

COMMONWEALTH OF KENTUCKY
JUSTICE and PUBLIC SAFETY CABINET
DEPARTMENT OF JUVENILE JUSTICE
INTERAGENCY AGREEMENT

This agreement, made and entered into as of the 1st day of July 2017, by and between the Commonwealth of Kentucky, Justice and Public Safety Cabinet,

Department of Juvenile Justice
(Name of Department or Office)

Hereinafter referred to as the Department, and

Jefferson County School District
(Name of Second Party)

3332 Newburg Road, Louisville, Kentucky 40232
(Address of Second Party)

Hereinafter referred to as the Second Party,

WITNESSETH, THAT:

Whereas, the Department, in the exercise of its lawful duties, has determined upon the necessity of the performance of the following function briefly described as:

Provide a full continuum of educational services for youth that have been committed to or are in the custody of the Department.

and;

Whereas, the Second Party is available, willing, and qualified to perform this function, and the Department desires that the Second Party perform this function;

Now, therefore, it is hereby and herewith mutually agreed by and between the parties hereto as follows:

This agreement is intended to form the basis for a cooperative relationship between the Department of Juvenile Justice and **Jefferson County School District at Louisville Day Treatment**. The mutual goal and intention of each of the agencies named above is to maintain the needs of each youth as our priority in fulfillment of this agreement. It is meant to foster excellence in education and treatment and is not meant to inhibit either agency in meeting their respective goals, but rather to foster collaborative services on the part of both agencies. The expectation is that this contractual agreement will provide the basis for the highest quality of educational services possible for our youth.

The commitment to the provisions of this contract signifies each agency's efforts toward professional collaboration for provision of quality education and treatment to each youth for whom we share responsibility.

1. The Second Party agrees to perform the services as hereinafter described with particularity as follows:
 - A. Comply with all applicable federal and state laws and regulations for the services provided under this agreement.
 - B. Provide certified and classified staff as applicable to meet the educational needs of the youth.
 - C. Assure that annual professional development for certified educational staff addresses the identified needs of youth in the program and standards set forth by the Kentucky Department of Education.
 - D. Assure the teacher pupil ratio shall average, based on average daily attendance, no more than ten (10) students to one (1) teacher without a classroom aide and fifteen (15) students to one (1) teacher with a classroom aide. A classroom that exclusively serves students with educational disabilities shall comply with teacher pupil ratios as specified in 707 KAR 1:350.
 - E. Provide 210 instructional days.
 - F. Provide students with a minimum of six (6) hours of daily instruction as indicated in KRS 158.060(3); and provide a minimum of four (4) hours of instructional time per day for each day beyond the local school district calendar.
 - G. Develop a mutually agreed upon yearly school calendar that identifies local school district instructional days, instructional days beyond the local school district calendar, professional development days, holidays, vacation days and non-instructional days.
 - H. Plan vacations, professional development days, and leave with respect to the education and treatment needs of the youth, the local district calendar, local district policies and procedures, and the Department.
 - I. Assure the school administrator submits the yearly school calendar and daily school schedule to the facility superintendent and the DJJ Education Branch Manager by July 1 of each respective year for the next school year.
 - J. Make educational services available to each youth upon admission and construct educational services on an open entry – open exit basis.
 - K. Prepare an Educational Passport and submit to DJJ as required by KRS 158.137 and 605.110(3)(e). Please see KECSAC Policy 4.21 Educational Passport. Infinite Campus, the electronic student data collection used by the Kentucky Department of Education, may serve as the standard educational passport for state agency children.
 - L. Provide instruction based on Kentucky Academic Standards, Career and Technical Education Program of Studies Implementation Manual, and Kentucky Occupational Skill standards to meet the individual needs of each youth.
 - M. Assist in integrating the youth's Individual Learning Plan (ILP) and, if applicable, the Individual Education Program (IEP) with the youth's Individual Treatment Plan (ITP).
 - N. Assure that assigned student coursework is aligned with the credit requirements necessary for earning a high school diploma.
 - O. Assure that the appropriate annual credit requirements are aligned with the credit requirements and demonstrated competencies as defined in 704 KAR 3:305(2). (Appendix A)
 - P. Provide access to library services for the youth. (Appendix B)

- Q. Require education staff to provide instruction that addresses all Learning Styles.
- R. Ensure that Career Clusters and Learning Styles are displayed within the classroom area.
- S. Require education staff to deliver instruction by diverse methods even when learning is primarily achieved through online credit recovery programs. Instruction may include but shall not be limited to groups, teams, hands on learning activities, accelerated teaching, or computerized learning.
- T. Require education staff to develop and follow written lesson plans with consideration given to the educational and vocational learning needs of each youth.
- U. Require education staff document evidence of a student's level of achievement using local school district's procedural documentation or the Kentucky Academic Standards.
- V. Assure grades, credits, diploma, certificate of completion, or a high school equivalency diploma (General Education Development – GED) earned by the youth is in compliance with Federal and state laws and regulations.
- W. For youth eligible for GED testing, assure youth earns grades and credits toward a diploma.
- X. Conduct educational and vocational assessments within twenty-one (21) days of the student's admission if previous results are not available.
- Y. Review and revise, as needed, the Individual Learning Plan (ILP) for each youth and write an Individual Education Program (IEP) for youth with an educational disability using results of educational and vocational assessments.
- Z. Update the Individual Learning Plan (ILP) when a youth earns a diploma, certificate of program completion, or a GED. The plan shall include evaluated work experience, vocational education and/or higher education through correspondence or on-campus courses.
- AA. Assure a minimum of one educator attends treatment team meetings scheduled during the 210 instructional school days. The educator will be an active participant in the development of each youth's initial Individual Treatment Plan (ITP) and attend weekly treatment team meetings to address youth's progress and transition needs. (Appendix C)
- BB. Assure education progress reports of student achievement are forwarded to the parent or guardian on the same schedule as for students in the local school district.
- CC. Assure each youth is included in district wide, end-of-course, and statewide assessments.
- DD. Include the program in the school district textbook revision plan.
- EE. Provide necessary instructional materials and specialized equipment that meet minimum state education standards including computers and data lines.
- FF. Provide remedial instruction/intervention to improve basic skills for students who score two or more grade levels below standard in reading or math.
- GG. Collaboratively develop with DJJ staff a code of acceptable school behavior and disciplinary measures which are complimentary to and consistent with the facility behavior management system.
- HH. Provide Infinite Campus training and give total access for school administrators and academic teachers.

- II. Assure each youth's educational record contains specific name of courses youth is taking or has completed, amount of time in the course, and grades and credits earned while in the program. This information is to be included when transferring records to the next agency providing education services.
- JJ. Make all educational records available upon request to DJJ staff working with youth, monitoring and evaluating services for the Department as permitted by federal and state laws and regulations including the Family Educational Rights and Privacy Act (FERPA).
- KK. Assure that educational records are forwarded to the receiving school within five (5) school days following the release of a youth from the program.
- LL. Adhere to the Department's Education Policy and Procedures. (Appendix D)
- MM. Adhere to the Department's Code of Conduct and Code of Ethics Policies and Procedures and cooperate with investigation of misconduct. (Appendix E) If a violation occurs, disciplinary issues relating to school district personnel shall be governed by the local school district's policy and procedures. If the Department of Juvenile Justice provides written notice that it believes that any teacher and/or other educational staff has violated any Department of Juvenile Justice Policy, then the individual that is believed to have violated Policy shall not be allowed to return to the Department of Juvenile Justice's property, and the Second Party will forthwith provide a different teacher and/or other educational staff to replace the individual that would not be allowed to return.
- NN. Cooperate with the facility superintendent in obtaining the information and releases required for criminal and administrative background investigations to be conducted on any certified or classified staff who may have contact with youth and agrees to not assign any certified or classified staff to work at the program who is not approved.
- OO. Ensure that each certified and classified education staff member submits a signed Confidentiality Agreement to the facility superintendent.
- PP. Adhere to and cooperate with the pursuit of accreditation standards to which the Department is subject.
- QQ. Comply with the Prison Rape Elimination Act (PREA) (42 U.S.C. §15601, et seq.) and with all applicable PREA National Standards (28 C.F.R. Part 115). The basic tenets of compliance with PREA assert that DJJ and all associated contractors have a zero tolerance policy toward sexual abuse, sexual assault, sexual harassment or any other type of sexual misconduct between youth and youth or staff and youth. The school district agrees to notify the Department and promptly investigate any allegations or instances of any sexual misconduct. (Appendix F)
- RR. The school district will ensure education staff participates in all mandatory training requirements as directed by federal requirements, DJJ Policy, and American Correctional Association accreditation standards, either through its own training, or through participation in DJJ training. Mandatory trainings include but may not be limited to program-specific Emergency Procedure training and PREA (Prison Rape Elimination Act) training.
- SS. Participate fully in the monitoring of this agreement.
- TT. Assure there will be no discrimination against any applicant, or recipient of services on account of race, color, age, sex, religious creed, ancestry, national origin or sexual preference in performance of this agreement.
- UU. Assure the facility superintendent/designee is invited to participate on the interview panel for the hiring of any educational staff for the program.

VV. Seek input from the facility superintendent when evaluating individual education staff based on district evaluation criteria.

WW. Allow the opportunity to participate on the interview panel for the hiring of any rehabilitation instructor or vocational staff for the program.

XX. Assure the school administrator/designee attends the facility management team meetings.

YY. Assure appropriate DJJ staff is invited to participate in educational meetings relative to the development or review of educational services for individual youth (i.e., Admissions and Release Committee (ARC) meetings).

ZZ. Assure staff obtains required training per Department standards.

AAA. Assure certified and classified staff complies with the school district acceptable use policy for Internet usage.

BBB. Assure no DJJ youth is permitted access to e-mail.

CCC. Assure Internet access is diligently supervised and is purposeful for the completion of academic/vocational learning objectives.

DDD. Provide youth Internet access with a school district or DJJ content filtering device in place.

EEE. Connect local school district technology staff with the Commonwealth Office of Technology for assistance in providing certified and classified education staff access to the local school district server through the DJJ Proxy Server.

FFF. Through use of a content filtering device, ensure that Sexually Explicit Materials are not available via any video or computer system, software or hardware product, or internet service in any area where youth are present within the offices and programs of the Department of Juvenile Justice.

GGG. Data lines outside of DJJ must be approved by the Information Systems Branch.

2. In relation to the agreement, the Department or its facility designee agrees to perform the following functions:

A. Comply with all applicable federal and state laws and regulations for the services provided under this agreement.

B. Provide the school administrator or designee as much notice as possible prior to a youth being admitted to or discharged from the facility.

C. Provide the educators access to all pertinent records as permitted by law in order to meet the individual needs of the youth.

D. Provide the school administrator a notice of relevant meetings at the same time other Department staff is provided notice.

E. Assure facility staff will provide supervision and supportive assistance in the course of all academic activities. Youth workers shall be included in classroom activities to the maximum extent possible and shall work cooperatively with all education staff.

F. Dispense all medication to the youth.

- G. Notify the Second Party School Administrator of any grievance involving the educational staff. Each agency will address the grievance according to their respective policy and procedures. If a mutually acceptable resolution is not reached within the timelines of the respective policies and procedures, the following action shall be initiated:

Step 1. The Department Regional Administrator and Second Party designee, who is not the School Administrator, will meet to discuss, clarify, and resolve the matter. This resolution will be formalized in writing and conveyed to the Facility Superintendent and Second Party School Administrator. If the matter cannot be resolved, the following action shall be initiated.

Step 2. The Department Regional Director and the Second Party Superintendent or designee, who is not the School Administrator, will meet within 10 working days. They will review the grievance, interview the individuals they deem appropriate and reach a resolution. This resolution will be formalized in writing and conveyed to the Facility Superintendent and Second Party School Administrator.

- H. Assure appropriate DJJ staff attends educational meetings relative to the development or review of educational services for individual youth (i.e., Admissions and Release Committee (ARC) meetings).
- I. Assure educators are assigned to treatment teams and a minimum of one educator attends each treatment team meeting scheduled during the 210 instructional days. The educator will be an active participant in the development of each youth's initial Individual Treatment Plan (ITP) and attend weekly treatment team meetings to address youth's progress and transition needs.
- J. Provide technical assistance through Education Branch staff.
- K. Collaboratively develop with the local school district staff a code of acceptable school behavior and disciplinary measures that are consistent with the facility behavior management system.
- L. Participate on the interview panel for the hiring of any educational staff for the program.
- M. Obtain information and releases required for criminal and administrative background investigations to be conducted on any certified or classified staff who may have contact with youth. Assure that criminal and background checks are completed for school staff.
- N. Provide input to the school district staff person evaluating individual education staff based on district evaluation criteria.
- O. Refuse an educational staff entry to a facility if they are found to be in violation of the Department's Code of Conduct or Code of Ethics policies and procedures.
- P. Schedule facility management team meetings, whenever possible, to allow the school administrator the opportunity to attend.
- Q. Provide safety inspections at regular intervals.
- R. Consider the school calendar in the timing of discharge of youth from facility, whenever possible.
- S. Connect local school district technology staff with the Commonwealth Office of Technology for assistance with providing certified and classified education staff access to the local school district server through the DJJ Proxy Server.
- T. Through use of the DJJ Proxy Server and the Information Systems Branch in schools where DJJ provides internet services, ensure that Sexually Explicit Material are not available via any video

or computer system, software or hardware product, or internet service in any areas and programs of Department of Juvenile Justice.

FIRST PARTY: Department of Juvenile Justice
Name of Agency

APPROVED:

BY: Gregory D. Cocherell
DJJ Commissioner Signature

DATE: 6/19/17

SECOND PARTY: _____
Name of Agency

APPROVED:

BY: _____
Signature

TITLE: _____

DATE: _____

Appendix A
Department of Juvenile Justice
DJJ Day Treatment Programs
704 KAR 3:305

704 KAR 3:305. Minimum requirements for high school graduation.

RELATES TO: KRS 156.160(1)(a), (d), 158.142, 158.645, 158.6451
 STATUTORY AUTHORITY: KRS 156.070, 156.160(1)(a), (d), 158.142
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. KRS 158.142 (3)(b) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school. The content standards for the courses of study are established in the Kentucky core academic standards incorporated by reference in 704 KAR 3:303. This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

Section 1. Definitions. (1) "Early graduation" means meeting the competency-based criteria outlined in this administrative regulation and doing so in three (3) academic years or less.

(2) "Early Graduation Certificate" means a certificate, awarded by the district and signed by the principal and superintendent, that shall make the recipient eligible for a scholarship award equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level, to be used at a Kentucky public two (2) year community and technical college or a Kentucky four (4) year public or non-profit independent institution accredited by the Southern Association of Colleges and Schools.

Section 2. Each student in a common school shall have a total of at least twenty-two (22) credits for high school graduation. Those credits shall include the content standards as provided in the Kentucky core academic standards, incorporated by reference in 704 KAR 3:303. Additional standards-based learning experiences shall align to the student's individual learning plan and shall consist of standards-based content. The required credits and demonstrated competencies shall include the following minimum requirements:

(1) Language arts - four (4) credits (English I, II, III, and IV) to include the content contained in the Kentucky core academic standards for English and language arts and comply with the following:

(a) Language arts shall be taken each year of high school; and
 (b) If a student does not meet the college readiness benchmarks for English and language arts as established by the Council on Postsecondary Education in 13 KAR 2:020, the student shall take an English and language arts transitional course or intervention, which is monitored to address remediation needs, before exiting high school;

(2) Social studies - three (3) credits to include the content contained in the Kentucky core academic standards for social studies;
 (3) Mathematics - three (3) credits to include the content contained in the Kentucky core academic standards for mathematics and include the following minimum requirements:

(a) Algebra I, Geometry, and Algebra II. An integrated, applied, interdisciplinary, occupational, or technical course that prepares a student for a career path based on the student's individual learning plan may be substituted for a traditional Algebra I, Geometry, or Algebra II course on an individual student basis if the course meets the content standards in the Kentucky core academic standards, incorporated by reference in 704 KAR 3:303;
 (b) A mathematics course or its equivalent as determined by the district shall be taken each year of high school to ensure readiness for postsecondary education or the workforce;

(c) Any mathematics course other than Algebra I, Geometry, or Algebra II shall be counted as an elective; and
 (d) If a student does not meet the college readiness benchmarks for mathematics as established by the Council on Postsecondary Education in 13 KAR 2:020, the student shall take a mathematics transitional course or intervention, which is monitored to address remediation needs, before exiting high school;

(4) Science - three (3) credits that shall incorporate lab-based scientific investigation experiences and include the content contained in the Kentucky core academic standards for science;
 (5) Health - one-half (1/2) credit to include the content contained in the Kentucky core academic standards for health;
 (6) Physical education - one-half (1/2) credit to include the content contained in the Kentucky core academic standards for physical education;

(7) History and appreciation of visual and performing arts (or another arts course which incorporates this content) - one (1) credit to include the content contained in the Kentucky core academic standards for arts and humanities or a standards-based specialized arts course based on the student's individual learning plan;

(8) Academic and career interest standards-based learning experiences - seven (7) credits including four (4) standards-based learning experiences in an academic or career interest based on the student's individual learning plan; and
 (9) Demonstrated performance-based competency in technology.

Section 3. (1) A local board of education may substitute an integrated, applied, interdisciplinary, occupational, technical, or higher level course for a required course if the alternative course provides rigorous content and addresses the same applicable components of 703 KAR 4:060.

(2) For students with disabilities, a local board of education may substitute a functional, integrated, applied, interdisciplinary, occupational, technical, or higher level course for a required course if the alternative course provides rigorous content and addresses the same applicable components of 703 KAR 4:060. These shall be based on grade-level content standards and may be modified to allow for a narrower breadth, depth, or complexity of the general grade-level content standards.

Section 4. (1) A district shall implement an advising and guidance process throughout the middle and high schools to provide support for the development and implementation of an individual learning plan for each student. The plan shall include career development and awareness and specifically address Vocational Studies Academic Expectations 2.36-2.38 as established in Academic expectations, 703 KAR 4:060.

(2) A district shall develop a method to evaluate the effectiveness and results of the individual learning plan process. The evaluation method shall include input from students, parents, and school staff. As part of the evaluation criteria, the district shall include indicators related to the status of the student in the twelve (12) months following the date of graduation.

(3) A feeder middle school and a high school shall work cooperatively to ensure that each student and parent receives information and advising regarding the relationship between education and career opportunities. Advising and guidance shall include information about financial planning for postsecondary education.

(4) A school shall maintain each student's individual learning plan. The individual learning plan shall be readily available to the student and parent and reviewed and approved at least annually by the student, parents, and school officials.

6/14/2017

(5) Beginning with a student's eighth grade year, the individual learning plan shall set learning goals for the student based on academic and career interests and shall identify required academic courses, electives, and extracurricular opportunities aligned to the student's postsecondary goals. The school shall use information from the individual learning plans about student needs for academic and elective courses to plan academic and elective offerings.

(6) Beginning with the graduating class of 2013, the development of the individual learning plan for each student shall begin by the end of the sixth grade year and shall be focused on career exploration and related postsecondary education and training needs.

Section 5. (1) A board of education may award credit toward high school graduation for satisfactory demonstration of learning based on content standards described in the Kentucky core academic standards, incorporated by reference in 704 KAR 3:303, and a rigorous performance standards policy established by the board of education. A school shall establish performance descriptors and evaluation procedures to determine if the content and performance standards have been met.

(2) A board of education shall award credit toward high school graduation based on:

- (a) A standards-based Carnegie unit credit that shall consist of at least 120 hours of instructional time in one (1) subject; or
- (b) A standards-based performance-based credit, regardless of the number of instructional hours in one (1) subject.

(3) A local board of education which has chosen to award standards-based performance-based credit shall award a standards-based credit earned by a student enrolled in grade 5, 6, 7, or 8 if:

- (a) The content of the course is the same that is established in the Kentucky core academic standards, incorporated by reference in 704 KAR 3:303; and
- (b) The district has criteria in place to make a reasonable determination that the middle level student is capable of success in the high school course.

(4) A board of education which has chosen to award standards-based performance-based credit shall establish a policy for a performance-based credit system that includes:

- (a) The procedures for developing performance-based credit systems and for amending the system;
- (b) The conditions under which each high school may grant performance-based credits and the related performance descriptors and assessments;
- (c) Objective grading and reporting procedures;
- (d) Content standards as addressed in 704 KAR 3:303, Required core academic standards, and 703 KAR 4:060, Academic expectations;
- (e) The extent to which state-provided assessments will be used in the local performance-based credit system;
- (f) The ability for students to demonstrate proficiency and earn credit for learning acquired outside of school or in prior learning; and
- (g) Criteria to ensure that internships, cooperative learning experiences, and other learning experiences in the school and community

are:

- 1. Designed to further student progress towards the individual learning plan;
- 2. Supervised by qualified instructors; and
- 3. Aligned with state and local content and performance standards.

(5) A board of education may award standards-based, performance-based credit toward high school graduation for:

- (a) Standards-based course work that constitutes satisfactory demonstration of learning in a course for which the student failed to earn credit when the course was taken previously;
- (b) Standards-based portfolios, senior year, or capstone projects;
- (c) Standards-based online or other technology mediated courses;
- (d) Standards-based dual credit or other equivalency courses; or
- (e) Standards-based internship, cooperative learning experience, or other supervised experience in the school or the community.

(f) Standards-based internship, cooperative learning experience, or other supervised experience in the school or the community. This policy shall include a description of how the requirements address KRS 158.6451(1)(b) and 703 KAR 4:060.

Section 6. (1) A student who satisfactorily completes the requirements of this administrative regulation and additional requirements as may be imposed by a local board of education or meets the requirements for early graduation as outlined in Section 9 of this administrative regulation shall be awarded a graduation diploma.

(2) The local board of education shall award the diploma.

Section 7. This administrative regulation shall not be interpreted as prohibiting a local governing board, superintendent, principal, or teacher from awarding special recognition to a student.

Section 8. Beginning with the graduating class of 2013, if the severity of an exceptional student's disability precludes a course of study that meets the high school graduation requirements established in Section 1 of this administrative regulation leading to receipt of a high school diploma, an alternative course of study shall be offered. (1) This course of study shall be based upon student needs and the provisions specified in 704 KAR 3:303, Required core academic standards, and shall be reviewed at least annually.

(2) A student who completes this course of study shall receive an alternative high school diploma to be awarded by the local board of education consistent with the graduation practices for all students.

(3) A local board of education may establish policies to award an alternative high school diploma to a former student who has received a certificate or certificate of attainment.

Section 9. (1) Beginning in the 2014 - 2015 academic year, only students who meet the criteria outlined in this section shall be eligible for early graduation. Those students who meet the criteria for early graduation shall receive from the school district a diploma and an Early Graduation Certificate. Students wishing to graduate early shall indicate that intent to the school principal at the beginning of grade 9 or as soon as the intent is known, but within the first thirty (30) school days of the academic year in which they wish to graduate.

(a) A student's intent to graduate early shall be entered into the student information system by the school district by October 1 of the year in which the student makes the declaration.

(b) Students working toward early graduation and receipt of a corresponding Early Graduation Certificate shall be supported by development and monitoring of an individual learning plan to support their efforts.

(2) To graduate early and earn an Early Graduation Certificate, a student shall:

- (a) Score proficient on the end of course exams required by the Kentucky Board of Education in 703 KAR 5:200; and

(b) Meet the college readiness exam benchmarks as set by the Council on Postsecondary Education in 13 KAR 2:020 for placement in credit-bearing courses without the need for remediation.

(3) A student who has indicated an intent to graduate early may participate in the student's state administration of the college readiness exam prior to the junior year, if needed. (5 Ky.R. 633; Am. 6 Ky.R. 53; eff. 7-17-1979; 6 Ky.R. 238; 526; eff. 4-1-1980; 9 Ky.R. 1027; 1208; eff. 8-3-1983; 11 Ky.R. 1076; eff. 3-12-1985; 17 Ky.R. 113; eff. 9-13-1990; 23 Ky.R. 3419; 3827; 24 Ky.R. 82; eff. 7-2-1997; 32 Ky.R. 1779; 2028; 33 Ky.R. 766; eff. 10-6-2006; 37 Ky.R. 138; 1644; eff. 2-4-2011; 39 Ky.R. 612; 1115; eff. 1-4-2013; 40 Ky.R. 1138; 1406; eff. 3-7-2014.)

Appendix B

Department of Juvenile Justice

DJJ Day Treatment Programs

Library Policy

DJJ 344



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

REFERENCES:
505 KAR 1:110
3-JTS-5E-01-06
1-JBC-5E-01-03
4-JCF-5E-02, 03
2-CO-5F-01

CHAPTER: Program Services

SUBJECT: Library Services

POLICY NUMBER: DJJ 344

TOTAL PAGES: 2

EFFECTIVE DATE: 1/04/2016

APPROVAL: Bob D. Hayter

AUTHORITY: KRS 15A.0652

, COMMISSIONER

I. POLICY

Library services shall be provided and made available to youth through local library programs, bookmobiles, visits to a partnering school, or on-site libraries. Youth in group homes shall receive library services through local school districts.

II. APPLICABILITY

This policy shall apply to each day treatment program and youth development center (YDC).

III. DEFINITION

Refer to Chapter 300.

IV. PROCEDURES

- A. Each Department of Juvenile Justice (DJJ) program shall maintain a library or have organized participation in a local library service. Local libraries or bookmobile services shall be accessed as appropriate.
- B. The Superintendent shall collaborate with the school district administrator to establish library services. A designee may be assigned to coordinate library services for each day treatment and YDC. The designee shall have primary responsibility for the oversight and coordination of library services, including selection and acquisition of new material as needed.
- C. On-site library materials shall be selected to meet the educational, informational, and recreational needs of youth. The following guidelines shall assist in defining the principals, purposes, and criteria used in the selection and maintenance of library materials:

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1. Materials shall support and be consistent with treatment goals and objectives;
 2. Materials shall meet high standards of quality in content and presentation;
 3. Materials shall foster respect for all people; and
 4. Materials concerned with racial, religious, sexual, or ethnic differences shall be free from stereotypes, caricature, and other characteristics likely to misrepresent, offend, or defame particular segments of the population.
- D. Library services shall provide for the following:
1. A systematic approach to determining the library service needs of the population. This approach shall include periodic surveys of the youth and staff and shall incorporate the treatment environment;
 2. Planned and continuous acquisition of materials to meet the need of users;
 3. Logical organization of materials for convenient use;
 4. Circulation of materials to satisfy the needs of users;
 5. Information services to locate facts as needed;
 6. A reader's advisory service that helps provide suitable materials for users;
 7. Promotion of the uses of library materials;
 8. A functional area with good lighting; and
 9. A congenial library atmosphere.
- E. The library collection shall remain current and youth shall have designated times to choose books to read.
- F. Reading materials shall be kept in leisure-time areas, such as dayrooms, to encourage and provide youth the opportunity to read. These materials shall augment, but not supplant, library services.

V. MONITORING MECHANISM

The Superintendent, Education Branch, and Quality Assurance (QA) Branch shall monitor this activity.

Appendix C

Department of Juvenile Justice

DJJ Day Treatment Programs

Treatment Team Policies

DJJ 302 and 303



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

REFERENCES:

**505 KAR 1:110
3-JCRF-5A-10, 11; 5B-01,03-
05, 07; 5H-01-03, 06
1-JDTP-3D-07-09, 10, 11-13
1-JBC-1E-06; 5B-04-06; 5C-
08, 11, 14, 15; 5I-01,02-04, 07-
11, 13, 14
4-JCF-3A-21-26; 3C-01; 3E-
01; 5B-04-05, 07; 5C-05-06;
5I-01-02,
2-CO-4B-01; 4G-01**

CHAPTER: Program Services

AUTHORITY: KRS 15A.0652

**SUBJECT: Individual Treatment Plan and
Aftercare Plan**

POLICY NUMBER: DJJ 302

TOTAL PAGES: 6

EFFECTIVE DATE: 1/04/2016

APPROVAL: Bob D. Hayter

, COMMISSIONER

I. POLICY

An individual treatment plan (ITP) and Aftercare Plan shall be developed, implemented, reviewed, and updated as necessary for each youth. The youth, parent or caregiver, and other treatment team members shall have input into the treatment planning process. The treatment planning process shall include assessments of the youth, development of a needs based ITP, ITP reviews, aftercare planning, and the discharge planning conference.

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 300.

IV. PROCEDURES

A. Prior to the ITP Conference the following shall be completed:

1. The Juvenile Service Worker (JSW) shall complete the Risk and Criminogenic Needs Assessment (RCNA) and Case Management Needs Assessment (CMNA) in accordance with DJJPP Chapter 6 "Initial Contact and Court Support for Public Offenders" & Chapter 6 "Initial Contact and Court Support for Youthful Offenders".

POLICY NUMBER DJJ 302	EFFECTIVE DATE 1/04/2016	PAGE NUMBER 2 of 6
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- a. The RCNA shall identify dynamic and static risk factors. Dynamic risk factors may be used for treatment planning.
 - b. The CMNA shall identify the needs of the youth. Identified needs shall be used for treatment planning.
2. The JSW shall complete the preliminary home evaluation report, identify the parent or caregiver to be included in the treatment process, and submit the preliminary home evaluation report at the ITP conference.
3. In a YDC, the Treatment Director shall complete the clinical interview.
4. In a YDC, the Treatment Director or youth counselor shall complete trauma and substance abuse assessments (Gain-Q) if the youth has a positive score in those domains on the CMNA.
5. In a group home, the youth counselor shall complete trauma and substance abuse assessments if the youth has a positive score in those domains on the CMNA.
- B. An ITP Conference shall be completed within fourteen (14) days of admission. The youth counselor shall schedule and coordinate the ITP Conference.
 1. The youth, parent or caregiver, and JSW shall be invited to attend this conference;
 2. Family identified natural supports may be included in the ITP conference upon request from parent or caregiver; and
 3. Members of the assigned treatment team shall participate in this conference.
 4. An ITP shall be accompanied by a signature sheet that is signed and dated by ITP conference participants.
- C. An ITP shall be developed for each youth.
 1. The ITP for each youth shall be based on their current needs. The ITP shall include the top three (3) needs identified on the CMNA. It may also include dynamic factors identified by the RCNA, trauma and substance abuse assessments, other assessments when applicable, and information obtained from the clinical interview.
 2. If the youth is a declared juvenile sex offender (JSO) one of the top three (3) needs shall be sex offender treatment.
 3. If the youth has less than three (3) identified treatment needs from the CMNA, dynamic factors identified on the RCNA may be added to the youth's ITP.
 4. If the youth has more than three (3) identified treatment needs from the CMNA, the treatment team shall triage the youth's needs and develop the ITP by combining like need areas or choosing the three

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(3) highest need areas that are causing the most impairment to functioning.

5. If the need for services is indicated on the trauma screener, the youth shall have the option to add this treatment need area to their ITP. If the youth declines, this declination shall be noted in the ITP.
 6. The level of intervention for substance abuse shall be determined by the Gain-Q or clinical interview and shall be assigned as follows:
 - a. Youth determined to be low risk shall receive an educational packet. The youth counselor shall review the packet with the youth and document the review in the individual client record (ICR);
 - b. Youth determined to be moderate risk shall have a Substance Abuse and Use goal added to their ITP and be placed in Cannabis Youth Treatment (CYT); or
 - c. Youth determined to be high risk shall have a Substance Abuse and Use goal added to their ITP and be placed in Seven Challenges.
 7. For the top three (3) needs identified on the CMNA, the youth shall have a corresponding treatment goal.
 8. A minimum of one of the top three (3) goals shall incorporate family engagement whenever the preliminary home evaluation indicates that the youth will return to the home.
 9. A minimum of one task shall be assigned per goal for each level of the treatment track.
 10. As a youth completes treatment tasks, the treatment team may add additional tasks to address needs not included in the initial ITP as long as doing so does not extend the youth's length of stay.
 11. Any special orders of the committing court shall be included in the ITP.
 12. An aftercare plan shall be developed to assist in the transitioning of a youth back to the community.
- D. Documentation of the ITP shall occur as follows:
1. In a group home and day treatment, the designated Qualified Mental Health Provider (QMHP) shall review and sign the ITP within twenty-one (21) days of admission.
 2. A hard copy of the ITP shall be given to the youth, and sent to the parent or caregiver, and any applicable agency or court, and placed in the ICR within twenty-one (21) days of admission.

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- E. Additional areas shall be addressed during the course of treatment, as appropriate, and may be included as individualized tasks on the youth's ITP. These areas may include:
1. Behavioral and social needs, including propensity toward violence;
 2. Medical, dental, and physiological needs;
 3. Emotional functioning, identification and review of previous episodes of suicidal or self-harming behaviors, and issues related to the monitoring of positive or negative effects of psychiatric medications;
 4. Academic and vocational assessment;
 5. Individual Plan of Instruction (IPI) or Individual Education Plan (IEP);
 6. Family and environmental needs;
 7. Religious needs;
 8. Legal needs;
 9. Reentry needs and any related requirement for step-down to either a group home or a day treatment program as part of the transition back to the community;
 10. Sexual behavior treatment needs; and
 11. Measurable criteria of expected behavior and accomplishments.
- F. The ITP shall be reviewed every thirty (30) days and updated as needed. In the case of JSO's the ITP shall be reviewed every sixty (60) days and updated as needed. If the date of the review falls on a weekend or holiday, the conference shall be held prior to the designated review date.
1. The youth counselor shall schedule ITP reviews;
 2. The youth, parent or caregiver, and JSW shall be invited to attend all scheduled reviews;
 3. Family identified natural supports may be included in ITP reviews upon request from parent or caregiver; and
 4. Members of the assigned treatment team shall participate in ITP reviews.
 5. Successful completion of treatment tasks shall be required for youth to advance Levels on their Treatment Track.
 6. Youth may request an interim review of their progress and program status through their assigned youth counselor or the Treatment Director.
 7. Any update to the ITP shall be discussed with the youth, dated, and documented with signatures of the youth and the Superintendent or designee.

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8. The youth and parent or caregiver shall receive a copy of the ITP and subsequent reviews.
- G. The discharge planning conference shall be held fourteen (14) days prior to the youth's anticipated release from placement to finalize the Aftercare Plan and facilitate the transfer of the youth to a lower level of placement.
 1. The Aftercare Plan shall address housing, counseling, and medical service needs and may include education and employment needs.
 2. The youth and JSW shall participate in the discharge planning conference.
 3. Every effort shall be made to have the parent or caregiver and natural supports to participate in the discharge planning conference and finalization of the Aftercare Plan.
 4. The youth counselor shall review the most recent home evaluation at the discharge planning conference, and if applicable, the conditions of supervised placement. The conditions of supervised placement shall not be signed by the youth until the day of the youth's release from the placement to reside in the home of the parent or caregiver.
 5. The youth counselor shall have completed the Aftercare Plan which will identify the following:
 - a. The anticipated placement;
 - b. Current medication;
 - c. Needs addressed in treatment and summary of treatment progress; and
 - d. Identified needs that warrant continued service in the lower level of placement.
 6. If the youth is transitioning to the community, the JSW shall use the information obtained through the discharge planning conference and the Aftercare Plan to update the youth's Case Plan and coordinate necessary services for the youth.
 - a. Youth who score high risk on the RCNA shall have specialized coordinated services.
 - b. Specialized services shall address at a minimum:
 - i. Evidenced based family counseling;
 - ii. Referrals for mentoring; and
 - iii. Educational and vocational planning services.
 7. If the youth is transitioning to another the facility, the sending facility is responsible for providing the receiving facility with the Aftercare Plan for the purposes of continuity of coordinating services.

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8. If the youth is stepping down to another facility the receiving facility shall use the Aftercare Plan to update the youth's initial ITP to include only the tasks that require completion at the step down placement in order for youth to be returned to the community.
- H. In cases where a youth's Aftercare Plan includes a step-down to a less restrictive out-of-home placement, the following shall occur:
 1. The home evaluation and Aftercare Plan shall reflect the need for a step-down; and
 2. Step-down shall only be considered after a youth has attained a minimum of development level except in special circumstances such as medical problems, family illness, or the determination of the treatment team or Superintendent that a less restrictive placement is appropriate.
 3. A request for movement for special circumstances shall be made by the Division Director to the Classification Branch Manager for approval.
- I. Participation in the ITP conference, ITP reviews, and the discharge planning conference may occur via teleconferencing or video-conferencing.

V. MONITORING MECHANISM

- A. In a YDC:
 1. The Treatment Director or counselor supervisor shall be responsible for monitoring compliance with this policy;
 2. The Regional Psychologist shall audit compliance on a semi-annual basis; and
 3. Monitoring shall also be conducted by the Quality Assurance (QA) Branch during regularly scheduled reviews.
- B. In a group home and day treatment center:
 1. The Superintendent shall be responsible for monitoring compliance with this policy;
 2. The Regional Psychologist or QMHP designee shall audit compliance on a semi-annual basis; and
 3. Monitoring shall also be conducted by the QA Branch during regularly scheduled reviews.



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

REFERENCES:
505 KAR 1:110
2-CO-4F-01
3-JTS-3D-10, 5C-07
3-JCRF-5A-10, 5B-04, 5C-02
1-JDTP-3D-10, 12
1-JBC-5C-08, 15
4-JCF-4E-02,05; 5C-06

CHAPTER: Program Services

AUTHORITY: KRS 15A.065

**SUBJECT: Treatment Team Composition,
Function, and Responsibility**

POLICY NUMBER: DJJ 303

TOTAL PAGES: 3

EFFECTIVE DATE: 1/04/2016

APPROVAL: Bob D. Hayter, COMMISSIONER

I. POLICY

Each youth shall have a designated treatment team to review, update, and implement their individual treatment plan (ITP).

II. APPLICABILITY

This policy shall apply to each Department of Juvenile Justice (DJJ) operated and contracted day treatment program, group home, and youth development center (YDC).

III. DEFINITIONS

Refer to Chapter 300.

IV. PROCEDURES

- A. The treatment team shall meet on a weekly basis. Each youth shall meet with the treatment team at least every fourteen (14) days.
- B. YDC treatment teams shall be chaired by the Treatment Director. In the absence of the Treatment Director, the Superintendent, Assistant Superintendent, Youth Services Program Supervisor (YSPS), or youth counselor shall chair the treatment team. Treatment team meeting documentation shall be reviewed by the Treatment Director.
 1. YDC treatment team members shall include the Juvenile Services Worker (JSW), Treatment Director, youth counselor, youth worker staff as designated by the Superintendent, a teacher, a nurse, and parent or caregiver.
 2. The treatment team may also include: Superintendent, Assistant Superintendent, YSPS, psychiatrist, Vocational Coordinator and educational staff, Mental Health Branch staff, Facilities Regional Administrator (FRA), Regional Director, other professional

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counseling and mental health staff, medical staff, and other approved individuals.

- C. A day treatment and group home treatment team shall be chaired by the Superintendent or designee.
 - 1. Treatment team members shall include the JSW, youth counselor, youth worker staff, educational staff, nurse, and parent or caregiver.
 - 2. The treatment team may also include: psychiatrist, Mental Health Branch staff, other professional counseling and mental health staff, medical staff, and other approved individuals.
- D. The Superintendent shall designate facility staff to attend treatment team meetings.
 - 1. If a staff person is unable to attend, they shall have approval from the Superintendent or designee.
 - 2. A staff person, who is unable to attend, shall be required to submit any necessary written documentation to the appropriate supervisor, in order that each involved staff person shall have input into the discussion and resulting decisions.
 - 3. The treatment team chair or designee shall be present at all treatment team meetings.
 - 4. At a minimum, in a YDC, four (4) or more team members shall be present representing three (3) or more disciplines.
 - 5. At a minimum, in a group home, three (3) or more team members shall be present representing two (2) or more program areas.
- E. The Superintendent shall encourage treatment team members, not under the supervision of the Superintendent, to attend treatment team meetings. Persons who are unable to attend may be asked to submit written documentation to the treatment team regarding the youth.
- F. Youth shall participate in the treatment team meetings in all cases involving major treatment decisions, such as level movement, ITP's, and placement planning.
 - 1. The youth shall provide a written statement if they are unable or unwilling to appear before the treatment team.
 - 2. When appropriate, the treatment team shall make the effort to go to the youth when the youth is unable to physically attend the meeting.
- G. The treatment team shall be responsible for making all treatment decisions regarding a youth.
- H. In a YDC and group home, the treatment team meeting shall be documented, through the electronic record, by the youth counselor or Superintendent's designee. This shall be completed within seven (7)

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days of the treatment team meeting date. Entries shall be made prior to the next scheduled treatment team meeting.

- I. In a day treatment facility, the treatment team meeting shall be documented, in the hard case file, by the youth counselor, Program Director, or Superintendent's designee. This shall be completed within seven (7) days of the treatment team meeting date. Entries shall be made prior to the next scheduled treatment team meeting.

V. MONITORING MECHANISM

The Regional Division Director or designee, in conjunction with the Division of Program Services, shall develop monitoring protocols to be used by the Superintendent that review the expectations set forth in this policy.

A. In a YDC:

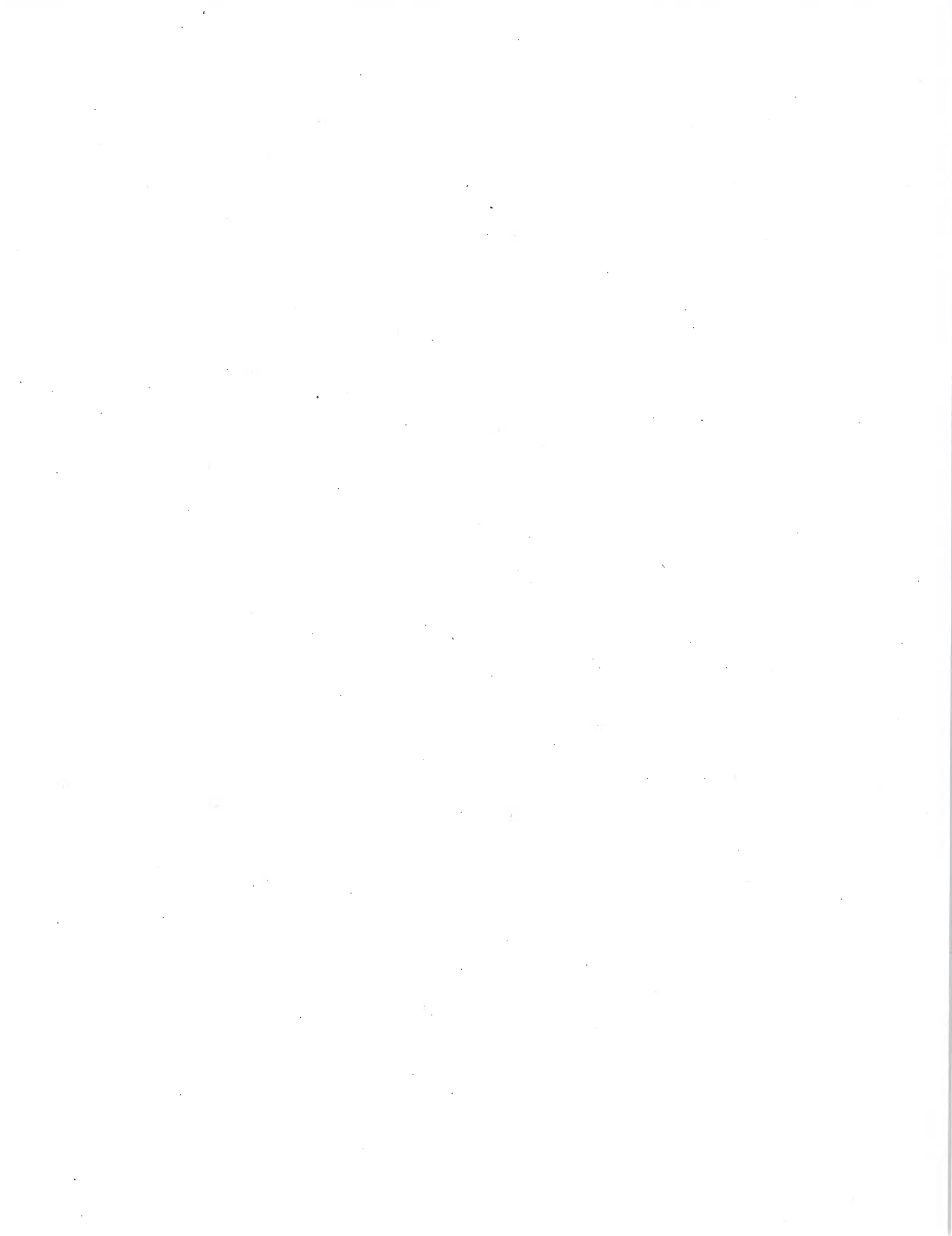
1. The Treatment Director or counselor supervisor shall be responsible for monitoring compliance with this policy.
2. The Regional Psychologist shall monitor compliance on a semi-annual basis.
3. Monitoring shall also be conducted by the Quality Assurance (QA) Branch during regularly scheduled monitoring.

B. In a group home:

1. The Superintendent shall be responsible for monitoring compliance with this policy.
2. The Regional Psychologist shall monitor compliance on a semi-annual basis.
3. Monitoring shall also be conducted by the QA Branch during regularly scheduled monitoring.

C. In a day treatment center:

1. In a DJJ contracted day treatment program, the Program Director shall be responsible for monitoring compliance with this policy.
2. In a DJJ operated day treatment program, the Superintendent shall be responsible for monitoring compliance with this policy.
3. Monitoring shall also be conducted by the QA Branch during regularly scheduled monitoring.



Appendix D

Department of Juvenile Justice

DJJ Day Treatment Programs

Education Policies

DJJ 334.1, 335, 339, 341, and 343



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

REFERENCES:
505 KAR 1:110
505 KAR 1:080
704 KAR 3:305
1-JDTP-3D-01-03, 05, 07, 16,
21-23
2-CO-5B-01

CHAPTER: Program Services	AUTHORITY: KRS 15A.0652
SUBJECT: Day Treatments: Educational Programming, Assessment, and Transition	
POLICY NUMBER: DJJ 334.1	
TOTAL PAGES: 4	
EFFECTIVE DATE: 1/04/2016	
APPROVAL: Bob D. Hayter	, COMMISSIONER

I. POLICY

Educational services, operating in compliance with federal and state laws and regulations, shall be provided to youth in a day treatment program. These services shall be provided through written agreement with local school districts or private or public providers and the Office of Career and Technical Education (OCTE).

II. APPLICABILITY

This policy shall apply to each Department of Juvenile Justice (DJJ) operated day treatment program.

III. DEFINITION

Refer to Chapter 300.

IV. PROCEDURES

- A: DJJ Education Branch shall be responsible for reviewing the contents of the written agreement for educational services with members of the State Agency Advisory Board.
- B. Educational services shall be made available to each youth upon admission and shall be constructed on an open entry -open exit basis.
- C. Post-secondary course fees may require a youth to access grant money, individual youth accounts, parent contributions, or community sponsors.
- D. An agreement between DJJ and the school district shall include the following:

POLICY NUMBER DJJ 334.1	EFFECTIVE DATE 1/04/2016	PAGE NUMBER 2 of 4
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1. Educational services shall be provided on an open entry-open exit basis;
 2. Education and treatment shall be an integral part of the youth's instructional plan;
 3. Education and treatment schedules shall collaborate for the benefit of youth;
 4. Each Superintendent shall ensure that work programs for youth do not interfere with educational programming; and
 5. Disciplinary measures shall not interfere with educational programming, except if there is substantial evidence to justify otherwise.
- E. Educational services shall be individualized to meet the assessment, educational, rehabilitative, and developmental instructional needs of each youth.
 - F. Juveniles may receive credit for education that can be transferred to schools and diplomas are awarded by the state or local school district.
 - G. An individual client record (ICR) shall include academic and vocational information, to the extent permissible by law.
 - H. Available social history information and the results of medical and mental health screening conducted by DJJ staff shall be shared with the school administrator or designee, to the extent permissible by law.
 - I. DJJ and school district staff shall establish criteria for allowing selected youth opportunities to supplement the facility's educational programs with community offerings.
 - J. Where technical programming is available, programs shall have specific guidelines for enrolling youth. These guidelines shall include the criteria for enrollment and shall be included in the orientation handbook and submitted to the DJJ Education Branch.
 - K. Necessary instructional materials and specialized equipment that meet minimum state education standards, including computers, shall be provided by the school district or by DJJ per written agreement.
 - L. Incentives shall be provided for educational participation and formal recognition of specific educational, technical, and vocational achievements.
 - M. A vocational and educational assessment, from the school district, shall be completed within twenty-one (21) days of the youth's admission, if previous results are not available.

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- N. Youth who have completed the fifth (5th) grade and enter a day treatment program, without a previously administered vocational assessment, shall be administered a vocational assessment of aptitude, interest inventory, and learning and working styles. The results shall be used:
1. To determine a youth's vocational aptitude and interests, learning and working styles, and career major;
 2. To assist DJJ and school district educational staff as they integrate academic, vocational and work assignments, and treatment goals;
 3. To assist DJJ and school district staff as they communicate with youth;
 4. To develop or review and revise if necessary, each youth's Individual Learning Plan (ILP) and Aftercare Plan; and
 5. To provide each youth with workplace readiness skills.
- O. The results of educational and vocational assessments from the school district shall be used as a basis for the initial development, periodic reviews, and revisions of an integrated Individual Plan of Instruction (IPI), Individual Education Plan (IEP) if applicable, Individual Treatment Plan (ITP), (ILP), and Aftercare Plan.
- P. DJJ and school district staff shall participate jointly in the development, review, and revision of a youth's ITP, IPI, the IEP if applicable, and Aftercare Plan.
- Q. The IPI and IEP, when applicable, shall be integrated with the ITP and completed within twenty-one (21) days of admission. It is the responsibility of the Superintendent and the school district administrator to see that this is accomplished.
- R. If DJJ staff suspect a youth may have an educational disability, they shall communicate the concern in writing to education staff, through the treatment team. A record of the communication shall be included in the electronic record.
- S. A DJJ youth worker shall provide supervision in the course of academic activities. A youth worker shall be included in classroom activities to the maximum extent possible and shall work cooperatively with all education staff.
- T. The Superintendent and the school district administrator shall develop a code of acceptable school behavior and disciplinary measures that are consistent with the behavior management system of DJJ.
1. The code shall contain:
 - a. The type of behavior expected from the youth;

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- b. The consequences of failure to obey the standards; and
- c. The importance of the standards in maintaining a safe learning environment;
- 2. The code shall be implemented without partiality or discrimination;
- 3. The code of acceptable school behavior shall be incorporated into the Orientation Handbook and reviewed with each youth;
- 4. A copy of the Orientation Handbook shall be posted at the school site; and
- 5. DJJ and education staff shall be a provided copy of the Orientation Handbook.
- U. DJJ shall provide or approve training for local school district staff pursuant to the Interagency Agreement or Memorandum of Agreement (MOA). DJJ may provide additional training to assure discipline of youth is in accordance with DJJ disciplinary policy and procedures. Appropriate classroom management techniques to carry out the disciplinary code shall be utilized.

V. MONITORING MECHANISM

The DJJ Education Branch shall review documentation annually and shall conduct an on-site visit every two (2) years and report the results of the findings to the Superintendent, Facilities Regional Administrator (FRA), and school district administrator.

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:110 3-JTS-1E-07; 5D-15-2 1-JBC-1E-08 4-JCF-5D-11
CHAPTER: Program Services	AUTHORITY: KRS 15A.0652	
SUBJECT: Youth Development Center Educational and Vocational Records; Day Treatment Educational Records		
POLICY NUMBER: DJJ 335		
TOTAL PAGES: 2		
EFFECTIVE DATE: 1/04/2016		
APPROVAL: Bob D. Hayter	, COMMISSIONER	

I. POLICY

Federal and state laws and regulations shall govern the confidentiality, maintenance, handling, and access of educational records, including academic, technical, and vocational.

II. APPLICABILITY

This policy shall apply to each Department of Juvenile Justice (DJJ) operated day treatment and youth development center (YDC).

III. DEFINITIONS

Refer to Chapter 300.

IV. PROCEDURES


- A. DJJ staff may assist education and vocational staff in obtaining records, when feasible.
- B. Individual client records (ICR's) may include academic, technical, and vocational information, when applicable.
- C. No person, including education personnel, authorized to obtain records pursuant to Kentucky Revised Statute (KRS) Chapter 600 to 645, shall obtain or attempt to obtain records to which they are not entitled or for purposes for which they are not permitted to obtain them.
- D. No person, including education personnel, not authorized to obtain records pursuant to KRS Chapter 600 to 645, shall obtain or attempt to obtain records which are made confidential pursuant to KRS Chapter 600 to 645, except upon proper motion to a court of competent jurisdiction.

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- E. No person shall destroy or attempt to destroy any record that is required to be kept unless the destruction is permitted by state law and is authorized by the court upon proper motion and good cause for the destruction being shown.
- F. In a YDC program the following shall apply:
 - 1. DJJ rehabilitation instructors shall be responsible for sending lesson plans, curriculum, assessment tools, and task sheets to the DJJ Education Branch designee.
 - 2. Vocational records, for youth transferred to another facility shall be sent to the receiving programs rehabilitation instructor within twenty-one (21) days. The vocational records shall include:
 - a. Initial vocational interview, indicating barriers to employment;
 - b. Vocational Assessment results;
 - c. Learning and Working Styles Assessment results;
 - d. Workplace readiness task sheet indicating hours and tasks completed;
 - e. Personal finance management task sheet indicating hours and tasks completed;
 - f. Task sheets;
 - g. Workforce development curriculum task sheet indicating hours and tasks completed;
 - h. Career pathway indicating career major and activities, training, or experience obtained or completed within the major; and
 - i. Transition efforts initiated toward post-secondary education or training, for example financial aid or enrollment applications.

V. MONITORING MECHANISM

- A. The Facilities Regional Administrator (FRA), Superintendent, and DJJ Education Branch shall monitor these activities.
- B. The DJJ Education Branch shall review documentation annually and an on-site visit shall be conducted bi-annually.

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:110 505 KAR 1:080 3-JTS-5D-12 1-JBC-5D-10 4-JCF-5D-08 1-JDTP-3D-04
	CHAPTER: Program Services	AUTHORITY: KRS 15A.0652
	SUBJECT: Youth Development Center and Day Treatment Instructional Staffing	
	POLICY NUMBER: DJJ 339	
	TOTAL PAGES: 2	
	EFFECTIVE DATE: 1/04/2016	
	APPROVAL: Bob D. Hayter	, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall ensure that educational and technical staffing is in compliance with federal and state laws and regulations through written agreements with local school districts or private or public providers and the Office of Career and Technical Education (OCTE).

II. APPLICABILITY

This policy shall apply to each DJJ operated day treatment program and YDC.

III. DEFINITION

Refer to Chapter 300.

IV. PROCEDURES

- A. DJJ Education Branch staff shall be responsible for reviewing the contents of the written agreements for educational services staff.
- B. The Superintendent shall meet annually with the school administrator to plan for the next school year's teaching staff needs.
- C. The Superintendent or designee and DJJ Education Branch staff shall be represented on the OCTE interview panel for hiring technical instructional staff. This is in compliance with the written agreement between DJJ and OCTE.
- D. The Superintendent or designee shall provide direct supervision of the technical instructors in compliance with the written agreement between DJJ and OCTE.

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- E. The Superintendent or designee shall provide program orientation to new educational and technical education personnel prior to those personnel working with the youth. The orientation shall include DJJ policies and procedures regarding personal conduct, supervision of youth, special incident reporting, and other relevant laws and regulations that apply.

V. MONITORING MECHANISM

The Facilities Regional Administrator (FRA), Superintendent, and Education Branch shall monitor these activities.



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

REFERENCES:
505 KAR 1:110
3-JTS-5D-14
1-JBC-5D-12
4-JCF-5D-12

CHAPTER: Program Services

AUTHORITY: KRS 15A.0652

**SUBJECT: Youth Development Center and Day
Treatment Evaluation of Integrated Educational
and Vocational Plan**

POLICY NUMBER: DJJ 341

TOTAL PAGES: 2

EFFECTIVE DATE: 1/04/2016

APPROVAL: Bob D. Hayter, COMMISSIONER

I. POLICY

There shall be an annual evaluation to measure the effectiveness of the educational and technical skills training programs against stated performance objectives.

II. APPLICABILITY

This policy shall apply to each Department of Juvenile Justice (DJJ) operated day treatment program and youth development center (YDC).

III. DEFINITION

Refer to Chapter 300.

IV. PROCEDURES

A. Educational Goals

1. Each school district that operates within a YDC and day treatment program shall submit a progress report to the Education Branch for evaluation.
2. The Education Branch shall send monitoring reports to the Kentucky Department of Education (KDE).

B. Technical and Vocational Goals


1. Each technical program shall submit their vocational plan to the Education Branch.
2. The Education Branch shall send monitoring reports to the Office of Career and Technical Education (OCTE).

- C. All monitoring reports regarding the educational and vocational programs shall be copied to the Superintendent.**

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V. MONITORING MECHANISM

The Education Branch shall review documentation annually. An on-site visit shall be conducted bi-annually. The Facilities Regional Administrator (FRA), Superintendent, school district administrator, Education Branch, and OCTE designee shall monitor these activities.

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:110
CHAPTER: Program Services	AUTHORITY: KRS 15A.0652	
SUBJECT: Technical Education Safety		
POLICY NUMBER: DJJ 343		
TOTAL PAGES: 2		
EFFECTIVE DATE: 1/04/2016		
APPROVAL: Bob D. Hayter	, COMMISSIONER	

I. POLICY

The Department of Juvenile Justice (DJJ) shall collaborate through written agreement with local school districts or private or public providers and with the Office of Career and Technical Education (OCTE) to establish a safe technical training environment, operating in compliance with federal and state laws and regulations and national standards.

II. APPLICABILITY

This policy shall apply to each DJJ operated day treatment program, where applicable, and youth development center (YDC).

III. DEFINITIONS

Refer to Chapter 300.

IV. PROCEDURES

- A. DJJ Education Branch staff shall be responsible for reviewing the contents of each written agreement.
- B. The Superintendent be knowledgeable of and enforce the laws, regulations, national standards, guidelines, and policies and procedures governing safety in technical programs.
- C. All youth shall complete the pre-requisite course of Workplace Principles prior to entering a technical skills course.
- D. The Superintendent shall make DJJ staff aware that youth may only use power driven machines and tools under the following circumstances:
 1. The youth has met the requirements for enrollment in a technical program;
 2. The youth has been enrolled in a technical training program;

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3. The youth is performing tasks designated by the OCTE for the training program in which the youth is enrolled;
 4. The certified technical teacher of the training program is supervising the youth;
 5. The youth has successfully completed the safety training and the safety test necessary to use the machines and tools or complete the task;
 6. The Statement of Safety Instruction Form provided by the OCTE is on file; and
 7. The certified technical teacher of the training program and facility staff continuously monitors the emotional state and considers the mental stability of the youth prior to allowing the youth to use power driven machines and tools or perform a potentially hazardous task.
- E. Each program shall establish a safety committee for technical programming. The safety committee membership shall include the Superintendent or designee, the rehabilitation instructor, and the technical teacher.
- F. The safety committee shall:
1. Complete a monthly safety inspection of the technical shop and classroom using the Safety Inspection Form provided by OCTE and submit the form to the Education Branch.
 2. Submits records of emergency and evacuation drills and the Safety Inspection Form monthly to the Education Branch.

V. MONITORING MECHANISM

The DJJ Education Branch shall review documentation monthly. The Facilities Regional Administrator (FRA) and Superintendent shall monitor these activities.

Appendix E

Department of Juvenile Justice

DJJ Day Treatment Programs

DJJ 102-Ethics Policy

DJJ 104-Code of Conduct



**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
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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


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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: 12/01/2014		
APPROVAL: Bob D. Hayter		, 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 12/01/2014	PAGE NUMBER 2 of 4
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- 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 12/01/2014	PAGE NUMBER 3 of 4
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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. Having an intimate or romantic relationship with a juvenile that has been in the direct custody, care, and supervision of that employee or

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in a facility where the employee worked while the juvenile was in custody, for a minimum of ten (10) years after the juvenile has been officially released from DJJ.

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.

Appendix F

Department of Juvenile Justice

DJJ Day Treatment Programs

PREA Policy

DJJ 900, 901, 902, 903,
906, 907, 908, 909, 911, and 912



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

**REFERENCES:
505 KAR 1:170
28 C.F.R. 115**

**CHAPTER: Prison Rape Elimination Act of
2003 (PREA)**

AUTHORITY: 28 C.F.R. 115

SUBJECT: Definitions

POLICY NUMBER: 900

TOTAL PAGES: 5

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis

, COMMISSIONER

I. POLICY

The following definitions shall apply in the Department of Juvenile Justice Policy and Procedures Manual Chapters 901 through 912.

II. DEFINITIONS

- A. "Agency" means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority as established in 28 C.F.R. § 115.5.
- B. "Agency head" means the principal official of an agency as established in 28 C.F.R. § 115.5.
- C. "Contractor" means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency as established in 28 C.F.R. § 115.5.
- D. "Direct staff supervision" means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate as established in 28 C.F.R. § 115.5.
- E. "Employee" means a person who works directly for the agency or facility as established in 28 C.F.R. § 115.5.
- F. "Exigent circumstances" means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility as established in 28 C.F.R. § 115.5.
- G. "Facility" means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals as established in 28 C.F.R. § 115.5.
- H. "Facility head" means the principal official of a facility as established in 28 C.F.R. § 115.5.

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- I. "Gender nonconforming" means a person whose appearance or manner does not conform to traditional societal gender expectations as established in 28 C.F.R. § 115.5.
- J. "Grooming" means behavior that is exhibited to cultivate an inappropriate sexualized relationship with a juvenile, including special treatment, favors, inappropriate gifts, flirtation, sexual innuendo, sexually suggestive statements or behavior, promises, rewards, games, bribes, threats, intimidation, or force used to get a juvenile to comply.
- K. "Intersex" means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development as established in 28 C.F.R. § 115.5.
- L. "Juvenile" means:
 - 1. Any person committed to the Department of Juvenile Justice under KRS Chapter 600 subject to the jurisdiction of the juvenile court;
 - 2. Any youthful offender in the custody of the Department of Juvenile Justice prior to final sentencing; and
 - 3. Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail as established in 28 C.F.R. § 115.5.
- M. "Juvenile facility" means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system as established in 28 C.F.R. § 115.5.
- N. "Law enforcement staff" means employees responsible for the supervision and control of detainees in lockups as established in 28 C.F.R. § 115.5.
- O. "Medical practitioner" means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims as established in 28 C.F.R. § 115.5.
- P. "Mental health practitioner" means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified mental health practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims as established in 28 C.F.R. § 115.5.
- Q. "Pat-down search" means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband as established in 28 C.F.R. § 115.5.
- R. "Private child care" means any of the following settings if a juvenile is placed pursuant to a contract with the Department of Juvenile Justice: foster family

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homes, child placing facilities, child caring facilities, staff secure facilities for residential treatment, secure juvenile facilities, and residential treatment facilities as defined in KRS 600.020.

- S. "Resident" means any person confined or detained in a juvenile facility or in a community confinement facility as established in 28 C.F.R. § 115.5.
- T. "Secure juvenile facility" means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility as established in 28 C.F.R. § 115.5.
- U. "Security staff" means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility as established in 28 C.F.R. § 115.5.
- V. "Sexual abuse" means:
 1. The behavior described by KRS 510.110 (1) (d) and 510.120 (1) (c); or
 2. As established in 28 C.F.R. § 115.6.
 - a. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
 - b. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- ii. Contact between the mouth and the penis, vulva, or anus;
- iii. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- iv. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident

- i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- ii. Contact between the mouth and the penis, vulva, or anus;

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- iii. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - iv. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - v. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - vi. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (i)-(v) of this section;
 - vii. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
 - viii. Voyeurism by a staff member, contractor, or volunteer.
- W. "Sexual contact" means any intentional touching or physical contact of the sexual or other intimate parts of a person, including the genitalia, anus, groin, breasts, inner thighs or buttocks, either directly or through clothing, that is unrelated to official duties or done for the purpose of arousing or gratifying the sexual desire of any person or humiliating, harassing, or degrading any person.
- X. "Sexual harassment" means as established in 28 C.F.R. § 115.6:
- 1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident toward another resident; and
 - 2. Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- Y. "Sexual offense" means any behavior or act of a sexual nature directed toward a resident by a staff member, visitor, or other resident. This includes completed, attempted, threatened, or requested acts including sexual abuse, sexual harassment, voyeurism, sexual contact, conduct of a sexual nature or implication, obscenity, and unreasonable invasion of privacy. Sexual offense also includes conversations or correspondence, which suggest a romantic or sexual relationship between a resident and an employee.
- Z. "Staff" means employees as established in 28 C.F.R. § 115.5.

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- AA. "Strip search" means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia as established in 28 C.F.R. § 115.5.
- BB. "Transgender" means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth as established in 28 C.F.R. § 115.5.
- CC. "Substantiated allegation" means an allegation that was investigated and determined to have occurred as established in 28 C.F.R. § 115.5.
- DD. "Unfounded allegation" means an allegation that was investigated and determined not to have occurred as established in 28 C.F.R. § 115.5.
- EE. "Unsubstantiated allegation" means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred as established in 28 C.F.R. § 115.5.
- FF. "Volunteer" means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency as established in 28 C.F.R. § 115.5.
- GG. "Voyeurism" means:
1. The behavior described by KRS 531.090; or
 2. An invasion of privacy of an inmate, detainee, or resident by staff for [or] reasons unrelated to official duties, such as peering at a resident who is using a toilet in his or her cell to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions as established in 28 C.F.R. § 115.6.



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

REFERENCES:

**505 KAR 1:170
4-JDF-3D-03, 08
4-JCF-3D-07
3-JTS-3D-06-7
3-JCRF-3D-04-7
1-JBC-3D-06-6**

**CHAPTER: Prison Rape Elimination Act of
2003 (PREA)**

**AUTHORITY: KRS 15A.065; 28
CFR 115; 28 CFR 115.311**

**SUBJECT: Zero Tolerance of Any Type of
Sexual Misconduct**

POLICY NUMBER: 901

TOTAL PAGES: 3

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis

, COMMISSIONER

I. POLICY

In accordance with the Prison Rape Elimination Act of 2003 (PREA), the Department of Juvenile Justice (DJJ) has a zero tolerance policy prohibiting sexual abuse, sexual harassment, sexual contact, or any sexual offense directed toward a juvenile who is in the custody, care, and supervision of DJJ.

II. APPLICABILITY

This policy shall apply to all DJJ staff, interns, volunteers, and contractors.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

A. DJJ staff, volunteers, interns, and contractors shall not sexually abuse, sexually harass, have sexual contact with, or engage in any type of physical or verbal sexual offense, or grooming behavior, directed toward a juvenile in the custody, care, or supervision of DJJ, whether on or off duty. Consensual status shall not be a factor when determining whether a violation has occurred.

1. Any DJJ employee violating this policy shall be subject to disciplinary action up to and including dismissal or termination. An employee that is dismissed, terminated, or resigns as a result of a substantiated PREA violation shall be reported to law enforcement agencies and the local prosecutor's office for criminal prosecution.

POLICY NUMBER DJJ 901	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 3
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2. Contractors violating this policy shall be reported to the administrator of the contracted entity and denied access to all DJJ facilities, offices, programs, and juvenile residents. A contractor who violated PREA policies shall not be permitted to work in a DJJ facility or office. A report shall be referred to law enforcement and to the local prosecutor's office for criminal prosecution.
 3. A volunteer violating this policy shall be denied access to DJJ facilities, offices, programs, and juvenile residents. A volunteer staff, who violates PREA policies, shall not be permitted to work in a DJJ facility or office. A report shall be referred to law enforcement and the local prosecutor's office for criminal prosecution.
 4. An intern violating this policy shall be denied access to DJJ facilities, offices, programs, and juvenile residents. An intern, who violates PREA policies, shall not be permitted to work in a DJJ facility or office and the intern's college shall be notified of the separation from the internship. A report shall be referred to law enforcement and the local prosecutor's office for criminal prosecution.
- B. DJJ staff, volunteers, interns, and contractors shall not engage in physical or verbal flirtation, have a physical or any verbal romantic relationship, or romantic interaction with a juvenile in custody, care, or supervision of DJJ.
- C. The Commissioner of DJJ shall be the Appointing Authority for the Department. As the Appointing Authority, the Commissioner may delegate authority to any staff person to execute the business of the Department.
1. DJJ shall appoint an Agency PREA Compliance Officer to oversee and manage departmental compliance with the PREA standards, develop established Department policy, and facilitate PREA training.
 2. The Commissioner, Deputy Commissioners, and the Agency PREA Compliance Officer shall working collaboratively to make sure that the lines of communication are open and clear, regarding PREA related matters, throughout DJJ and facilitate a communication system of response from leadership when a PREA violation has occurred.
 3. All DJJ staff shall cooperate to the best of their ability with the Internal Investigations Branch (IIB) and the Agency PREA Compliance Officer when a PREA violation has been alleged or has occurred within the Department to maintain the fidelity of the investigation process and to provide services to the juveniles.
 4. Each DJJ facility Superintendent shall designate a Facility PREA Coordinator to train facility staff and manage facility compliance with the PREA standards.

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5. The Director of Community and Mental Health Services or the Community Regional Manager shall designate a Community PREA Coordinator to train community office staff and manage compliance with the PREA standards within their respective office.
6. The Division of Placement Services Director shall designate a Placement Services PREA Coordinator to train and provide technical assistance to all contract private child care facilities and contract detention facilities regarding the PREA standards and compliance.

V. STAFF TRAINING MONITORING MECHANISM

- A. The Agency PREA Compliance Officer or the PREA trainer from the Training Branch shall train all PREA Coordinators regarding this policy.
- B. The PREA Coordinators shall train all DJJ staff in their respective facility or community offices regarding this policy.

VI. MONITORING MECHANISM

- A. The Personnel Branch Manager or designee and the Agency PREA Compliance Officer shall conduct a case conference and review of any disciplinary actions, resulting from a PREA violation involving staff .
- B. The Agency PREA Compliance Officer, or designee, shall conduct an annual audit to verify that DJJ staff are being trained regarding this policy.



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

**REFERENCES:
KAR 505 1:170**

**CHAPTER: Prison Rape Elimination Act of
2003 (PREA)**

**AUTHORITY: KRS 15A.065; 28
C.F.R 115; 28 C.F.R. 115.317; 28
C.F.R 115.376**

SUBJECT: Personnel Procedures

POLICY NUMBER: 902

TOTAL PAGES: 4

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis

, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall conduct background checks for DJJ staff, applicants, volunteers, interns, and contractors and explicitly indicate the prohibitions for employment or service with DJJ in accordance with the Prison Rape Elimination Act of 2003 (PREA).

II. APPLICABILITY

This policy shall apply to all DJJ staff, applicants, volunteers, interns, and contractors.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. DJJ shall maintain and facilitate personnel procedures to ensure that current staff, newly hired staff, volunteers, interns, and contractors have cleared all background checks required by this policy before having contact with juveniles under the custody, care, and supervision of DJJ.
- B. DJJ shall conduct the following background checks on all DJJ staff, volunteers, interns, and contractors and any applicant that is being considered for employment with DJJ:
 1. Criminal background or records check;
 2. Sexual offender registry check; and

POLICY NUMBER DJJ 902	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 4
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3. Child abuse and neglect registry check.
- C. DJJ shall conduct background checks on all DJJ staff, volunteers, interns, and contractors every five (5) years, or sooner, if DJJ is made aware of a criminal offense that may have been committed by an employee. Any DJJ employee that refuses to cooperate and does not sign a release for the completion of a background check upon request, shall be subject to disciplinary sanctions up to and including termination or dismissal.
- D. DJJ shall conduct any necessary screenings, for applicants or newly hired staff, to verify that the individual qualifies for employment.
- E. A newly hired employee, volunteer, intern, or contractor shall not interact with or have access to juveniles in the custody, care, or supervision of DJJ without the supervision of a qualified DJJ staff, until the Personnel Branch has cleared the individual to work with juveniles.
- F. DJJ shall not permit a volunteer, intern, or contractor to work in a DJJ facility or office if a background check shows an offense that makes the volunteer, intern, or contractor ineligible for employment with DJJ, pursuant to this section or Section H of this policy. DJJ shall not hire, promote, or transfer into DJJ as an employee, or use as a volunteer, intern, or contractor:
 1. Any person who has engaged in sexual abuse or sexual harassment in a prison, jail, community confinement facility, juvenile facility, or other institution;
 2. Any person convicted of engaging in or attempting to engage in sexual activity by force, implied threats of force, coercion, or if the victim did not consent to or was unable to consent or refuse;
 3. Any person who has been civilly or administratively adjudicated to have engaged in sexual activity by force, overt or implied threats of force, coercion, or if a victim did not consent or was unable to consent or refuse; or
 4. Any person who is the identified perpetrator in a sexual harassment matter and was found to have committed sexual harassment in their employment history.
- G. An applicant, volunteer, intern, or a contractor considered for employment or services, after October 1, 2013, for DJJ, shall be automatically disqualified as an applicant for hire or service if DJJ receives a background check for that respective individual that indicates a conviction for any of the following:
 1. Any sex related offense under KRS Chapter 510;
 2. Any violent offense referenced in KRS 439.3401;
 3. Sexual exploitation of minors under KRS Chapter 531;

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4. Any crime involving the same conduct as the criminal conduct in one (1) through three (3), but for which the conviction occurred in another jurisdiction;
 5. Domestic violence;
 6. Human trafficking;
 7. Drug trafficking within the past eight (8) years;
 8. Conspiring to traffick drugs within the last eight (8) years;
 9. Drug possession within the last eight (8) years;
 10. Drug cultivation within the last eight (8) years;
 11. Drug manufacturing within the last eight (8) years; and
 12. Any embezzlement related offense with in the last eight (8) years.
- H. All new hires and transfers into DJJ and all promotions within DJJ shall be subject to the background and reference check outlined within this policy. Any person with a confirmed sexual harassment finding shall submit documentation and additional information regarding the sexual harassment matter and the file shall be reviewed by the Commissioner or designee of the Commissioner, the Director of Administrative Services, an attorney from the Office of Legal Services, the Personnel Branch Manager, and the Agency PREA Compliance Officer to determine the best interest of the agency regarding the hiring or transfer of this person within DJJ.
- I. Employment reference checks shall be conducted for individuals that are considered new hires or individuals being transferred into DJJ.
- J. DJJ shall make a good faith effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or resignation during a pending investigation of an allegation of sexual abuse.
- K. If a background check indicates that a current DJJ employee has committed an offense that prohibits employment pursuant this policy, the Personnel Branch Manager, the Agency PREA Compliance Officer, and the Commissioner or designee shall convene a case conference to determine the appropriate disposition for that employee.
- L. Staff shall be subject to disciplinary sanctions up to and including termination or dismissal for any violation of the PREA policies.

V. STAFF TRAINING

- A. The Agency PREA Compliance Officer or the Personnel Branch Manager shall train personnel staff to conduct background checks.

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- B. The Personnel Branch Manager or designee shall train personnel branch staff on the procedures for facilitating the reference check process.
- C. The PREA trainer from the Training Branch may also provide training regarding this policy.

VI. MONITORING MECHANISM

- A. The Personnel Branch and Agency PREA Compliance Officer or designee shall verify that background checks are completed in accordance with this policy.
- B. The Agency PREA Compliance Officer or designee will conduct an annual audit to monitor compliance regarding this policy.



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

**REFERENCES:
505 KAR 1:170**

**CHAPTER: Prison Rape Elimination Act
of 2003 (PREA)**

**AUTHORITY: KRS 15A.065;
28 CFR 115**

**SUBJECT: Prohibited Conduct of Staff,
Interns, Volunteers, and Contractors**

POLICY NUMBER: 903

TOTAL PAGES: 3

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) staff, volunteers, interns, and contractors shall not facilitate or engage in an intimate personal or sexual relationship with a juvenile in the custody, care, and supervision of DJJ. DJJ staff, volunteers, interns, and contractors shall report all contacts or interactions prohibited by this policy to DJJ management.

II. APPLICABILITY

This policy shall apply to all DJJ staff, volunteers, interns, and contractors.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. DJJ staff, volunteers, interns, and contractors shall not engage in sexualized grooming or any sexual offense with a juvenile in the care, custody, and supervision of DJJ.
- B. DJJ staff, volunteers, interns, and contractors shall not exchange personal information or personal contact information, including phone numbers, email addresses, and residential addresses with a juvenile in the care, custody, and supervision of DJJ, except when conducting official business for DJJ and with the approval of the facility Superintendent or Director of Community and Mental Health Services.

POLICY NUMBER DJJ 903	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 3
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C. Staff, volunteers, interns, and contractors shall not use any mode of communication to initiate or carry on a sexual or intimate relationship with a juvenile that is in the custody, care, and supervision of DJJ.

1. Except for staff, volunteers, interns, and contractors conducting official business for DJJ and with the approval of the Regional Director or Director of Community and Mental Health Services, DJJ staff, volunteers, interns, and contractors shall not initiate or accept contact on a social media or social networking site with a juvenile under the custody of DJJ or with a former DJJ juvenile unless that juvenile is over the age of twenty-one (21) years of age and has been released for more than one year from DJJ custody. Staff shall document information obtained for business purposes in the running record or daily log.
2. DJJ staff, volunteers, interns, and contractors shall inform their direct supervisor, facility Superintendent, or Director of Community and Mental Health Services of any inappropriate written or verbal communications received from a juvenile, outside the scope of regular business interaction. Each inappropriate written communication or verbal communication received from a youth, shall be documented in the youth's Individual Client Record (ICR) for youth in a YDC, group home, day treatment, or community placement and an incident report shall be completed for youth in a detention center. The facility Superintendent or Director of Community and Mental Health Services shall forward this information to the Personnel Branch Manager or designee.
3. An employee shall not have an intimate or romantic relationship with a juvenile that has been in the direct custody, care, and supervision of that employee or in a facility where the employee worked while the juvenile was in custody, for a minimum of ten (10) years after the juvenile has been officially released from DJJ.

V. STAFF TRAINING MONITORING MECHANISM

- A. The Agency Compliance Officer or the PREA trainer from the Training Branch for DJJ shall train the Facility PREA Coordinators, Classification PREA Coordinators, and Community PREA Coordinators regarding this policy.
- B. The PREA Coordinators shall train all staff and contractors in their respective facility or office.

VI. MONITORING MECHANISM

- A. The Division Director or designee, the Personnel Branch Manager or designee, the Agency PREA Compliance Officer, and the facility Superintendent shall

POLICY NUMBER DJJ 903	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 3 of 3
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conduct a case conference and review of any disciplinary actions, resulting from a PREA violation involving staff regarding this policy.

- B. The Agency PREA Compliance Officer for DJJ or designee shall conduct an annual audit to verify that DJJ staff and contractors are being trained regarding the policy.



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

REFERENCES:

505 KAR 1:170
4-JCF-3D-05, 09, 10
4-JCF-3D-04, 08, 09
3-JTS-3D-06-4, 06-9, 06-10
3-JCRF-3D-04-4, 04-9, 04-10
1-JBC-3D-06-3, 06-8, 06-9

**CHAPTER: Prison Rape Elimination Act of
2003 (PREA)**

**AUTHORITY: KRS 15A.065; 28
CFR 115; 28 CFR 115.351; 28
CFR 115.361; 28 CFR 115.367**

**SUBJECT: Reporting and Investigating
PREA Violations**

POLICY NUMBER: 906

TOTAL PAGES: 3

EFFECTIVE DATE:

APPROVAL: A. Hasan Davis

, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall utilize the Internal Investigations Branch (IIB), within the Justice and Public Safety Cabinet, to conduct administrative investigations regarding allegations of sexual abuse, sexual harassment between juveniles and staff, sexual contact, or any type of sexual offense directed toward juveniles who are in the custody, care, and supervision of DJJ.

II. APPLICABILITY

This policy shall apply to all DJJ staff, volunteers, interns, and contractors.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

A. DJJ staff, volunteers, interns, contractors, juveniles, and the general public shall have direct access to the IIB hotline at all times.

1. Investigations regarding allegations of sexual abuse, sexual harassment between juveniles and staff, sexual contact, or any sexual offense shall be conducted and documented by IIB in accordance with KRS 15A.020 and 500 KAR 13:020.

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2. An investigator with IIB shall complete Prison Rape Elimination Act of 2003 (PREA) and sexual abuse investigations training prior to conducting investigations as required by 28 C.F.R. 115.334.
 3. The DJJ Ombudsman shall investigate cases of juvenile-on-juvenile sexual harassment.
 4. DJJ shall cooperate and provide support for the prosecution of all substantiated PREA cases.
 5. The Department of Public Advocacy (DPA) Post-Disposition Branch shall be notified by the Agency PREA Compliance Officer whenever law enforcement is contacted to conduct an investigation to ensure that the youth's legal rights are protected.
- B. DJJ staff, volunteers, interns, and contractors shall be responsible for being alert to signs of situations in which sexual abuse, sexual harassment, sexual contact, or any sexual offense may occur.
 - C. DJJ staff, volunteers, interns, and contractors who witness, suspect, or receive a report that a juvenile has been a victim of sexual abuse, sexual contact, or any sexual offense, while in a residential or detention facility, shall immediately report it to the IIB hotline, their direct supervisor, the facility Superintendent and the Facility PREA Coordinator. The facility Superintendent shall be responsible for notification to the Regional Facility Administrator (RFA), the Regional Director, Agency PREA Compliance Officer, the Deputy Commissioner, and the Commissioner.
 - D. DJJ staff, volunteers, interns, or contractors who have reason to suspect that a juvenile has been a victim of sexual abuse, sexual harassment, sexual contact, or any sexual offense, while on furlough from a facility or in the community, shall immediately report it to the IIB hotline, their direct supervisor, and the facility Superintendent or Director of Community and Mental Health Services, and the Facility PREA Coordinator or the Community PREA Coordinator. The facility Superintendent shall be responsible for notification to the RFA, the Regional Director, Director of Community and Mental Health Services, Agency PREA Compliance Officer, the Deputy Commissioner, and the Commissioner. The Director of Community and Mental Health Services shall be responsible for notification to the facility Superintendent, if applicable, the Regional Director, Agency PREA Compliance Officer, the Deputy Commissioner, and the Commissioner.
 - E. Juveniles shall have the right to report sexual abuse, sexual harassment, sexual contact, or any sexual offense to a staff member or the IIB hotline.
 - F. If a juvenile submits a grievance, regarding sexual abuse, sexual contact, or a sexual offense, facility staff shall immediately report the alleged details of the allegations to their direct supervisor, the facility Superintendent, the Facility PREA Coordinator, and the IIB hotline. The facility Superintendent shall be

POLICY NUMBER DJJ 906	EFFECTIVE DATE:	PAGE NUMBER 3 of 3
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responsible for notification to the RFA, the Regional Director, Agency PREA Compliance Officer, the Deputy Commissioner, and the Commissioner.

- G. DJJ staff shall not retaliate against staff or a juvenile for reporting a PREA violation. Staff who violate this policy shall be subject to disciplinary action up to and including dismissal.
- H. An employee or a juvenile who makes a report in good faith based upon a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if the investigation does not establish evidence to substantiate the allegation.
- I. An employee or a juvenile, who make a report which is investigated and it is established by IIB that the employee or juvenile knowingly made a false report, shall be subject to program sanctions or employee disciplinary action up to and including termination or dismissal.
- J. All case records associated with claims of sexual abuse, sexual harassment, sexual contact, or any sexual offense, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and counseling shall be retained in accordance with the records retention schedule.
- K. DJJ shall provide the general public with information regarding PREA and third party reporting procedures on the official DJJ website.
- L. DJJ shall provide general information regarding PREA pursuant with the Kentucky Open Records Act.
- M. Any PREA violation, that is criminal in nature, shall be referred to the Kentucky State Police (KSP) unless the facility is located in Lexington or Louisville, Kentucky. For those facilities, potentially criminal violations shall be referred to local law enforcement.

V. STAFF TRAINING

- A. The Agency PREA Compliance Officer or designee or the PREA trainer from the Training Branch for DJJ shall train the Facility, Classification, and Community PREA Coordinators regarding this policy.
- B. The PREA Coordinators shall train all DJJ staff in their respective facility or office.

VI. MONITORING MECHANISM

The Agency PREA Compliance Officer for DJJ or designee shall conduct an annual audit to verify that DJJ staff are being trained regarding the policy.



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

REFERENCES:
505 KAR 1:170
4-JDF-3D-02
4-JCF-3D-02
3-JTS-3D-06-2
3-JCRF-3D-04-2
1-JBC-3D-06-1

**CHAPTER: Prison Rape Elimination Act of
2003 (PREA)**

**AUTHORITY: KRS 15A.065; 28
CFR 115; 28 CFR 115.333**

SUBJECT: Resident PREA Education

POLICY NUMBER: 907

TOTAL PAGES: 4

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis

, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall provide education to all juveniles in the custody, care, and supervision of DJJ regarding the Prison Rape Elimination Act of 2003 (PREA). The education material shall include general information regarding the zero tolerance policy prohibiting sexual abuse, sexual harassment, sexual contact, or any type of sexual offense directed toward a juvenile in the custody, care, and supervision of DJJ and shall provide instructions for reporting a sexual offense of any type.

II. APPLICABILITY

This policy shall apply to all DJJ staff, volunteers, interns, contractors, and juveniles in the custody, care, and supervision of DJJ.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. DJJ staff shall be responsible for providing juveniles with age-appropriate information and documentation explaining the zero tolerance policy regarding sexual abuse, sexual harassment, sexual contact, or any type of sexual offense and how to report incidents or suspicions to the Internal Investigations Branch (IIB) hotline or staff.
- B. Juveniles in the custody, care, and supervision of DJJ shall receive verbal and written instruction regarding PREA during the following times:

POLICY NUMBER DJJ 907	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 4
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1. Initial contact with the community worker;
 2. Initial facility intake at a detention center, youth development center (YDC), and group home;
 3. Initial assessment meeting in a day treatment facility;
 4. Initial meeting with a youth counselor;
 5. During monthly treatment team meetings; and
 6. Upon request for PREA information by a juvenile.
- C. During intake with the Juvenile Service Worker (JSW), where a juvenile may be placed with a private child care agency or in a DJJ residential facility, community staff shall provide the juvenile and the parent or caregiver with a PREA flyer and shall read the information contained within the flyer to the juvenile.
- D. Within seventy-two (72) hours of intake into a DJJ facility, staff shall provide comprehensive age-appropriate education to residents either in person or through video on the following:
1. DJJ's zero tolerance PREA policy;
 2. Sexual abuse, sexual harassment, victimization prevention, and intervention;
 3. Self- protection information to prevent becoming a victim and how to avoid high- risk situations while placed in a facility;
 4. Safely reporting an incident of sexual abuse, sexual harassment, sexual contact, or any type of sexual offense including the option to report the incident to a designated staff member or confidentially through the IIB hotline;
 5. Obtaining medical assistance, counseling services, and treatment if victimized;
 6. Details regarding services and programs available for a juvenile who has a history of sexually assaultive behavior or a juvenile who has been a victim of previous sexual abuse or sexual harassment; and
 7. Potential disciplinary action, including prosecution, for engaging in any type of abuse or sexual activity or for making false allegations.
- E. DJJ facility staff shall provide and read the following PREA education material to each juvenile within seventy-two (72) hours of intake:
1. Juvenile PREA brochure; and
 2. Juvenile Resident Education Booklet.

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- F. Within seventy-two (72) hours of intake into a facility, DJJ staff shall obtain signed and dated PREA acknowledgement documentation, from the juvenile, stating that they have received comprehensive information on the right to be free from sexual abuse, sexual harassment, sexual contact, and any sexual offenses, reporting instructions, and the right to be free from retaliation for reporting such incidents. The documentation shall be placed in the hard case file of the juvenile.
- G. In YDC's and group homes, juveniles shall receive the comprehensive PREA education again during each sixty (60) day review. The verbal instruction shall be documented in the electronic case file.
- H. In a detention center, juveniles shall receive verbal instruction, during each group counseling session regarding DJJ's zero tolerance policy and reporting information. The verbal instruction shall be documented in the group counseling progress note in the booking system.
- I. In a day treatment facility, staff shall provide the PREA brochure and parent or caregiver flyer during the initial assessment of juveniles and provide verbal instruction regarding DJJ's zero tolerance policy and the hotline information at the beginning of each group session. Staff shall document that the PREA education and the verbal instruction was completed in the electronic record hard case file of the juvenile.
- J. Each facility shall display PREA posters, in communal juvenile access areas, that inform the juveniles of DJJ's zero tolerance policy.
- K. DJJ's PREA policy shall be made available in an accessible format to juveniles with disabilities, juveniles who speak limited English, or in the juvenile's native language if the juvenile does not understand English. DJJ staff shall not use juveniles as interpreters, readers, or for any other types of resident assistance for translation except in exigent circumstances.
- L. Juveniles shall have access to the IIB hotline telephone to report an incident, allegation, or complaint. In a facility that does not have a direct access to the IIB hotline juveniles shall be permitted to use a facility telephone. The 1-800 IIB hotline number shall be clearly posted.
- M. The PREA standards, literature, and materials shall be made accessible to juveniles in each facility library and each community office.

V. STAFF TRAINING

- A. The Agency PREA Compliance Officer or designee or PREA trainer from the Training Branch shall be responsible for training all Facility and Community PREA Coordinators regarding juvenile education.

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- B. Each Facility PREA Coordinator shall be responsible for training facility staff regarding PREA juvenile education.
- C. Each Community PREA Coordinator shall be responsible for training community staff regarding PREA juvenile education.

VI. MONITORING MECHANISM

The Agency PREA Compliance Officer or designee shall conduct an annual audit to verify that DJJ staff are being trained regarding the policy.



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

REFERENCES:
505 KAR 1:170
4-JCF-4C-50
4-JDF-4C-50
3-JTS-D06-8
3-JCRF-3D-04-8
1-JBC-3D-06-7

**CHAPTER: Prison Rape Elimination Act of
2003 (PREA)**

**AUTHORITY: KRS 15A.065; 28
CFR 115; 28 CFR 115.364; 28
CFR 115.635; 28 CFR 115.366; 28
CFR 115.382; 28 CFR 115.383**

**SUBJECT: DJJ Response to a Report of a
PREA Violation**

POLICY NUMBER: 908

TOTAL PAGES: 6

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis

, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall have a coordinated response system in place to address incidents of sexual abuse, sexual harassment, sexual contact, or any type of sexual offense directed toward juveniles who are in the custody, care, and supervision of DJJ.

II. APPLICABILITY

This policy shall apply to all DJJ staff, volunteers, interns and contractors.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. If a facility employee is witness to or hears about a juvenile making inappropriate sexual comments, the staff shall advise the juvenile that comments of a sexual nature are prohibited and that sanctions shall be put in place if the behavior does not stop. If a pattern of inappropriate communication continues by the juvenile, the staff or the juvenile shall report this conduct to the Internal Investigations Branch (IIB) hotline.

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- B. If any facility employee learns that a juvenile is at substantial risk of imminent danger of sexual abuse or has received a report of sexual abuse, sexual harassment, or sexual contact, the staff shall take immediate action to protect the juvenile.
- C. Staff at each facility shall develop and implement a coordinated written plan that shall dictate the actions of first responders, medical and mental health staff, and contacts to be made, immediately following a report of sexual abuse, sexual harassment, sexual contact, or any sexual offense.
- D. If a facility employee hears about or learns of a threat of sexual abuse, sexual contact, or any sexual offense, the employee shall take the following steps:
 - 1. The alleged perpetrator shall immediately be separated from the intended victim and other juveniles and shall be placed in an isolated area until safety measures are put in place to prevent the abuse. Staff shall make a report to the IIB hotline; and
 - 2. If the alleged perpetrator is an employee, the employee shall be separated from direct contact and access to all juveniles.
- E. If sexual abuse has occurred, the location of the incident shall immediately be cleared of juveniles and staff. Staff shall erect barriers to rope off the area to ensure the area remains undisturbed until law enforcement arrives.
 - 1. Staff and the juvenile shall not remove any items from the scene, including clothing, linens, and towels. Bodily fluids that are on the floor, furniture, or linens shall not be compromised.
 - 2. If law enforcement does not arrive immediately or chooses not to investigate, evidence shall be collected and preserved. Staff shall make this evidence available to IIB.
 - 3. If the abuse occurred more than seventy-two (72) hours prior to the report, sealing off the area may not be practical due to traffic, contamination, and use of the area. The facility Superintendent or Regional Director shall use his or her best judgment in determining what areas to close and what evidence to collect. IIB may be used as a resource for consultation in making this decision.
 - 4. Staff who directly receive the report or witness the sexual abuse shall complete an incident report. Any other staff who witnessed or have relevant information shall complete an addendum to the incident report.
 - 5. The juvenile victim of the sexual abuse shall be separated until they can be interviewed by law enforcement or law enforcement confirms that the juvenile victim does not need to be interviewed.
 - 6. The alleged perpetrator and any other juvenile or staff who witnessed or were involved in the incident shall be evaluated by medical staff and the

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 3 of 6
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Regional Psychologist, Treatment Director, or designee for any necessary treatment or counseling, immediately after the safety and security of the victim is ensured.

7. The facility Superintendent shall review, download, and preserve all videos in or around the area that could contain evidence of a Prison Rape Elimination Act of 2003 (PREA) violation.
 8. For an allegation of juvenile-on-juvenile sexual abuse, sexual harassment, sexual contact, or any type of sexual offense, the facility Superintendent may submit an administrative transfer request (ATR) to the Division of Placement Services, to move the alleged perpetrator from the facility.
- F. If sexual abuse has occurred, facility staff shall take the following steps in caring for the juvenile victim:
1. Kentucky State Police (KSP) shall be immediately notified, unless the incident happened in the cities of Lexington or Louisville, Kentucky. Then DJJ staff shall contact the local police department in Lexington or Louisville and a report shall be filed;
 2. The nurse or health trained staff shall ensure that the juvenile is medically conscious and is mobile. Staff shall only provide treatment for conditions that are life-threatening. If additional treatment is needed, the closest emergency medical facility shall provide medical care;
 3. The juvenile victim shall not be permitted to shower or otherwise clean themselves until they are examined by emergency medical facility staff and cleared by the emergency medical facility to do so;
 4. If the assault occurred less than seventy-two (72) hours prior to the report, the juvenile victim shall be transported to the closest emergency medical facility by DJJ staff and the juvenile shall be examined by qualified medical staff. If transportation is not readily available, a 911 emergency operator shall be utilized;
 5. DJJ staff shall not leave the emergency medical facility until the juvenile is released by the attending physician and law enforcement officials authorize release;
 6. If the assault occurred more than seventy two (72) hours prior to the report, transportation to an emergency medical facility shall be at the discretion of the facility medical staff. If there is no on-site facility medical staff, the Division Director of Medical Services shall be consulted;
 7. Upon return from emergency medical services to the facility, the juvenile victim shall be evaluated by the Regional Psychologist or Treatment Director for appropriate counseling or treatment needs;

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 4 of 6
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8. Upon return from emergency medical services, in consultation with facility medical and counseling staff, the facility Superintendent or Regional Director shall make appropriate arrangements regarding housing or group assignment for the juvenile victim and the alleged perpetrator;
 9. The parent or caregiver and juvenile service worker (JSW) of the juvenile victim shall be notified of the alleged PREA violation;
 10. If a juvenile court retains jurisdiction over the alleged victim, the Office of Legal Services shall report the allegation to the attorney of the juvenile or other legal representative within fourteen (14) days of the allegation; and
 11. If a Children's Advocacy Center is available, DJJ staff shall collaborate with the Children's Advocacy Center to provide care for victims. For youth in detention who have not been committed to DJJ, approval shall be obtained from the court.
- G. After an allegation has been made, the facility shall protect the reporting juvenile, facility staff, or any cooperating individual from retaliations by other juvenile or facility staff.
1. Facility staff shall be designated to monitor for retaliatory behavior or actions.
 2. Facility staff shall use protective measures, such as changes in residential housing for juvenile victims, transfer of juveniles to other facilities, and change of work assignments for alleged staff.
 3. Facility staff shall provide emotional support for juveniles and staff, who fear retaliation from reporting sexual abuse, sexual harassment, sexual contact, or any sexual offense through residential counseling and the Kentucky Employee Assistance Program (KEAP).
 4. Facility staff shall monitor the treatment of the juvenile and staff for ninety (90) days following a report of sexual abuse or sexual harassment, and if the victim exhibits changes that may suggest possible retaliation by other juveniles or staff the facility shall act immediately to address any retaliation.
 5. Juvenile disciplinary reports, housing assignments, facility staff reassignments, program changes, and any negative performance reviews of facility staff involved in the allegation shall be monitored for indications of retaliation.
 6. Monitoring shall continue beyond ninety (90) days if any indication of retaliation is noted.
 7. The facility may terminate the monitoring process if through investigation it is determined that the allegations are unfounded.

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- H. If a committed or probated juvenile, under community supervision, reports a sexual abuse, sexual contact, or any type of sexual offense to a Division of Community and Mental Health staff or a community employee learns of an alleged sexual abuse through other means, the community staff shall take the following steps:
1. Upon being notified of the sexual abuse, the Juvenile Services Worker (JSW) shall immediately notify their supervisory chain, which includes the Juvenile Services District Supervisor (JSDS), Regional Manager, and the Division Director of Community and Mental Health Services.
 2. The JSW shall make a report to the Department of Community Based Services, the IIB hotline and the KSP office that is near the facility or office where the juvenile is located except for those facilities or offices located in Lexington or Louisville, Kentucky. In Lexington and Louisville, staff shall contact the local law enforcement agencies.
 3. The Division Director of Community and Mental Health Services shall inform the Agency PREA Compliance Officer, the DJJ Office of Legal Services, and the Deputy Commissioners, and the Commissioner.
 4. The JSW shall advise parents or legal guardians to seek medical assistance and examinations regarding the juvenile reporting the sexual abuse.
 5. The JSW may accompany the juvenile and parents or legal guardians to the medical facilities for medical assistance and examinations. The JSW shall provide continuous updates to the supervisory chain.
 6. The JSW shall assist in arranging victim services and counseling for the juvenile and parent or legal guardian. Resources may include the Children's Advocacy Center, Kentucky Association of Sexual Assault Programs (KASAP), Victim's Advocate at the Commonwealth Attorney's office, DJJ Mental Health, and other community based services that provide sexual abuse assistance.
 7. The Division Director of Community and Mental Health Services shall provide updated information to the Agency PREA Compliance Officer, the DJJ Office of Legal Services, the Deputy Commissioners, and the Commissioner.
- I. If sexual abuse occurs in a private child care facility, therapeutic foster care home, or in a mental health medical facility DJJ staff shall, upon receiving notice, do the following:
1. Classification staff and the JSW shall notify the IIB hotline;
 2. Classification staff and the JSW shall notify the Director in their respective chains of command;

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3. The Director of Placement Services and the Director of Community and Mental Health Services shall notify the Commissioner, the Deputy Commissioner in their respective chain of command, the Agency PREA Compliance Officer, and the Ombudsman;
4. The Director of Community and Mental Health Services shall coordinate the immediate service needs of the juvenile and assign a staff person to accompany the juvenile for any medical and mental health services that may be needed; and
5. The Division Director of Community and Mental Health Services, the Director of Placement Services or designee, and the Deputy Commissioner shall case conference the matter to determine the best placement arrangement and treatment needs for the DJJ juvenile or juveniles involved.
- J. If a juvenile is being transferred as a result of sexual abuse, the Division of Placement Services Classification representative shall notify the receiving facility and the Regional Director, of the situation surrounding the juvenile transfer. The receiving facility shall follow all procedures within this policy.
- K. DJJ shall enter into a memorandum of understanding (MOU) or an agreement with community service providers that are able to provide juveniles with emotional support services related to sexual abuse. Each facility Superintendent shall utilize the crisis and counseling services associated with KASP when an incident of sexual abuse has occurred at a facility.
- L. When staff have any questions regarding the PREA processes, protocol, or the federal PREA standards, staff may contact the Agency PREA Compliance Officer.

V. STAFF TRAINING

- A. The Agency PREA Compliance Officer or designee or the PREA trainer from the Training Branch shall be responsible for training all Facility and Community PREA Coordinators regarding this policy.
- B. Each Facility PREA Coordinator shall be responsible for training facility staff regarding this policy.
- C. Each Community PREA Coordinator shall be responsible for training community staff regarding this policy.

VI. MONITORING MECHANISM

The Agency PREA Compliance Officer or designee shall conduct an annual audit to verify that DJJ staff are being trained regarding the policy.



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

**REFERENCES:
505 KAR 1:170**

**CHAPTER: Prison Rape Elimination Act of
2003 (PREA)**

**AUTHORITY: KRS 15A.065; 28
CFR 386; 28 CFR 115.387; 28
CFR 115.388**

SUBJECT: Data Collection and Review

POLICY NUMBER: 909

TOTAL PAGES: 2

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis

, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall collect and maintain statistical data for reporting purposes to the federal government and utilize this information to develop and integrate a system of continuous quality improvement within DJJ.

II. APPLICABILITY

This policy shall apply to all DJJ staff, volunteers, interns, and contractors.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

A. The Agency Compliance Officer shall assemble a review team of upper level management, supervisors, medical or mental health professionals, and when possible, investigators to conference and examine PREA incidents as required by 28 C.F.R. 115.386. The review team shall:

1. Conduct the review conference within thirty (30) days after the conclusion of a substantiated sexual abuse investigation;
2. Review all cases of sexual abuse within the DJJ;
3. Consider whether there is a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

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4. Consider whether the incident was motivated by race, ethnicity, gender identity, identification as lesbian, gay bisexual, transgender, questioning, or intersex, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility;
 5. Assess if the area of the facility where the incident occurred attributed to the abuse;
 6. Assess the adequacy of staffing levels;
 7. Assess the need for change in video monitoring or additional equipment; and
 8. Review the findings of the investigation.
- B. The Agency PREA Compliance Officer shall report the review team findings, along with recommendations for improvement, to the facility Superintendent and the Facility PREA Coordinator.
 - C. The Internal Investigations Branch (IIB) shall work directly with the Agency PREA Compliance Officer to determine statistical data and information required for annual federal reporting purposes regarding PREA.
 - D. The Commissioner or the Commissioner's designee may conduct debriefing meetings to discuss any PREA related incidents.
 - E. The Agency PREA Compliance Officer shall conduct an annual meeting for the Commissioner and Executive Staff to discuss PREA related matters regarding the Department.
 - F. The Agency PREA Compliance Officer will compile an annual data report that shall be made available to the public.

V. STAFF TRAINING

- A. The Agency PREA Compliance Officer or designee or the PREA trainer from the Training Branch shall be responsible for training all Facility and Community PREA Coordinators regarding this policy.
- B. Each Facility PREA Coordinator shall be responsible for training facility staff regarding this policy.
- C. Each Community PREA Coordinator shall be responsible for training community staff regarding this policy.

VI. MONITORING MECHANISM

The Agency PREA Compliance Officer or designee shall conduct an annual audit to verify that DJJ is complying with this policy.



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

**REFERENCES:
505 KAR 1:170**

**CHAPTER: Prison Rape Elimination Act of
2003 (PREA)**

AUTHORITY: KRS 15A.065

**SUBJECT: DJJ Staff PREA Education and
Training**

POLICY NUMBER: 911

TOTAL PAGES: 4

EFFECTIVE DATE: 10/14/13

APPROVAL: A. Hasan Davis

, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall educate and train DJJ staff, volunteers, interns, and contractors on the Prison Rape Elimination Act of 2003 (PREA) juvenile standards.

II. APPLICABILITY

This policy shall apply to DJJ staff, volunteers, interns, and contractors.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. DJJ staff, volunteers, interns, and contractors shall receive education and training regarding PREA and the juvenile standards.
- B. The Agency PREA Compliance Officer or designee shall ensure that important information is continuously and readily available to all staff regarding PREA. DJJ staff shall train all employees who have contact with juvenile residents on:
 1. The zero tolerance policy for sexual abuse and sexual harassment;

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2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
3. Residents right to be free from sexual abuse and sexual harassment;
4. The right of residents and employees to be free from retaliation for reporting sexual abuse and harassment;
5. The dynamics of sexual abuse and sexual harassment in juvenile facilities;
6. The common reactions of juvenile victims of sexual abuse and sexual harassment;
7. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
8. How to avoid inappropriate relationships with residents;
9. How to communicate effectively and professionally with residents; and
10. How to comply with mandatory reporting laws and understanding other laws regarding PREA as they relate to juveniles.

C. DJJ PREA training shall consist of the following phases:

1. Phase one (1) shall include an introduction to PREA, prevention of PREA violations, PREA juvenile standards overview, and a video regarding keeping kids safe;
2. Phase two (2) shall include PREA policy and protocol, human sexuality of a juvenile, staff and juvenile red flags, the fundamentals of supervision, understanding sexual orientation, including Lesbian, gay, bi-sexual, transsexual, questioning or queer, and intersex (LGBTQI) issues, Kentucky laws related to juveniles, reporting requirements and zero tolerance retaliation policy, youth rights, and utilization of the Vulnerability Assessment Instrument;
3. Phase three (3) shall include juvenile education;
4. Phase four (4) shall include responding to a sexual assault;
5. Phase five (5) shall include PREA audit training.
6. Phase six (6) shall include the fundamentals of trauma informed care, protecting a sexual assault scene, sexual assaults, sexual assault examinations, human sexuality of a juvenile, and understanding the importance of the Vulnerability Assessment Instrument;
7. Phase seven (7) shall include the importance of leadership and organizational culture in implementing PREA; and

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8. Phase eight (8) shall be an annual PREA training refresher that addresses topics included in Phase one (1) through Phase seven (7) of this policy.
- D. DJJ facility and community staff shall complete the following PREA trainings:
 1. Phase one (1);
 2. Phase two (2);
 3. Phase three (3);
 4. Phase four (4); and
 5. Phase five (5).
- E. DJJ community mental health, youth counselors, Treatment Directors, Regional Psychologists, and medical staff shall receive Phase six (6) training.
- F. DJJ central office staff, volunteers, interns, and contractors shall receive Phase one (1) training.
- G. DJJ Executive Staff shall receive the following training:
 1. Phase one (1);
 2. Phase two (2)
 3. Phase four (4);
 4. Phase five (5); and
 5. Phase seven (7).
- H. All DJJ staff, Executive Staff, and contractors who have daily contact with juveniles shall be required to complete Phase eight (8) annually.

V. STAFF TRAINING MONITORING MECHANISM

- A. The Agency PREA Compliance Officer or designee or the PREA trainer in the Training Branch shall train or organize training to ensure that PREA Coordinators are trained regarding the PREA training phases.
- B. The PREA Coordinators shall be responsible for training DJJ staff, volunteers, interns, and contractors in their respective facilities or community offices regarding this policy.
- C. The Agency PREA Compliance Officer or designee or the PREA trainer in the Training Branch shall develop and execute all specialized trainings for Executive Staff, community mental health, youth counselors, Treatment Directors, Regional Psychologists, and medical staff.

VI. MONITORING MECHANISM

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The Agency PREA Compliance Officer or designee shall conduct an annual audit to verify that DJJ staff are being trained regarding the policy.



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

**REFERENCES:
505 KAR 1:170**

CHAPTER: Prison Rape Elimination Act of 2003 (PREA)

**AUTHORITY: KRS 15A.065; 28
C.F.R. 115; 28 C.F.R 115.315; 28
C.F.R 115.331; 28 C.F.R 115.341;
28 C.F.R 115.342; 28 C.F.R
115.386**

SUBJECT: Sexual Orientation and Gender Identity

POLICY NUMBER: 912

TOTAL PAGES: 4

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis

, COMMISSIONER

I. POLICY

In accordance with state and federal laws, each juvenile under the jurisdiction of the Department for Juvenile Justice (DJJ), shall have the right to live in an environment free of harassment and discrimination. DJJ shall be committed to providing a healthy and accepting setting for juveniles placed in the care of DJJ. DJJ staff shall respect the dignity of lesbian, gay, bisexual, transgender, questioning, and intersex (LGBTQI) juveniles and create an environment that is safe and free of discrimination.

II. APPLICABILITY

This policy shall apply to all DJJ staff, interns, volunteers, contractors, and juveniles under the care and custody of DJJ.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. DJJ staff shall provide quality services and treatment to juveniles regardless of their actual or perceived sexual orientation or gender identity.
- B. DJJ staff shall provide fair and equal treatment without bias and in a professional and confidential manner based on principles of sound professional practice to LGBTQI juveniles in the care and custody of DJJ.
- C. DJJ staff, contractors, interns, or volunteers shall not disclose the sexual orientation or gender identity of a juvenile to another juvenile, the family or friends of that juvenile, other outside individuals or agencies, including health care or social service providers, without the

POLICY NUMBER DJJ 912	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 4
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permission of the juvenile, unless such disclosure is necessary to comply with state or federal law.

- D. This confidentiality restriction does not prevent DJJ staff, interns, volunteers, or contractors from discussing the needs or services of a juvenile with other staff members or when resolving a grievance.
- E. LGBTQI juveniles shall not be placed in isolation or segregation as a means of keeping them safe from discrimination, harassment, or abuse. LGBTQI juveniles shall not be treated or classified as a juvenile sex offender (JSO) unless required by a court.
- F. Facility staff shall make housing decisions for transgender, transsexual, and intersex juveniles based on the individualized needs of a juvenile; and shall prioritize the emotional and physical safety of a juvenile, taking into account the perception of where he or she will be most secure, as well as any recommendations from the health care provider of the juvenile.
- G. DJJ staff, volunteers, interns, and contractors, when working with juveniles under the care of DJJ, shall use respectful language and terminology that does not further stereotype the LGBTQI community.
- H. DJJ staff, volunteers, interns, and contractors, in the course of their work, shall not refer to juveniles by using derogatory language in a manner that conveys bias towards or hatred of the LGBTQI community. DJJ staff, volunteers, interns, and contractors shall not imply or tell LGBTQI juveniles that they are abnormal, deviant, sinful, or that they can or should change their sexual orientation or gender identity.
- I. DJJ shall provide transsexual and intersex juveniles with safety and privacy when using the shower and bathroom and when dressing and undressing.
- J. DJJ staff shall not require transsexual and intersex juveniles to shower or undress in front of other juveniles; and transsexual juveniles shall be permitted to use single occupancy bathrooms and showers, if available. Such accommodation shall be provided in a sensitive manner.
- K. DJJ staff shall provide a transsexual or intersex juvenile access to medical and mental health care providers who are knowledgeable about the health care needs of a transsexual or intersex juvenile, if the juvenile requests assessment or treatment.
- L. LGBTQI juveniles shall not participate in JSO treatment or counseling, unless required to do so by a court or as necessary to address sexually offending behaviors.
- M. The juvenile sex offender treatment program (JSOTP) shall not discriminate based on sexual orientation and gender identity and shall not criminalize LGBTQI identity.

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- N. DJJ staff shall not physically search a LGBTQI juvenile in a manner that is humiliating or degrading or for the purpose of determining the anatomy of a juvenile.
- O. A transgender juvenile may request that either a male or female staff member conduct a body identification procedure, if a body identification procedure is required. All special requests shall be documented in the individual client record (ICR) of the juvenile. DJJ shall accommodate a request when possible and consistent with maintaining the security of the facility.
- P. DJJ staff shall not search or physically examine a transgender or intersex juvenile resident for the sole purpose of determining the resident's genital status.
- Q. DJJ staff shall be trained on how to conduct cross-gender pat down searches, and searches of transgender and intersex juveniles, in a professional and respectful manner, and in the least intrusive manner possible that is consistent with security needs.
- R. Each DJJ program shall provide an inclusive organization culture where the dignity of every youth is respected and all youth are safe. When youth arrive at the program they shall be informed in intake or orientation that name-calling and other harassment is disrespectful and not accepted. Employees shall remind juveniles that harassment of LGBTQI juveniles is not acceptable every time they are aware of an incident of harassment. Staff shall promptly and consistently intervene to stop youth from using terms that convey hatred, contempt, or prejudice toward LGBTQI juveniles, and shall initiate disciplinary action against youth who harass others. Transgender youth shall be called by a title that is gender neutral.

V. STAFF TRAINING

- A. DJJ staff working directly with youth shall be trained to work with LGBTQI juveniles to ensure that staff have the awareness and capacity to effectively work with LGBTQI juveniles in a facility. This training shall include:
 - 1. Goals and requirements of the facility regarding nondiscriminatory practices toward LGBTQI juveniles;
 - 2. Information on working with LGBTQI juveniles in a respectful and nondiscriminatory manner; and
 - 3. Material on recognizing, preventing, and responding to harassment against LGBTQI juveniles.
- B. DJJ staff working directly with a juvenile shall receive training regarding the LGBTQI community. These trainings shall be conducted by a qualified trainer, with expertise in working with the LGBTQI community.

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- C. The Agency PREA Compliance Officer or designee or the PREA trainer in the Training Branch shall train all PREA Coordinators regarding this policy.
- D. The PREA Coordinators shall train all DJJ staff in their respective facility or community offices regarding this policy.

VI. MONITORING MECHANISM

The Agency PREA Compliance Officer or designee shall conduct an annual audit to verify that DJJ staff are being trained regarding this policy.