offices, contracted placements, and programs of the Department and to the youth committed or sentenced to the Department.

III. DEFINITIONS

Refer to Chapter 200.

IV. PROCEDURES

- A. The Classification Branch staff shall utilize the classification manual containing all of the classification procedures. This manual shall be available to all staff and shall be reviewed at least annually by the Director of Placement Services and the Classification Branch Manager.
- B. The Juvenile Service Worker (JSW) shall utilize the Classification and Placement Manual in making dispositional recommendations to the court.
- C. An initial placement referral may be submitted by the JSW or the Juvenile Services Specialist (JSS) as a result of an initial commitment to the department.
- D. The initial placement referral packet shall contain a copy of the commitment or sentencing order, petitions, and written justification if applicable and available. The referral packet may contain the justification for placement, the risk assessment, needs assessment, educational records, psychological assessments, psychiatric assessments, sex offender assessments, discharge summaries from other programs, incident reports, prior probation violation reports, predisposition, or presentence reports.
- E. The Classification Branch Manager or designee shall review the initial placement packet.
- F. The Classification Branch staff shall make the decision regarding the placement of the youth.
- G. The Level of Placement Continuum:
 - Level 0 Home or other placement arranged by parent or guardian on conditions of supervision, as defined by DJJPP Chapter 6 (Definitions).
 - Level 1 Therapeutic Foster Care (TFC), Independent Living Program (ILP).
 - Level 2 Group Home, Private Child Care Providers (PCC).

POLICY NUMBER DJJ 201	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 3 of 4
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Level 3 Staff Secure Youth Development Centers (YDC).

Level 4 Maximum Secure YDC.

No Level Psychiatric Residential Treatment Facility (PRTF), Psychiatric Hospital admissions facilitated by the Classification Branch.

H. Overrides, which shall be documented, may be utilized to move a youth up or down in the placement level continuum to better meet treatment needs.

I. Commitment and Out-of-Home Timeframes

1. Youth who are committed on a Class A or B Misdemeanor (excluding declared JSOs or offenses involving a deadly weapon) shall be subject to the following timeframes:

- a. A maximum of four (4) months of out-of-home placement pursuant to KRS 15A.0652.
- b. An extension of the length of out-of-home placement pursuant to KRS 15A.0652 may be considered as referenced in The Classification and Placement Manual section VII. Administrative Transfer Request (ATR).
- c. Maximum commitment timeframe is not to exceed twelve (12) months pursuant to KRS 635.060.
- d. Unless the ATR Committee has authorized the extension of placement, the youth shall be released at the end of the statutory timeframe for out-of-home placement.

2. Youth who are committed on a Class D Felony (excluding declared JSOs or offenses involving a deadly weapon) shall be subject to the following timeframes:

- a. A maximum of eight (8) months of out-of-home placement pursuant to KRS 15A.0652.
- b. An extension of the length of out-of-home placement pursuant to KRS 15A.0652 may be considered as referenced in The Classification and Placement Manual section VII. Administrative Transfer Request (ATR).
- c. Maximum commitment timeframe shall not exceed eighteen (18) months pursuant to KRS 635.060.

POLICY NUMBER DJJ 201	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 4 of 4
----------------------------------------	-------------------------------------------	-------------------------------------

- d. Unless the ATR Committee has authorized the extension of placement, the youth shall be released at the end of the statutory timeframe for out-of-home placement.
3. Any time spent in an out-of-home placement shall count toward the maximum out-of-home time allowed by statute.

V. MONITORING MECHANISM

Monitoring shall be done by the Director of Placement Services, Quality Assurance Branch, and the Classification Branch Manager.



**JUSTICE AND PUBLIC SAFETY
CABINET DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

505 KAR 1:100

REFERENCES:

3-JTS-1E-04, 07; 1F-05; 2D-01; 3C-10-24; 3D-01-09; 4A-07, 09, 14; 4B-10, 12-14; 4C-07; 5A-05; 5B-05; 5D-01, 17; 5E-05; 5F-06; 5G-04; 5H-02, 11, 13
3-JDF-1E-05, 08; 1F-08; 2D-01; 3C-10-21; 3D-01-08; 4A-06, 08, 13; 4B-10, 12-14; 4C-07; 5A-16; 5B-05; 5C-01, 05; 5D-03; 5E-04; 5F-03; 5G-02, 11, 12
3-JCRF-1E-05, 07; 1F-09; 2D-01; 3C-03-16; 3D-01-07; 4A-05, 06, 10; 4B-06, 08, 09; 4C-02, 5A-09; 5B-03; 5D-01, 02; 5E-01; 5F-01; 5G-01, 05, 06
1-JDTP-1E-04, 07; 1F-07; 3C-06; 3D-01, 05, 09, 11, 14, 17, 19, 23, 26, 27; 3E-04
1-JBC-1E-07, 08; 1F-06; 2D-01; 3C14-23; 3D-01-08; 4A-05, 06, 12; 4B-10-12; 4C-07; 5A-07; 5B-05; 5D-01, 13; 5E-01; 5F-04; 5G-04; 5H-02, 03, 11, 13

CHAPTER: Admissions	AUTHORITY: KRS 15A.069
SUBJECT: Youth Rights	
POLICY NUMBER: DJJ 205	
TOTAL PAGES: 5	
EFFECTIVE DATE: 4/05/2019	
APPROVAL: Carey D. Cockerell	, COMMISSIONER

I. POLICY

Upon admission to a Department of Juvenile Justice (DJJ) program, youth shall be advised of their rights, duties, and responsibilities including their right to file a grievance.

II. APPLICABILITY

This policy shall apply to all DJJ residential facilities, Day Treatment programs, and Private Child Care Providers. DJJ youth in other types of community or out-of-home placements shall have the right to file a Service Complaint with the Department of Juvenile Justice.

III. DEFINITIONS

Refer to Chapter 200.

IV. PROCEDURES

POLICY NUMBER DJJ 205	EFFECTIVE DATE 4/05/2019	PAGE NUMBER Page 2 of 5
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Written enumeration of rights shall be provided to each youth during the admission process and signed by the youth. The original shall be filed in the youth's record and a copy shall be provided to the youth. The following rights shall be afforded to all youth:

- A. Youth shall have the right of access to the courts and confidential contact with attorneys.
- B. Youth shall not be subject to and shall be free from discrimination. It shall be prohibited to discriminate based on a youth's race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status in making administrative decisions and in providing access to programs.
- C. Youth shall have access to the communication media through written requests or through media visits. All requests shall be subject only to the limitations necessary to maintain order and security and to protect the youth's rights, or as provided by law. Requests for media contact shall be acted upon in accordance with DJJPP Chapter 1 (News Media Contacts).
- D. Youth and parents or guardians shall be involved in the treatment planning process to the maximum extent possible. Youth have the right to attend treatment planning meetings unless the behavior of the youth prohibits participation. The assigned counselor shall provide the youth with an explanation of his treatment plan, in lieu of the youth's attendance.
- E. Confidentiality of the youth's record shall be maintained as provided by statutes and department policy (Reference KRS 610.320, 610.340 and 635.120).
- F. Audiovisual or tape recordings used as a part of the youth's treatment shall only be used for teaching or therapy purposes with written permission from youth and parents or guardians.
- G. With the prior written consent of the youth and the parent or guardian, youth may participate in research studies approved by the Commissioner's Office.
- H. Youth shall be treated in a humane manner and shall have the right to be protected from exploitation, neglect, and physical, sexual, and emotional abuse. This shall include corporal punishment, intentional injury, use of intimidation, threatening, or abusive language toward the youth, either verbally, in writing, or by gesture. Any suspected abuse or neglect of youth shall be reported in accordance with KRS 620.030 and DJJPP Chapter 1 (Staff Code of Ethics).
- I. Youth charged with major rule violations shall be afforded due process, including the right to appeal.
- J. All youth shall be provided due process consisting of notice of intent to transfer to another out-of-home placement, and an opportunity for the youth to respond either verbally or in writing at the time of notice. In the case of

POLICY NUMBER DJJ 205	EFFECTIVE DATE 4/05/2019	PAGE NUMBER Page 3 of 5
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emergency transfers, the youth shall be provided the aforementioned due process as soon as practical.

- K. There shall be equal access to programs and services for male and female youth in out-of-home placement.
- L. At least two hours of recreation, one hour of which shall be active recreation, shall be provided per day in group homes, youth development centers and detention programs, under the direction of a designated recreation leader. Special arrangements to provide this hour of recreation shall be made if the youth is to be separated from the group. Day Treatment programs shall provide a recreation program approved by the Regional Director. Under circumstances involving a medical condition, a youth may be denied recreational activity on a day-to-day basis. The youth's recreational privileges shall be restored with the approval of authorized medical personnel.
- M. An academic and vocational program to meet individual youth's needs shall be provided in accordance with applicable education statutes.
- N. Each group home, residential and detention program shall designate space and time frames for the youth to participate in religious activities. Participation in religious services shall be voluntary. There shall be no reprisal against any youth in regard to choice for participation in religious services. However, religious practices that pose a danger to the youth, other youth, or staff, or that create a danger to the security of the facility shall be prohibited.
- O. Youth shall have the right to refuse to participate in uncompensated work assignments unless the work is related to housekeeping or maintenance of the facility or personal hygienic needs, or the work is part of an approved vocational or training program.
- P. Access to medical, dental and mental health care, including twenty-four (24) hour emergency medical services, shall be provided, excluding Day Treatment.
- Q. Living units shall be provided with adequate lighting, heat, ventilation and an overall safe environment maintained in compliance with state and local fire and safety laws and regulations.
- R. Youth may wear personal clothing consistent with program guidelines or wear combinations of personal and facility clothing. Youth's clothing shall be kept clean, maintained in good repair and shall be sufficient to meet seasonal and protective needs of the youth.
- S. A personal property inventory of all possessions shall be made for newly admitted youth in residential facilities. The inventory shall indicate which property is being held until discharge and shall be signed by the youth. This inventory shall be made a part of the youth's record with the youth receiving a copy. Whenever possible, property of the youth which is inappropriate for

POLICY NUMBER DJJ 205	EFFECTIVE DATE 4/05/2019	PAGE NUMBER Page 4 of 5
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possession in a residential placement shall be returned to the parents or legal guardians of the youth. Returned items shall be listed on the property inventory with a notation listing the date and to whom the items were returned. Currency shall be refunded or released to youth only during normal business hours. In an ATR situation, currency shall be available to the youth within seven (7) days of transfer.

- T. Clean bedding, linens, towel, and washcloth shall be provided to each youth in residential facilities (to include two (2) sheets, a pillow and pillowcase, mattress, and sufficient blankets to provide comfort under existing temperatures). Linen exchange shall be made at least once a week.
- U. Youth shall be afforded daily opportunity for personal hygiene.
- V. Personal hygiene articles shall be provided to each youth in residential facilities. At a minimum, the following items shall be available in each program and shall be replenished as needed: combs, shampoo, soap, deodorant, toothpaste, toothbrush, and sanitary products.
- W. Three meals a day and an evening snack shall be provided to each youth in residential facilities. Special diets shall be provided when necessary to meet health or religious requirements.
- X. Youth shall be afforded the opportunity for a sufficient night's sleep in residential facilities.
- Y. Reading materials shall be provided to the youth during approved reading times. Sufficient lighting for reading shall be provided.
- Z. Youth shall have the right to receive visits, subject only to the limitations necessary to maintain order and security, or where visitation is determined by the treatment team to be detrimental to the youth's progress. Each program shall specify or designate day, time, and area for visitation. Procedures for visitation in group homes and youth development centers shall relate to treatment of the youth as specified in the treatment plan.
- AA. Youth in group homes, residential and detention programs shall have the right to send mail, excepting commercial enterprise ventures, and shall be provided up to five (5) postage stamps weekly, excluding legal correspondence and subject to any limitation contained in DJJPP Chapters 3 (Family and Community Contacts: Mail, Telephone, and Visitation) and 7 (Family and Community Contact). Youth shall not bear the cost of postage.
- BB. Youth in Day Treatment shall have access to a telephone to initiate and receive emergency personal calls. Youth in detention shall have the right to make successful contact with family members, attorneys, or other approved individuals during the admission process. Each youth in group homes, residential and detention programs shall be provided access to the telephone to make and receive personal calls, within the limits of the orderly operation of the facility, in order to maintain community and family ties and maintain contact with attorneys.

POLICY NUMBER DJJ 205	EFFECTIVE DATE 4/05/2019	PAGE NUMBER Page 5 of 5
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CC. Youth shall have the right to report any problems or complaints without fear of reprisal. There shall be a written grievance procedure, which shall be explained and posted in living and program areas, which allows for at least one (1) level of appeal.

DD. Youth who believe that their rights have been violated shall have the right to file a grievance as set forth in DJJPP Chapter 3 and 11 (Grievance Procedure) for youth in a day treatment, group home, or YDC or a service complaint as set forth in DJJPP Chapter 6 (Service Complaints) for youth in community or other placements.

V. MONITORING MECHANISM

The Facility Superintendent, Facilities Regional Administrator or Regional Director, and Ombudsman shall monitor these activities.



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

REFERENCES:
505 KAR 1:110
3-JTS-3D-06-2; 5A-01-04; 5B-07, 08; 5H-18
3-JCRF-5A-01-09, 13; 5B-08; 5C-02
1-JDTP-3B-10; 3C-01-06; 3D-06, 10
1-JBC-1E-04; 3C-02, 03; 4B-12; 5A-01-05, 07; 5H-16
4-JCF-3B-01; 5A-01-03; 5C-03; 5H-02

CHAPTER: Program Services

AUTHORITY: KRS 15A.0652

SUBJECT: Intake and Orientation

POLICY NUMBER: DJJ 301

TOTAL PAGES: 7

EFFECTIVE DATE: 4/05/2019

APPROVAL: Carey D. Cockerell

, COMMISSIONER

I. POLICY

At admission and during the orientation process youth shall undergo the following:

1. A screening for medical, mental health, and dental issues designed to protect the health of the youth and other juveniles in the population and prevent the introduction of disease;
2. A trauma screener;
3. A screening for human trafficking;
4. A PREA vulnerability assessment; and
5. An orientation to the program's procedures, rules, programs, and services in language that the youth understands.

Residential programs shall not discriminate on the basis of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.

II. APPLICABILITY

This policy shall apply to each Department of Juvenile Justice (DJJ) group home and youth development center (YDC).

III. DEFINITION

Refer to Chapter 300.

POLICY NUMBER DJJ 301	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 2 of 7
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IV. PROCEDURES

- A. Admission criteria for residential programs shall be as set forth in DJJPP Chapter 2.
- B. The referring agent shall provide the program superintendent or designee appropriate information on each youth at the time of referral for admission into the program. The following information shall be included in the youth's Individual Client Record (ICR):
 - 1. Identifying data: name, address, date of birth, sex, race, ethnicity, and origin;
 - 2. Name of referring agency or committing authority and date of information gathered;
 - 3. Reason for referral, legal status, and legal aspects of the case including jurisdiction, length, and conditions of placement;
 - 4. Probation, commitment, or sentencing order;
 - 5. Legal history and prior placements;
 - 6. Social history;
 - 7. Religious declaration;
 - 8. Recreational preferences and needs assessment;
 - 9. Education and school history, including vocational interests and experience;
 - 10. Psychological evaluation, including intellectual assessment;
 - 11. Special medical, dental, substance abuse, or mental health problems or needs;
 - 12. Housing unit assignment which requires separate sleeping rooms for males and females;
 - 13. Staff recommendations or concerns; and
 - 14. Whom to notify in case of emergency.
- C. At the time of admission, medical, dental, and mental health screening shall be conducted in accordance with DJJPP Chapter 4 (Admission Screening for Physical and Behavioral Health Challenges). Staff shall be informed of any special needs of the youth, to include physical or mental health problems that may require medical attention.
- D. Staff shall be trained in proper screening techniques.

POLICY NUMBER DJJ 301	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 3 of 7
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- E. Staff shall provide the individual being screened with a verbal overview of the procedure intended to be used.
- F. General Screening Procedures
 - 1. Staff shall be trained in screening techniques designed to protect persons involved and preserve evidence.
 - 2. All facilities shall provide gloves and other needed equipment for searches that protect staff safety and ensure chain of custody for confiscated items.
- G. Screenings
 - 1. Initial Health Screening
 - a. Only health trained staff shall conduct the initial health screening.
 - b. If possible, two (2) staff that are the same gender as the youth shall conduct the initial health screening, except when the screening is being performed by a nurse. One (1) staff shall facilitate the process and the second staff person shall observe the process to verify that the correct procedure is followed.
 - c. Staff shall direct the youth to the designated private location, outside of the view of other staff and residents.
 - d. Staff shall direct youth to remove all personal clothing and items and dress in facility supplied tank tops and boxer shorts.
 - e. Staff shall instruct the youth to verbally indicate the location of any scars, bruises, birthmarks, tattoos, or any other marks known.
 - h. Conditions of the skin including trauma markings, bruises, lesions, jaundice, rashes and infestations, recent tattoos and needle marks, or other indications of drug use shall be documented.
 - f. Health trained staff shall review the body identification section of the Initial Health screening in accordance with DJJPP Chapter 4.
 - 2. Ectoparasite Screening

Staff shall follow procedures in DJJPP Chapter 4 (Ectoparasite Control). If the delousing procedure is to be conducted:

 - a. Staff conducting the ectoparasite screening shall be the same gender as the youth. When possible, two (2) staff shall conduct the screening, except when the screening is being performed by a nurse. One (1) staff shall facilitate the process and the second

POLICY NUMBER DJJ 301	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 4 of 7
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staff person shall observe the process to verify that the correct procedure is followed.

- b. Staff shall provide the youth with towel, washcloth, and state issued clothing to put on after the youth showers.
3. Human Trafficking Screening
 - a. Human trafficking screening shall be conducted for every youth following completion of the Individual Treatment Plan (ITP) but no later than 30 days after admission.
 - b. If the youth scores a yes for any item on the screening tool or self-reports anytime thereafter, the staff conducting the screening or receiving the report shall:
 - i. Immediately notify the Cabinet for Health and Family Services via the Child Protective Services hotline at 1-877-KYSAFE1 or the Kentucky Online Child/Adult Protective Services Reporting System at <https://prd.chfs.ky.gov/ReportAbuse/home.aspx>;
 - ii. Email notification to the youth's attorney no later than the next business day;
 - iii. If the youth is a resident of or has resided in another state or country within the last year, call the National Human Trafficking Hotline at 1-888-373-7888 and notify the DJJ Interstate Compact Office;
 - iv. If the juvenile is a foreign national, contact the Catholic Charities of Louisville at 502-974-4947 to request assistance with an eligibility letter and coordinating support services; and
 - v. Up-line to the next line supervisor and DJJ Office of Legal Services.
 - c. A copy of the screening shall be maintained in the juvenile's ICR.
 - d. If the youth is a victim of human trafficking and remains committed to the Department, the juvenile shall receive appropriate treatment services.
 4. PREA vulnerability assessment shall be completed as set forth in DJJPP Chapter 9 Prison Rape Elimination Act of 2003 (PREA).
 5. Mental health screening shall be completed within twenty-four (24) hours of admission as set forth in DJJPP Chapter 4 (Mental Health Assessments).

POLICY NUMBER DJJ 301	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 5 of 7
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H. Each program admission shall include the following:

1. Receiving ongoing treatment work for the youth, if applicable;
2. Receiving and verifying current prescribed medications for the youth;
3. Photographing the youth;
4. Conducting a search of the youth and their accompanying possessions;
5. Completing identifying data sections of the Wanted Absconder Notice and Cancellation form;
6. Inventorying of personal property and assigning a property number, if necessary. Items that are inappropriate for possession and clothes that are deemed inappropriate to wear shall be stored or returned to the parent or caregiver;
7. Assigning a specific staff member for treatment planning and counseling duties;
8. Documenting receipt of both verbal and written explanation of:
 - a. Youth rights;
 - b. Duties and responsibilities;
 - c. The right to file a grievance, as well as the location of the grievance documentation;
 - d. Information regarding the prevention of sexual abuse and sexual assault;
 - e. The purpose of drug screens, the consequences of positive test results, and the consequences of failure or refusal to cooperate by providing a specimen; and
 - f. Procedures concerning how outside investigative units may be contacted for the reporting of any act in which the health or welfare of a resident is perceived to have been harmed or threatened with harm;
9. Documenting receipt of both verbal and written notice that a youthful offender (YO) may be transferred to the Department of Corrections (DOC) by the sentencing circuit court if the youth has been aggressive, escaped, or caused serious disruption to the program;
10. Providing written orientation materials to the youth and parent or caregiver;
11. Providing showering and hair care, if necessary;

POLICY NUMBER DJJ 301	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 6 of 7
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12. Issuing personal hygiene articles;
 13. Issuing clean, laundered, and properly fitted clothing, as needed;
 14. Assigning a housing unit and a brief tour of the unit;
 15. Recording information to be used for mail, telephone contact, and visitation lists, as verified by the Juvenile Service Worker (JSW);
and
 16. Assisting youth in notifying their parent or caregiver of admission and procedures for mail and visiting.
- I. Orientation shall be used to observe the youth's behavior and to identify needs.
1. Orientation shall include:
 - a. Distributing written materials about the facility programs, rules and regulations, and tracks and shall not be impeded by isolation status. This shall occur within twenty-four (24) hours and receipt of the written materials shall be documented by a Resident Reception Summary and Youth Acknowledgment documentation signed and dated by the juvenile and staff;
 - b. Discussing program goals, services, rules governing conduct, program rules, chargeable offenses, range of penalties, incentives for good behavior, and possible disciplinary actions. This shall occur within twenty-four (24) hours;
 - c. Orientation may include informal classes; and
 - d. A youth's Orientation Treatment Plan shall be written within seven (7) days of admission. The plan shall be in accordance with protocol approved by the program Treatment Director or Superintendent and shall be signed by the youth and the assigned youth counselor.
 2. Each program shall provide foreign language interpretation of orientation materials for both youth and parent or caregiver when a language barrier exists;
 3. Each program shall assist the youth in understanding material when a literacy, hearing, or visual impairment problem exists and shall provide interpretation if needed; and
 4. Completion of orientation shall be documented by a signed and dated statement by the youth.
- J. During orientation youth shall be enrolled in the education program, provided reading materials, be permitted to attend religious services, receive exercise on the same schedule as the general population, have

POLICY NUMBER DJJ 301	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 7 of 7
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contact with a parent or caregiver, and perform work assignments with their assigned group.

IV. MONITORING MECHANISM

The Quality Assurance (QA) Branch shall perform annual facility monitoring visits to ensure compliance with this policy. The Superintendent or designee shall ensure the referral information is received.

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:140 3-JDF-3D-08
CHAPTER: Detention Services		AUTHORITY: KRS 15A.065
SUBJECT: Grievance Procedure		
POLICY NUMBER: DJJ 706		
TOTAL PAGES: 4		
EFFECTIVE DATE: October 5, 2018		
APPROVAL: Carey D. Cockerell		, COMMISSIONER

I. POLICY

Juveniles shall be provided an internal grievance mechanism for complaints arising from institutional matters.

II. APPLICABILITY

This policy shall apply to each Department of Juvenile Justice (DJJ) operated detention centers.

III. DEFINITIONS

Refer to Chapter 700.

IV. PROCEDURES

- A. DJJ staff shall explain the grievance process to the juvenile upon intake and post the process in living and program areas. The resident handbook shall include instructions for the grievance process.
- B. A minimum of two (2) grievance officers shall be designated for each DJJ program. The facility Superintendent shall not be a designated grievance officer.
- C. Juveniles shall have the right to file a grievance without fear of retaliation.
- D. Prior to filing a grievance, an effort shall be made to resolve the issue informally, without staff retaliation. A special incident shall not be handled informally or through the grievance process and shall be reported immediately to the facility Superintendent and Internal Investigation Branch (IIB).
- E. The juvenile shall discuss the matter with the grievance officer. The grievance officer shall take into consideration the juvenile and staff person's ability to informally resolve the grievance issue.
- F. A juvenile may file a grievance if they believe that there has been a violation of:
 1. Federal or Kentucky civil rights provisions;

POLICY NUMBER DJJ 706	EFFECTIVE DATE 10/05/2018	PAGE NUMBER 2 of 4
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2. Federal or Kentucky civil or criminal law;
 3. Department or program standard operating procedures (SOP's);
 4. To resolve a condition within the program that creates unsafe or unsanitary living conditions; or
 5. To express concerns regarding an inadequate level care.
- G. Non-grievable issues shall include court decisions, policies from agencies outside the program, disciplinary hearing decisions, and legislative action affecting the facility.
- H. Each facility shall make available grievance documentation located in an area that is easily accessible to juveniles. Each facility shall provide one or more clearly marked lockboxes for the submission of a grievance. The lockbox shall be in an open area accessible to all juveniles. The grievance officers shall be responsible for the management of the lockbox.
- I. If a juvenile is unable to adequately express the grievance in written form, the juvenile shall be allowed to present the grievance to the designated grievance officer verbally.
- J. Only one grievance per juvenile may be filed at any one time on a single incident or issue of concern. A juvenile may withdraw a current or previously filed grievance at any time. Juveniles shall acknowledge all grievance findings, to include withdrawals, with their signature. The grievance officer shall document any refusals to acknowledge the grievance findings.
- K. An inappropriately filed grievance, or one that concerns a non-grievable issue, shall be returned to the juvenile with an appropriate explanation.
- L. If the designated grievance officer or facility Superintendent is directly involved in the grievance, the grievance shall be forwarded the next line supervisor for resolution.
- M. The facility Superintendent or designee shall maintain a tracking log specifying the date, name of the juvenile, and determination of the grievance.
- N. A summary of all grievances shall be included in the Quarterly and Annual Reports submitted by the Superintendent to the FRA and the Ombudsman. The original record, including all information regarding the grievance, shall be kept on file in the office of the designated grievance officer. A copy of the grievance shall be placed in the juvenile's record and a copy shall be given to the juvenile.
- O. The grievance process shall be evaluated at least annually to determine its efficiency and effectiveness.
- P. Grievance Process:
1. A grievance shall be submitted by the juvenile within fourteen (14) days of the grieving incident occurrence. The exception to this shall be if the incident falls under the classification of a Prison Rape Elimination Act (PREA) occurrence, such an incident shall not have a time limit applied. All

POLICY NUMBER DJJ 706	EFFECTIVE DATE 10/05/2018	PAGE NUMBER 3 of 4
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PREA incidents shall be reported through the Hotline pursuant to Chapter 9 of the DJJ Policy and Procedures.

2. The grievance shall contain:
 - a. All the information concerning the issue being grieved;
 - b. All the information concerning the effort to informally resolve the issue; and the desired resolution.
3. A grievance or notification of intent to present a verbal grievance shall be deposited, by the juvenile, into a secure locked box with staff key control.
4. Grievances shall be retrieved from the locked box within twenty-four (24) hours. A designated grievance officer shall be assigned to the grievance upon retrieval from the lockbox. The designated grievance officer shall conduct resident and staff interviews within three (3) business days of receiving the grievance. This includes obtaining all relevant documentation and progress notes.
5. If a grievance is a medical issue, a facility nurse shall be involved in the resolution process at the facility level.
6. Upon conclusion of the interviews, the designated grievance officer shall present a written response to the juvenile within three (3) business days.
7. The findings shall be one of the following: “substantiated, “not substantiated”, “withdrawn”, or “other”. “Other” may include the grievance issue being referred to the Internal Investigation Branch (IIB) or the Office of the Ombudsman. The grievance officer shall consult with the Office of the Ombudsman, as needed.

Q. Grievance Appeal Process:

1. If dissatisfied with the resolution presented by the designated grievance officer, the juvenile may appeal the grievance to the facility Superintendent within forty-eight (48) hours. The juvenile shall present all previous information submitted. The appealed grievance shall be deposited in the grievance box or presented to the designated grievance officer and be provided to the facility Superintendent by the designated grievance officer.
2. Within three (3) business days of receiving the appealed grievance resolution, the facility Superintendent shall meet with:
 - a. The designated grievance officer;
 - b. The juvenile; and,
 - c. Staff involved and witnesses, at the discretion of the facility Superintendent.
3. The facility Superintendent shall have up to five (5) business days to present a written final response to the juvenile.

POLICY NUMBER DJJ 706	EFFECTIVE DATE 10/05/2018	PAGE NUMBER 4 of 4
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4. A copy of the facility Superintendent's final resolution of the appeal, the grievance, and all appropriate attachments shall be forwarded to the Facilities Regional Administrator (FRA) and Office of the Ombudsman.

R. Grievance Process Time Frames:

1. If the time frames are not met by the juvenile, the grievance is automatically terminated unless a legitimate reason for the delay is presented to and approved by the facility Superintendent.
2. If the time frames are not met by the designated grievance officer, the grievance shall automatically be referred to the facility Superintendent by the designated grievance officer. The facility Superintendent shall follow the grievance appeal process timeframes.
3. Due to the unavailability of an essential party, the time frames may be extended. The reason for the extension shall be noted on the grievance documentation.

V. MONITORING MECHANISM

The Office of the Ombudsman, the Quality Assurance Branch, and the Superintendent shall monitor the program within the facility.



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

**REFERENCES:
505 KAR 1:110
3-JTS-3D-09,
3-JCRF-3D-07
1-JDTP-3D-17
1-JBC-3D-08
4-JCF-3A-06**

CHAPTER: Programs and Services

AUTHORITY: KRS 15A.0652

SUBJECT: Grievance Procedure

POLICY NUMBER: DJJ 331

TOTAL PAGES: 4

EFFECTIVE DATE: 4/05/2019

APPROVAL: Carey D. Cockerell , COMMISSIONER

I. POLICY

Youth shall be provided an internal grievance mechanism for complaints arising from institutional matters.

II. APPLICABILITY

This policy shall apply to each Department of Juvenile Justice (DJJ) group home and youth development center (YDC). A contracted program shall adhere to their parent agency's procedures. If no procedures exist, the contracted program shall develop procedures within their standard operating procedures (SOP's).

III. DEFINITIONS

Refer to Chapter 300.

IV. PROCEDURES

- A. DJJ staff shall explain the grievance process to the youth upon intake and post the process in living and program areas. The resident handbook shall include instructions for the grievance process.
- B. A minimum of two (2) grievance officers shall be designated for each DJJ program. The Superintendent shall not be a designated grievance officer.
- C. Youth shall have the right to file a grievance without fear of retaliation.
- D. Prior to filing a grievance, an effort shall be made to resolve the issue informally, without staff retaliation. A special incident shall not be handled informally or through the grievance process and shall be reported immediately to the Superintendent and the Internal Investigation Branch (IIB).

POLICY NUMBER DJJ 331	EFFECTIVE DATE: 4/05/2019	PAGE NUMBER 2 of 4
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- E. The youth shall discuss the matter either with the staff person involved or the grievance officer. The grievance officer shall take into consideration the youth and staff person's ability to informally resolve the grievance issue.
- F. A youth may file a grievance if they believe that there has been a violation of:
 1. Federal or Kentucky civil rights provisions;
 2. Federal or Kentucky civil or criminal law;
 3. Department policies or program standard operating procedures (SOP's);
 4. Safe or sanitary living conditions within the program; or
 5. The level of care provided within the program.
- G. Non-grievable issues shall include court decisions, policies from agencies outside the program, disciplinary hearing decisions, and legislative action affecting the facility.
- H. Each facility shall make available grievance documentation located in an area that is easily accessible to youths. Each facility shall provide one or more clearly marked lockboxes for the submission of a grievance. The lockbox shall be in an open area accessible to all youth. The grievance officer shall be responsible for the management of the lockbox.
- I. If a youth is unable to adequately express the grievance in written form, the youth shall be allowed to present the grievance to the designated grievance officer verbally.
- J. A youth may be limited in filing a grievance on issues already grieved and decided. A youth may withdraw a current or previously filed grievance at any time. Youth shall acknowledge all grievance findings, to include withdrawals, with their signature. The grievance officer shall document any refusals to acknowledge the grievance findings.
- K. An inappropriately filed grievance, or one that concerns a non-grievable issue, shall be returned to the youth with an appropriate explanation.
- L. If unable to resolve the issue informally, the youth may submit a grievance in writing.
- M. The grievance documentation shall be kept on file in the office of the designated grievance officer. A copy of the grievance shall be placed in the youth's hard case file and a copy shall be given to the youth.
- N. The Superintendent or designee shall maintain a tracking log specifying the date, name of the youth, and determination of the grievance.
- O. The grievance process shall be evaluated at least annually to determine its efficiency and effectiveness.

POLICY NUMBER DJJ 331	EFFECTIVE DATE: 4/05/2019	PAGE NUMBER 3 of 4
----------------------------------------	--------------------------------------------	-------------------------------------

P. If the designated grievance officer or Superintendent is directly involved in the grievance, the grievance shall be forwarded to the next line supervisor for resolution.

Q. Grievance Process:

1. A grievance shall be submitted by the juvenile within fourteen (14) days of the grieving incident occurrence. The exception to this shall be if the incident falls under the classification of a Prison Rape Elimination Act (PREA) occurrence, such an incident shall not have a time limit applied. All PREA incidents shall be reported through the Hotline pursuant to DJJPP Chapter 9 (Reporting and Investigating PREA Violations).
2. The grievance shall contain:
 - a. Information concerning the issue being grieved; and
 - b. Information concerning the effort to informally resolve the issue; and
 - c. The desired resolution.
3. A grievance shall be deposited, by the youth, into a secure locked box with staff key control only by the grievance officer or designee.
4. The written grievance shall be retrieved by the designated grievance officer within two (2) business days of the grievance being filed.
5. The designated grievance officer shall conduct resident and staff interviews within three (3) business days of receiving the grievance. This includes obtaining all relevant documentation and progress notes.
6. Upon conclusion of the interviews and review of relevant documentation the designated grievance officer shall present a written response to the youth within three (3) business days.
7. If a grievance is a medical issue, the nurse shall be involved in the resolution process at the facility level.
8. The findings shall be one of the following: “substantiated, “not substantiated”, exonerated , or unfounded. The grievance officer shall consult with the Office of the Ombudsman, as needed.

R. Grievance Appeal Process:

1. If dissatisfied with the resolution presented by the designated grievance officer the youth may within forty-eight (48) hours forward the grievance to the Superintendent. The youth shall present all previous information submitted. The appealed grievance shall be deposited in the grievance box, and once retrieved, it shall be provided to the Superintendent by the designated grievance officer.
2. Within three (3) business days of receiving the appealed grievance resolution, the Superintendent shall meet with:

POLICY NUMBER DJJ 331	EFFECTIVE DATE: 4/05/2019	PAGE NUMBER 4 of 4
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- a. The designated grievance officer;
 - b. The youth; and
 - c. Staff involved and witnesses, at the discretion of the Superintendent.
3. The Superintendent shall have up to five (5) business days to present a written final response to the youth.
 4. A copy of the Superintendent's final resolution of the appeal, the grievance, and all appropriate attachments shall be forwarded to the Facilities Regional Administrator (FRA) and Office of the Ombudsman.
- S. Grievance Process Time Frames:
1. If the time frames are not met by the youth, the grievance is automatically terminated unless a legitimate reason for the delay is presented and approved by the Superintendent.
 2. If the time frames are not met by the designated grievance officer, the grievance shall automatically be referred to the Superintendent by the designated grievance officer. The Superintendent shall follow the grievance appeal process timeframes.
 3. Due to the unavailability of an essential party, the time frames may be extended. The reason for the extension shall be noted on the grievance documentation.

V. MONITORING MECHANISM

The Office of the Ombudsman shall monitor this activity in a group home and YDC.



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

REFERENCES:

4-JCF-3A-01

3-JDF-3D-01, 02

3-JCRF-3D-01, 02

1-JDTP-3D-26

1-SJD-3D-01, 02

1-JBC-3D-01, 02

CHAPTER: Administration

AUTHORITY: KRS 15A.065

**SUBJECT: Youth Access to Courts, Attorneys and Law
Enforcement Officials**

POLICY NUMBER: DJJ 121

TOTAL PAGES: 2

EFFECTIVE DATE: 5/15/2017

APPROVAL: Carey D. Cockerell

, COMMISSIONER

I. POLICY

Youth in a Department of Juvenile Justice (DJJ) operated or contracted program shall have access to legal representation and access to the courts.

II. APPLICABILITY

This policy shall apply to DJJ operated and contracted programs.

III. DEFINITIONS

Refer to Chapter 100.

IV. PROCEDURES

A. Youth shall have uncensored, confidential contact by telephone, in writing, or in person with their legal representative. The youth shall have the right to contact and visit with counsel. Program staff shall assist youth in making confidential contact with attorneys and authorized representatives. Such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.

B. Access to Legal Representation

1. Youth in DJJ operated and contracted programs shall have the right to consult with an attorney of their choice at a time reasonably convenient for all parties concerned, including management of the facility.
2. Upon admission to a youth development center (YDC), group home (GH), or regional juvenile detention center (RJDC) youth shall be informed both verbally and in writing of the method by which they may access a Department of Public Advocacy (DPA) attorney. This information shall

POLICY NUMBER DJJ 121	EFFECTIVE DATE 5/15/2017	PAGE NUMBER 2 of 2
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also be contained in the youth's orientation handbook. Youth shall sign an acknowledgement form indicating receipt of this information.

3. A sign-up system shall be implemented in each YDC for youth who desire to speak with an attorney from DPA.
4. Attorneys shall not be permitted to conduct blanket interviews with youth not signed up for legal consultation.

C. Interviews by Law Enforcement Officials

1. The Superintendent or designee shall notify the Office of Legal Counsel if a youth is to be interviewed by a law enforcement.
2. Youth shall be informed of their right to refuse and have an attorney of their choice present during questioning.
3. There may be exceptional cases involving children who are emotionally disturbed, have an intellectual disability, or who for some other reason may not be able to give a coherent, meaningful statement. The Office of Legal Counsel shall be notified for consultation for those exceptional cases.
4. When the youth does not wish to talk to law enforcement personnel, a staff member shall advise the law enforcement official of the youth's refusal and document the refusal.

V. MONITORING MECHANISM

This policy will be monitored by the Superintendent and the Facilities Regional Administrator on a continual basis.