

**COMMONWEALTH OF KENTUCKY
JUSTICE and PUBLIC SAFETY CABINET
DEPARTMENT OF JUVENILE JUSTICE
INTERAGENCY AGREEMENT AND MEMORANDUM OF UNDERSTANDING**

This Interagency Agreement (IA) is entered into, by and between the Commonwealth of Kentucky, Department of Juvenile Justice ("the Department" or "Commonwealth") and Jefferson County School District, located at 3332 Newburg Road Louisville, Kentucky 40232, ("the Contractor") (each a "Party and collectively "Parties") to establish an agreement for the provision of a full continuum of educational service for students committed to or in the custody of the Department of Juvenile Justice at Jefferson Regional Juvenile Detention Center. The initial IA is effective from the 1st day of July 2023 through the 30th day of June 2024.

Whereas, the Department, in the exercise of its lawful duties, has determined upon the necessity of the provision of a full continuum of educational services for students who have been committed to or are in the custody of the Department; and

Whereas, the Contractor is available, responsible, and qualified to perform this function, and the Department desires that the Contractor perform this function;

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

Definitions:

- A. Contractor personnel refers to any employee of the school district.
- B. Department personnel refers to any employee of the Department of Juvenile Justice.
- C. Student refers to any individual enrolled in the school.

Scope of Services:

This IA is intended to form the basis for a cooperative relationship between the Department and the Contractor for educational services in a Department Detention program. The mutual goal and intention of each of the Parties named above is to maintain the needs of each student as our priority in fulfillment of this IA. It is meant to foster excellence in education and treatment and is not meant to inhibit either Party in meeting their respective goals but rather to foster collaborative services on the part of both agencies. The expectation is that this IA will provide the basis for the highest quality of educational services possible for our students.

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

Section 1.

The Contractor shall:

- A. Comply with all applicable federal and state laws and regulations for the services provided under this IA. Nothing in this IA should be interpreted to require or condone the violation of such federal and state laws and regulations.
- B. Provide one one-site, full-time principal, head teacher, school administrator, director, or designee that is responsible for all aspects of the school program.

- C. Follow facility sign in and sign out procedures.
- D. At the beginning of each semester, provide a list of teacher and administrator names, email addresses, and phone numbers for those who routinely interact with students.
- G. Ensure the teacher to pupil ratio shall average, based on average daily attendance as defined by statute, 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.
- H. Ensure any classroom that exclusively serves students with educational disabilities shall comply with teacher to pupil ratios as specified in 707 KAR 1:350.
- I. Provide 210 instructional days. Educational services shall be provided in-person. Non-traditional instruction (NTI) may be utilized according to 701 KAR 5:150.
- J. Provide students with a minimum of six (6) hours of daily instruction as indicated in KRS 158.060(3) and a minimum of four (4) hours of instructional time per day for each day beyond the local school district calendar.
- K. Ensure the program operates within the traditional school day, which shall include appropriate time for mealtimes, breaks, and direct instruction.
- L. Submit the yearly school calendar and daily school schedule to the Department superintendent and the Department Education Branch by August 1 for the upcoming school year.
- M. Make educational services available to each student upon admission, except if there is substantial evidence to justify otherwise and construct educational services on an open entry – open exit basis.
- N. Within 30 calendar days of the effective date of this IA, provide a read-only account for accessing the Kentucky Student Information System (KSIS)/Infinite Campus for each student. The Department Education Branch Manager shall identify a Department personnel member who will have the ability to generate reports based on student information.
- O. Provide and make available library services to students through local library programs, bookmobiles, and/or on-site libraries.
- P. Require Contractor personnel to teach through direct instruction, which shall include but not be limited to project-based learning, groups, teams, hands-on learning activities, or accelerated teaching, a minimum of 50% of the week.
- Q. Require Contractor personnel to develop and follow written lesson plans or curriculum maps, which shall include goals, standards, activities, and modifications, with consideration given to the educational and vocational learning needs of each student..
- R. For students eligible for GED testing, ensure student earns grades and credits toward a diploma while preparing for GED testing.
- S. Conduct educational and vocational assessments, including but not limited to Career Clusters and Learning Style Inventories, within five (5) school days of the student's admission.
- T. Ensure 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.

- U. Ensure each student is included in Contractor's district-wide and statewide assessments.

- V. Make all educational records available upon request to Department personnel working with students and 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).

- W. Ensure Contractor personnel communicates with the Department shift supervisor of any incidents which may impact the educational day.

- X. Collaboratively develop a written behavior plan for the school day that teaches and rewards good behavior and reduces negative behavior. The behavior plan shall be complimentary to and consistent with the Department facility behavior management system.
 - 1. Ensure Contractor personnel direct student behavior while students are engaged with educational programming such as lessons, hands-on activities, community mentoring, vocational classes, and all teacher-led learning.
 - 2. The behavior plan shall include graduated responses that keep everyone safe and prevent the situation from happening again.
 - 3. Contractor personnel will collaborate with Department personnel regarding appropriate consequences for an undesirable behavior.
 - 4. Contractor personnel shall be included in the penalty slip hearing with the student and Department personnel to process the related components of the event to avoid future negative behavior.

- Y. Adhere to the Department's Education Policies and Procedures. (Appendix A)

- Z. Adhere to the Department's Code of Conduct and Code of Ethics Policies and Procedures and cooperate with investigation of misconduct related to such an investigation. (Appendix B) If a violation occurs, disciplinary actions relating to Contractor personnel shall be governed by the Contractor's policy and procedures. If the Department provides written notice that it believes Contractor's personnel has violated any Department policy or state or federal law or regulation, then the individual believed to have violated such shall not be permitted to return to the Department's property, and the Contractor will forthwith provide a different teacher and/or other personnel to replace the individual not permitted to return.

- AA. Cooperate with the Department superintendent and/or the Department Education Branch in obtaining the information and releases required for criminal and administrative background investigations to be conducted on any Contractor personnel who may have contact with students and agree to not assign any personnel to work at the program who is not approved by Department.

- BB. Adhere to and cooperate with the pursuit of accreditation standards to which the Department is subject.

- CC. 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 Department and all associated contractors have a zero-tolerance policy toward sexual abuse, sexual assault, sexual harassment or any other type of sexual misconduct between student and student or personnel and student. The Contractor agrees to notify the Department and promptly investigate any allegations or instances of any sexual misconduct. (Appendix C)

- DD. Ensure Contractor personnel participates in all mandatory training requirements as directed by federal requirements, Department Policy, and American Correctional Association accreditation standards, either through its own training, or through participation in Department training. Mandatory trainings include, but may not be limited to, program-specific Emergency Procedure training and Prison Rape Elimination Act (PREA) training.

- EE. Ensure Contractor personnel participate in Department Education Branch trainings and other pertinent trainings as recommended by the Department.
- FF. Submit documentation and data as requested for use by the Department.
- GG. Participate fully in the monitoring of this IA.
- HH. Comply with the communicable disease management protocol established by the Department.
- II. Ensure there is no discrimination against any applicant, or recipient of services on account of race, color, age, sex, religious creed, ancestry, national origin or sexual preference, gender identity, genetic information, political affiliation, or veteran status in performance of this IA.
- JJ. Ensure the principal, head teacher, school administrator, director, or designee attends the Department facility management team meetings, leadership meetings, and necessary personnel meetings.
- KK. Ensure appropriate Department personnel (Counselor, Youth Services Program Supervisor, Rehabilitation Instructor, and Juvenile Service Worker) is invited to participate in educational meetings relative to the development or review of educational services for individual students (i.e., Admissions and Release Committee (ARC) meetings).
- LL. Ensure no Department student is permitted access to email, except in cases when email is required to access educational programs or online websites outside of those used in conjunction with class assignments. In these cases, Department students shall be closely monitored.
- MM. Adhere to the Children's Internet Protection Act (CIPA) and ensure that internet access is diligently supervised and purposeful for the completion of academic/vocational learning objectives.

Section 2.

The Department shall:

- A. Comply with all applicable federal and state laws and regulations for the services provided under this IA. Nothing in this IA should be interpreted to require or condone the violation of such federal and state laws and regulations.
- B. Provide the principal, head teacher, school administrator, director, or designee as much notice as possible prior to a student being admitted to or discharged from the facility.
- C. Ensure the principal, head teacher, school administrator, director, or designee is notified of a suspected educational disability using the Child Find form.
- D. Provide the Contractor educators access on a need-to-know basis to all pertinent records as permitted by law to meet the individual needs of the student.
- E. Provide the principal, head teacher, school administrator, director, or designee notice of relevant meetings at the same time other Department personnel is provided notice.
- F. Ensure Department personnel will provide supervision and supportive assistance during all academic activities. Department personnel shall be included in classroom activities to the maximum extent possible and shall work cooperatively with all Contractor personnel.
- G. Make the daily log accessible to Contractor personnel to enhance communication and better address the individual needs of the student.

- H. Dispense all medication to the student.
- I. Notify the principal, head teacher, school administrator, director, or designee of any grievance involving Contractor personnel. Each Party 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 Contractor designee, who is not the principal, head teacher, school administrator, director, or designee, will meet to discuss, clarify, and resolve the matter. This resolution will be formalized in writing and conveyed to the Department Facility Superintendent and principal, head teacher, school administrator, director, or designee. If the matter cannot be resolved, the following action shall be initiated.
 - Step 2. The Department Regional Director and the Contractor Superintendent or designee, who is not the principal, head teacher, school administrator, director, or designee, will meet within ten (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 Department Facility Superintendent and principal, head teacher, school administrator, director, or designee.
- J. Ensure appropriate Department personnel attends educational meetings relative to the development or review of educational services for individual students (i.e., Admissions and Release Committee (ARC) meetings). As directed in KK above.
- K. Provide technical assistance to Contractor through Education Branch personnel.
- L. Collaborate with Contractor personnel regarding appropriate consequences for an undesirable classroom behavior.
- M. Obtain information and releases required for criminal and administrative background investigations to be conducted on any Contractor personnel who may have contact with students.
- N. Ensure that criminal and background checks are completed for Contractor personnel.
- O. Refuse a Contractor personnel's 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 or state or federal law or regulation.
- P. Schedule Department facility management team meetings, whenever possible, to allow the Contractor school administrator the opportunity to attend.
- Q. Provide safety inspections to the Department facility at regular intervals.
- R. In schools where the Department provides internet services, utilize a content filtering device to ensure that Sexually Explicit materials are not available via any video or computer system, software or hardware product, or internet service in any classroom setting or any areas where students are present.
- S. Provide Department student intake and transition information as soon as possible on all in-coming or out-going student.
- T. Ensure Department personnel cooperate with special education evaluation processes by providing appropriate screenings and physician's medical statements as appropriate.

- U. Department personnel will cooperate fully with law enforcement investigation in the event of assault or injury to Contractor personnel while completing their assigned duties within the Department facility.
- V. Participate in Department Education Branch monitoring, trainings, documentation, and on-going assistance regarding all students.

Section 3.

Justice and Public Safety Cabinet Terms and Conditions

1. Except where necessary in the performance of the Contractor's responsibilities set forth in this IA, the Contractor shall maintain the confidentiality of Commonwealth data and shall not disclose, distribute, divulge, publish, or release any Commonwealth data without the prior written approval of the Commonwealth unless compelled to do so by law or by a judicially signed order from a court of competent jurisdiction. The Contractor acknowledges that they receive Commonwealth data solely for the purposes of this IA, and that their receipt of Commonwealth data in no way creates any ownership interest in Commonwealth data, unless expressly provided otherwise within the terms and conditions of this IA.
 - 1.1. For purposes of this IA, "Commonwealth data" shall mean any data or information, regardless of form or characteristic, collected, received, or obtained by the Contractor pursuant to this IA, including but not limited to, information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.
 - 1.2. The Contractor shall implement reasonable measures, at least as protective as the Contractor uses to safeguard the Contractor's own confidential information, to prevent unauthorized access to, or accidental disclosure of, Commonwealth data.
 - 1.3. Commonwealth data is the property of the Commonwealth. In order for the Commonwealth to maintain control and integrity of its records, the Contractor agrees that any Kentucky Open Records Act request, Freedom of Information Act request, or other request seeking access to Commonwealth data will be reported and forwarded to the Commonwealth within two business days. The Contractor shall notify the requester: (1) that the Contractor is not authorized to accept such requests; (2) that the Commonwealth is the sole entity authorized to accept such requests; and (3) the point of contact for such requests.
 - 1.4. The Contractor shall ensure that any access to Commonwealth data by contractor employees is limited to only those contractor employees with a necessary and essential purpose to fulfill the terms and conditions of this IA.
 - 1.4.1. For purposes of this IA, "contractor employees" shall mean agents, employees, subcontractors, volunteers, or any other individuals or entities acting on behalf of the Contractor.
 - 1.5. The Contractor shall not utilize Commonwealth data for the benefit of the Contractor or third parties except as expressly authorized by this IA.
 - 1.6. These data confidentiality requirements set forth herein survive the expiration or termination of this IA and bind the Contractor and their legal representatives, heirs and assigns.
2. Vendors and other state agencies that receive Personal Information as defined by and in accordance with Kentucky's Personal Information Security and Breach Investigation Procedures and Practices Act, KRS 61.931, et seq. ("the Act"), shall secure and protect the Personal Information by, without limitation, complying with all requirements applicable to non-affiliated third parties set for in the Act.
 - 2.1. "Personal Information" is defined in accordance with KRS 61.931(6) as "an individual's first name or first initial and last name; personal mark; or unique biometric or genetic print or image, in combination with one (1) or more of the following data elements:
 - 2.1.1. An account, credit card number, or debit card number that, in combination with any required security code, access code, or password, would permit access to an account;
 - 2.1.2. A Social Security number;
 - 2.1.3. A taxpayer identification number that incorporates a Social Security number;
 - 2.1.4. A driver's license number, state identification card number, or other individual identification number issued by an agency;
 - 2.1.5. A passport number or other identification number issued by the United States government; or

- 2.1.6. Individually Identifiable Information as defined in 45 C.F.R. sec. 160.013 (of the Health Insurance Portability and Accountability Act), except for education records covered by the Family Education Rights and Privacy Act, as amended 20 U.S.C. sec. 1232g.
- 2.2. As provided in KRS 61.931(5), a “non-affiliated third party” means “any person or entity that has a contract or agreement with the Commonwealth and receives (accesses, collects, or maintains) personal information from the Commonwealth pursuant to the contract or agreement.”
- 2.3. Contractor agrees to cooperate with the Commonwealth in complying with the response, mitigation, correction, investigation, and notification requirements of the Act.
- 2.4. Contractor shall notify as soon as possible, but not to exceed seventy-two (72) hours, the Commonwealth, the Commissioner of the Kentucky State Police, the Auditor of Public Accounts, and the Commonwealth Office of Technology, of a determination of, or knowledge of, a breach, unless the exception set forth in KRS 61.932(2) applies and the Contractor abides by the requirements set for in that exception. Notification shall be in writing on a form developed by the Commonwealth Office of Technology
- 2.5. Contractor agrees to undertake a prompt and reasonable investigation of any breach as required by KRS 61.933.
- 2.6. Upon conclusion of an investigation of a security breach of Personal Information as required by KRS 61.933, Contractor agrees to pay the costs of the notification, investigation, and mitigation of the security breach.
- 2.7. In accordance with KRS 61.932(2)(a), Contractor shall implement, maintain, and update security and breach investigation procedures that are appropriate to the nature of the information disclosed, that are at least as stringent as the security and breach investigation procedures and practices established by the Commonwealth Office of Technology.
3. The Contractor agrees that the Commonwealth, and its duly authorized agents and designees, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this IA for the purpose of a financial audit or program review, including confidential and proprietary information. The Contractor also recognizes that any and all books, documents, papers, records, or other evidence, received during a financial audit or program review shall be subject to the Kentucky Open Records Act, except to the extent that books, documents, papers, records, or other evidence is subject to KRS 61.878(1)(c)(1).
4. The Contractor shall comply, at a minimum, with the Records Retention Schedule promulgated by the State Archives and Records Commission applicable to the agency to which it is providing goods, services, revenue, or any and all combinations thereof pursuant to this IA.
5. To the extent permitted by law, Contractor agrees to indemnify and hold harmless the Commonwealth against any and all claims, losses, demands, obligations, and litigation, including attorneys’ fees, that result from or by: (1) goods tendered and services rendered by the Contractor in connection with performance of this IA; (2) any and all bad-faith, erroneous, negligent, reckless, and unlawful acts and omissions of the Contractor, its officers, or employees in the performance of this IA; (3) the Contractor’s creation of a hazardous condition or exacerbation of a pre-existing hazardous condition; (4) the Contractor’s publication, translation, reproduction, delivery, performance, use, or disposition, of any data processed under the contract in a manner not authorized by the contract, or by federal or Commonwealth regulations or statutes (5) the Contractor’s employment practices during the term of this IA; and (6) any failure of the Contractor, its officers, or employees to observe federal, state, and local laws, including but not limited to labor laws and minimum wage laws.
6. The descriptive headings in this IA are inserted for convenience only and shall not control or affect the meaning or construction of any of the terms and conditions within this IA or any materials incorporated by reference into this IA. No provision of this IA shall be construed in favor of or against any Party on the ground that such Party or its counsel drafted the provision.
7. No change, waiver, or discharge of any liability or obligation under this IA on any one or more occasions shall be deemed a waiver of performance of any continuing or other obligation, or shall prohibit enforcement of any obligation, on any other occasion.
8. The Contractor shall ensure that all contractor employees comply with all applicable provisions of this IA, including but not limited to data confidentiality requirements.

9. The Contractor shall implement all applicable federal, state, and local requirements and advisories pertaining to the COVID-19 pandemic or any other public health emergency when providing services pursuant to this IA.
10. Upon written request of the Commonwealth, the Contractor shall perform services by remote communications technology where feasible and as needed to comply with applicable federal, state, and local requirements and advisories pertaining to the COVID-19 pandemic or any other public health emergency.
11. Each party shall provide a contact to resolve any issues related to this IA and promptly update the contact information as necessary.
12. Except as otherwise required by law or expressly provided herein, all notices, requests, or other communications pertaining to this IA will be made in writing either: (a) by personal delivery, (b) by facsimile or electronic mail with confirmation of receipt, (c) by mailing in the United States mail or (d) by nationally recognized express courier service. The notice, request, or other communication will be deemed to be received upon personal delivery, upon confirmation of receipt of facsimile or electronic mail transmission or upon receipt by the party it is sent to if by United States mail or express courier service; provided, however, that if a notice, request, or other communication is not received during regular business hours, it will be deemed to be received on the next succeeding business day.
13. Nothing in this IA shall be deemed to waive, or otherwise limit, the rights, privileges, immunities, and matters of defense, now available or hereafter made available, to the Commonwealth of Kentucky, and any of its cabinets, departments, bureaus, agencies, officers, agents, or employees.
14. This IA is the final and exclusive agreement between the parties. All prior negotiations and agreements are superseded by this IA.
15. Both parties shall have the right to terminate and cancel this contract at any time not to exceed thirty (30) days' written notice served on the other party by registered or certified mail.
16. This IA is subject to the laws of the Commonwealth of Kentucky and where applicable federal law. Any litigation with respect to this IA shall be brought in state or federal court in Franklin County, Kentucky. Each Party hereby consents to the jurisdiction and venue of such courts and waives all objections as to forum non conveniens or similar doctrine.

COMMONWEALTH: Department of Juvenile Justice
Name of Agency

APPROVED:

BY: *Vicki R. Reed*
DJJ Commissioner Signature

DATE: 6/23/23

CONTRACTOR: _____
Name of Agency


APPROVED:

BY: _____
Signature

TITLE: _____

DATE: _____

Appendix A
Department of Juvenile Justice
Detention Programs
Education Policies
DJJ 725, 725.1, and 725.2

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:140, 707 KAR 1:190, 707 KAR 1:180 3-JDF-5C-01, 01-1, 02, 03, 04, 04-2, 04-3, 04-6, 04-7, 04-8, 04-9, 07
CHAPTER: Detention Services		AUTHORITY: KRS 15A.065
SUBJECT: Educational Programming & Assessment		
POLICY NUMBER: DJJ 725		
TOTAL PAGES: 2		
EFFECTIVE DATE: October 5, 2018		
APPROVAL: Carey D. Cockerell		, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall provide educational services consistent with the needs of the population and compliant with federal and state laws and regulations to juveniles in regional juvenile detention centers through written agreement with local school districts or private or public providers.

II. APPLICABILITY

This policy shall apply to all regional juvenile detention centers.

III. DEFINITIONS

Refer to Chapter 700.

IV. PROCEDURES


- A. The DJJ Education Branch staff shall be responsible for reviewing the contents of the written agreements between the local school district and the department. The agreement shall be provided to the regional juvenile detention center.
- B. Educational services shall be made available to juveniles upon admission during instructional days, except if there is substantial evidence to justify otherwise.
- C. Educational services, necessary specialized equipment, and appropriate educational materials shall be provided at no cost to the juveniles, up to the completion of high school or the General Education Development (GED®) program.
- D. Educational services shall be individualized to meet the assessment, educational, and developmental instruction needs of the juvenile, constructed on an open entry—open exit basis, and scheduled so that educational services do not compete with other facility programming. Provisions are made for academic counseling.

POLICY NUMBER DJJ 725	EFFECTIVE DATE 10/05/2018	PAGE NUMBER 2 of 2
--	--	-------------------------------------

- E. Business, industry, and community resources shall be used to the extent feasible in developing academic and vocational education programs and to supplement the facility's programs for selected juveniles. Provisions are made for vocational counseling.
- F. Educational and vocational needs assessments shall be completed within five (5) instructional days of the juvenile's admission. Previous results may be used if completed within the last 180 days.
- G. Any staff who suspects that a youth may have an educational disability shall communicate that concern in writing to the Youth Services Program Supervisor (YSPS) or the Administrative Duty Officer (ADO). The Youth Services Program Supervisor (YSPS) or the Administrative Duty Officer (ADO) shall forward the documentation to the Facility Superintendent and the on-site School Principal or head teacher. The facility supervision shall recommend that the on-site School Principal should notify the local education agency's Director of Special Education.
- 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 possible by law.
- I. The behavior management program developed in compliance with DJJPP Chapter 7, Behavior Management, shall include incentives for educational participation and formal recognition of educational accomplishments.
- J. The disciplinary code developed in compliance with DJJPP Chapter 7, Discipline, shall include disciplinary measures for inappropriate behaviors occurring within the education environment.
- K. Juveniles, who demonstrate behavior so disruptive that they must be removed from the classroom, shall not be readmitted until they demonstrate improved behavior.

V. MONITORING MECHANISM

The Education Branch Manager or designee, the Quality Assurance Branch, the Facilities Regional Administrator, the superintendent of the regional juvenile detention center, and the school administrator shall monitor these activities. Monitoring shall be conducted at annually to ensure the effectiveness of the education program against stated objectives.

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:140 505 KAR 1:080, 707 KAR 1:140 and 707 KAR 1:230 3-JDF-5C-04-5
CHAPTER: Detention Services		AUTHORITY: KRS 15A.065
SUBJECT: Instructional Staffing		
POLICY NUMBER: DJJ 725.1		
TOTAL PAGES: 2		
EFFECTIVE DATE: October 5, 2018		
APPROVAL: Carey D. Cockerell		, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall ensure that education staffing for regional juvenile detention centers is compliant with federal and state laws and regulations through written agreement with local school districts or private or public providers.

II. APPLICABILITY

This policy shall apply to all regional juvenile detention centers.

III. DEFINITIONS

Refer to Chapter 700.


IV. PROCEDURES

- A. The DJJ Education Branch staff shall be responsible for reviewing the contents of the written agreements between the local school district and the department. The agreement shall be provided to the regional juvenile detention center.
- B. The Superintendent of the regional juvenile detention center shall meet annually with the school administrator for the purpose of determining education staffing needs for the next year.
- C. The Superintendent of the regional juvenile detention center may participate in the local school district interview process for the hiring of any education staff for the regional juvenile detention center.
- D. The Superintendent of a regional juvenile detention center or designee shall provide program orientation to all new education personnel prior to working with the youth. The orientation shall include DJJ policies and procedures.

POLICY NUMBER DJJ 725.1	EFFECTIVE DATE 10/05/2018	PAGE NUMBER 2 of 2
--	--	-------------------------------------

V. MONITORING MECHANISM

The Education Branch Manager or designee, the Quality Assurance Branch, the Facilities Regional Administrator, the Superintendent, and the school administrator shall monitor these activities. Monitoring shall be conducted at annually.

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:140 3-JDF-1E-01, 5C-04-1
CHAPTER: Detention Services		AUTHORITY: KRS 15A.065
SUBJECT: Education Records		
POLICY NUMBER: DJJ 725.2		
TOTAL PAGES: 2		
EFFECTIVE DATE: October 5, 2018		
APPROVAL: Carey D. Cockerell		, COMMISSIONER

I. POLICY

Federal and state laws and regulations govern the confidentiality, maintenance, handling and access of education records.

II. APPLICABILITY

This policy shall apply to all regional juvenile detention centers.

III. DEFINITIONS

Refer to Chapter 700.

IV. PROCEDURES

- A. No person, including education personnel, authorized to obtain records pursuant to 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.
- B. Persons, including education personnel, not authorized to obtain records pursuant to KRS Chapter 600 to 645 shall not obtain nor attempt to obtain records that are made confidential pursuant to KRS Chapter 600 to 645, except upon proper motion and authorization from a court of competent jurisdiction.
- C. 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.
- D. Release of the juvenile's record, including behavior management, medical, dental, mental, or psychological reports is prohibited unless presented as evidence in court pursuant to an authorization or otherwise in accordance with law. No person, including school personnel, shall disclose any report or information contained therein except as permitted by specific order of the court authorization or law.

POLICY NUMBER DJJ 725.2	EFFECTIVE DATE 10/05/2018	PAGE NUMBER 2 of 2
--	--	-------------------------------------

V. MONITORING MECHANISM

The Education Branch Manager or designee, the Quality Assurance Branch, the Facilities Regional Administrator, the Superintendent, and the school administrator shall monitor these activities. Monitoring shall be conducted annually.


Appendix B

Department of Juvenile Justice

Detention Programs

DJJ 102-Ethics Policy

DJJ 104-Code of Conduct

 <p>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</p>	<p>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</p>
CHAPTER: Administration	AUTHORITY: KRS 15A.065
SUBJECT: Code of Ethics	
POLICY NUMBER: DJJ 102	
TOTAL PAGES: 3	
EFFECTIVE DATE: 12/01/2014	
APPROVAL: Bob D. Hayter	, COMMISSIONER

I. POLICY

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

II. APPLICABILITY

This policy shall be applicable to all DJJ staff.

III. DEFINITIONS

Refer to Chapter 100.

IV. PROCEDURES

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

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

criminal activity.

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


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

them.

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

V. MONITORING MECHANISM

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

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

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 100.

IV. PROCEDURES

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

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

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

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

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

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

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

AA. DJJ staff are persons holding a position of authority and special trust as defined in KRS 532.045. DJJ prohibits any staff, regardless of his or her age, from subjecting anyone under the custody, care, or supervision of DJJ, with whom he or she comes into contact as a result of his or her position, to sexual contact.

BB. Staff shall fully cooperate with and shall not interfere with any investigation conducted by the Internal Investigation Branch (IIB), a DJJ Supervisor, or Ombudsman, subject to Federal and State constitutional protections.

1. Staff shall provide a written or verbal statement in a departmental investigation or when directed by a supervisor. Failure to provide a written statement as requested shall result in a disciplinary action, up to and including dismissal.
2. Staff shall not discuss any active or inactive investigation with anyone other than IIB staff or a DJJ Ombudsman. Exceptions to this may be made under the direct authorization of the DJJ Commissioner's Office.

V. MONITORING MECHANISM

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


Appendix C

Department of Juvenile Justice

Detention Programs

PREA Policies

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: 03/09/18		
APPROVAL: Carey D. Cockerell		, 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.

POLICY NUMBER DJJ 900	EFFECTIVE DATE 03/09/18	PAGE NUMBER 2 of 5
--	--	-------------------------------------

- 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 in the custody of or 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.

POLICY NUMBER DJJ 900	EFFECTIVE DATE 03/09/18	PAGE NUMBER 3 of 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 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

POLICY NUMBER DJJ 900	EFFECTIVE DATE 03/09/18	PAGE NUMBER 4 of 5
--	--	-------------------------------------

- 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. 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 misconduct" 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 misconduct also includes conversations or correspondence, which suggest a romantic or sexual relationship between a resident and an employee.

POLICY NUMBER DJJ 900	EFFECTIVE DATE 03/09/18	PAGE NUMBER 5 of 5
--	--	-------------------------------------

- Z. "Staff" means employees as established in 28 C.F.R. § 115.5.
- 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 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: 03/09/18	
	APPROVAL: Carey D. Cockerell	, 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 misconduct directed toward a juvenile who is in the custody, care, or 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 misconduct, 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 staff violating this policy shall be subject to disciplinary action up to and including dismissal or termination. A staff 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: 03/09/18	PAGE NUMBER 2 of 3
--	---	-------------------------------------

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, 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, verbal, or written sexual interactions, sexual exchanges, flirtation, or any type of romantic relationship or romantic interaction with a juvenile in the custody, care, or supervision of DJJ.
- C. The Commissioner 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 work 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 when a PREA violation has occurred.
 3. DJJ staff shall cooperate 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 Superintendent shall designate a Facility PREA Coordinator to train facility staff, interns, volunteers, and contractors and manage facility compliance with the PREA standards.

POLICY NUMBER DJJ 901	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 3 of 3
--	---	-------------------------------------


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, interns, volunteers, and contractors 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

- A. The Agency PREA Compliance Officer or designee shall train all PREA Coordinators regarding this policy.
- B. The PREA Coordinators shall train all DJJ staff, interns, volunteers, and contractors 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: 03/09/18		
APPROVAL: Carey D. Cockerell, 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, or supervision of DJJ.
- B. DJJ shall conduct background checks on all DJJ staff, volunteers, interns, and contractors and any applicant that is being considered for employment with DJJ, including the following:
 1. Criminal background or National Crime Information Center (NCIC) check;
 2. Sexual offender registry check; and

POLICY NUMBER DJJ 902	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 2 of 4
--	---	-------------------------------------

3. Child abuse and neglect registry check.

- C. DJJ shall conduct background checks on all DJJ staff every five (5) years. If DJJ is made aware of a criminal offense that may have been committed by a staff or any pending charges brought against a staff, a background check shall be conducted immediately. Any DJJ staff 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 staff volunteers, interns, and contractors shall be subject to random background checks during the tenure of their service. If DJJ is made aware of a criminal offense, pending charges, or child abuse or neglect investigation involving a staff member, volunteer, intern, or contractor, a background check shall be conducted immediately. Any staff, volunteer, intern, or contractor that refuses to cooperate and does not sign a release for the completion of a background check upon request, shall be suspended or subject to termination
- E. A newly hired staff, 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 an employee, volunteer, intern, or contractor to work in a DJJ facility or office if the background check protocol yields ineligibility for employment or service with DJJ, pursuant to this section or Section H of this policy.
- G. DJJ shall not hire, promote, or transfer a person into DJJ as a staff or use a person as a volunteer, intern, or contractor who has:
 - 1. Engaged in sexual abuse or sexual harassment in a prison, jail, community confinement facility, juvenile facility, or other institution;
 - 2. Been 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. 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. Been identified as the perpetrator in a sexual harassment matter and was found to have committed sexual harassment in their employment history.
- H. An applicant, volunteer, intern, or contractor considered for employment or services, after October 1, 2013 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:

POLICY NUMBER DJJ 902	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 3 of 4
--	---	-------------------------------------

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;
 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;
 12. Any embezzlement related offense with in the last eight (8) years;
 13. Any offense under KRS 509;
 14. Any offense under KRS 529;
 15. Any offense under KRS 530; and
 16. Any sex crime as defined in KRS 17.500.
- I. 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.
 - J. Employment reference checks shall be conducted for individuals that are considered new hires or individuals being transferred into DJJ.
 - K. 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.
 - L. If a background check indicates that a current DJJ staff has committed a PREA offense that prohibits employment pursuant to this policy, the Personnel Branch Manager, the Agency PREA Compliance Officer, and the

POLICY NUMBER DJJ 902	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 4 of 4
--	---	-------------------------------------

Commissioner or designee shall convene a case conference to determine the appropriate disposition for that staff.


- M. Material omissions or falsifying documentation regarding any type of sexual misconduct shall be grounds for dismissal.
- N. 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.
- B. The Personnel Branch Manager or designee shall train personnel branch staff on the procedures for facilitating the reference check process.

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: 03/09/18		
APPROVAL: Carey D. Cockerell		, 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, or 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 sexualized interaction with a juvenile in the care, custody, or 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, or supervision of DJJ, except when conducting official business for DJJ and with the approval of the Superintendent or Director of Community and Mental Health Services.

POLICY NUMBER DJJ 903	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 2 of 3
--	---	-------------------------------------

- C. DJJ 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, or 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 (1) 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, 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 juvenile, shall be documented in the juvenile's individual client record (ICR) for juveniles in a YDC, group home, day treatment, or community placement and an incident report shall be completed for juveniles in a detention center. The Superintendent or Director of Community and Mental Health Services shall forward this information to the Personnel Branch Manager or designee.
 3. Staff shall not have an intimate, inappropriate, or romantic relationship with a juvenile or former juvenile that has been in the direct custody, care, or supervision of that staff or in a facility where the staff 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

- A. The Agency PREA Compliance Officer or designee 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 Superintendent shall conduct a

POLICY NUMBER DJJ 903	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 3 of 3
--	---	-------------------------------------

case conference and review of any disciplinary actions, resulting from a PREA violation involving staff regarding this policy.

- B. The Agency PREA Compliance Officer 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: 4		
EFFECTIVE DATE: 03/09/18		
APPROVAL: Carey D. Cockerell		
	, 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 misconduct directed toward juveniles who are in the custody, care, or 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 misconduct shall be conducted and documented by IIB in accordance with 500 KAR 13:020.

POLICY NUMBER DJJ 906	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 2 of 4
--	---	-------------------------------------

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 or the Louisville Metro Public Defenders office 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 misconduct 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 misconduct, while in a residential or detention facility, shall immediately report it to the IIB hotline, their direct supervisor, the Superintendent and the Facility PREA Coordinator. The facility Superintendent shall be responsible for notification to the Facilities Regional Administrator (FRA), 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 misconduct, while on furlough from a facility or in the community, shall immediately report it to the IIB hotline, their direct supervisor, and the Superintendent or Director of Community and Mental Health Services, and the Facility PREA Coordinator or the Community PREA Coordinator. The Superintendent shall be responsible for notification to the FRA, 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 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 misconduct to a staff member or the IIB hotline.
 - F. If a juvenile submits a grievance, regarding sexual abuse, sexual contact, or sexual misconduct, staff shall immediately report the alleged details of the allegations to their direct supervisor, the Superintendent, the Facility PREA

POLICY NUMBER DJJ 906	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 3 of 4
--	---	-------------------------------------

Coordinator, and the IIB hotline. The Superintendent shall be responsible for notification to the FRA, the Regional Director, Agency PREA Compliance Officer, the Deputy Commissioner, and the Commissioner. A grievance regarding PREA allegations shall not be processed as a grievance and shall immediately be forwarded to IIB.

- 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. A report made by a staff or a juvenile regarding a sexual incident that is made in good faith based upon a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, if the investigation does not establish evidence to substantiate the allegation.
- I. A staff or a juvenile, who makes a report which is investigated and it is established by IIB that the staff or juvenile knowingly made a false report, shall be subject to program sanctions or staff disciplinary action up to and including termination or dismissal.
- J. The Department shall inform the resident in writing as to whether an allegation has been substantiated, not substantiated, unfounded, or exonerated. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency to inform the resident. All notifications or attempted notifications shall be documented in the youth's individual client record (ICR).
 - 1. If the alleged abuser is a staff member, the Department shall inform the resident victim (unless the agency has determined that the allegation is unfounded) when:
 - a. The staff member is no longer posted within the residents unit;
 - b. The staff member is no longer employed at the facility; or
 - c. The Department learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility.
 - 2. If the alleged abuser is another resident, the Department shall inform the resident victim when:
 - a. The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility;
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility; or
 - c. The abuser has been moved to another program or facility.
- K. All case records associated with claims of sexual abuse, sexual harassment, sexual contact, or any sexual misconduct, including incident reports, investigative reports, juvenile information, case disposition, medical and

POLICY NUMBER DJJ 906	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 4 of 4
--	---	-------------------------------------

counseling evaluation findings, and recommendations for post-release treatment and counseling shall be retained in accordance with the records retention schedule.


- L. DJJ shall provide the general public with information regarding PREA audits, the Department's annual PREA report, PREA policies, and the Bureau of Justice Statistics annual survey report on the official DJJ website.
- M. DJJ shall provide a third party reporting mechanism for the public on the DJJ website and through the IIB hotline.
- N. DJJ shall provide general information regarding PREA pursuant with the Kentucky Open Records Act.
- O. 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 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 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: 03/09/18	
APPROVAL: Carey D. Cockerell, COMMISSIONER	

I. POLICY

The Department of Juvenile Justice (DJJ) shall provide education to all juveniles in the custody, care, or 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 misconduct directed toward a juvenile in the custody, care, or supervision of DJJ and shall provide instructions for reporting sexual misconduct of any type.

II. APPLICABILITY

This policy shall apply to all DJJ staff, volunteers, interns, contractors, and juveniles in the custody, care, or 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:

1. The zero tolerance policy regarding sexual abuse, sexual harassment, sexual contact, or any type of sexual misconduct;
2. How to report incidents or inappropriate behavior to the Internal Investigations Branch (IIB) hotline or staff; and

POLICY NUMBER DJJ 907	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 2 of 4
--	---	-------------------------------------

3. How to access Kentucky Association of Sexual Assault Programs (KASAP) services and what services are provided.
- B. Juveniles in the custody, care, or supervision of DJJ shall receive verbal and written instruction regarding PREA during the following times:
1. Initial contact with the juvenile services worker (JSW);
 2. Initial facility intake at a detention center, youth development center (YDC), and group home;
 3. Initial meeting with a youth counselor;
 4. Monthly treatment team meetings; and
 5. Upon request for PREA information by a juvenile.
- C. During intake with the 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 misconduct 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 PREA Education Booklet.

POLICY NUMBER DJJ 907	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 3 of 4
--	---	-------------------------------------

- 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 misconduct, reporting instructions, and the right to be free from retaliation for reporting such incidents. The documentation shall be placed in the hard case file and the electronic record, if applicable 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 juveniles individual client record (ICR).
- 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. Each facility shall display PREA posters, in communal juvenile access areas, that inform the juveniles of DJJ's zero tolerance policy.
- J. 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.
- K. 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.
- L. 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 shall be responsible for training all Facility and Community PREA Coordinators regarding juvenile education.
- 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

POLICY NUMBER DJJ 907	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 4 of 4
--	---	-------------------------------------

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 115.365; 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: 8	
	EFFECTIVE DATE: 03/09/18	
	APPROVAL: Carey D. Cockerell	, 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 misconduct directed toward juveniles who are in the custody, care, or 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 staff 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.

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 2 of 8
--	---	-------------------------------------

- B. If any facility staff 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 misconduct.
- D. If a facility staff becomes aware of a threat of sexual abuse, sexual contact, or any sexual misconduct, the staff 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 a staff, the staff shall be separated from direct contact and access to all juveniles.
- E. If a sexual assault has been witnessed by staff or staff is alerted that a sexual assault is occurring, staff shall take the following steps in caring for the juvenile victim:
 - 1. Kentucky State Police (KSP) and 911 Emergency Responders shall be immediately notified, unless the incident happened in the cities of Lexington or Louisville, Kentucky in which case DJJ staff shall contact the local police department and a report shall be filed. Staff shall also contact the IIB hotline;
 - 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 hospital emergency medical staff and cleared by the emergency medical facility to do so;
 - 4. DJJ staff shall make contact with local Kentucky Association of Sexual Assault Programs (KASAP) to request a hospital advocate for the juvenile victim;
 - 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. 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: 03/09/18	PAGE NUMBER 3 of 8
--	---	-------------------------------------

7. Upon return from emergency medical services, in consultation with facility medical and counseling staff, the Superintendent or Regional Director shall make appropriate arrangements regarding housing or group assignment for the juvenile victim and the alleged perpetrator;
 8. The parent or caregiver and juvenile service worker (JSW) for the juvenile victim shall be notified by the Superintendent or designee of the PREA violation within twenty-four (24) hours;
 9. If a juvenile court retains jurisdiction over the victim, the Office of Legal Counsel shall report the allegation to the attorney of the juvenile or other legal representative within fourteen (14) days of the allegation; and
 10. 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.
- F. If sexual abuse or sexual assault 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 the abuse occurred within a time period that still allows for the collection of physical evidence, staff shall ensure that the alleged perpetrator does not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, smoking, drinking, or eating.
 3. If law enforcement chooses not to investigate, staff shall contact IIB for instructions regarding evidence collection and preservation.
 4. Staff who directly receive the report or witness the sexual abuse or sexual assault 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 or sexual assault 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 Regional Psychologist, Treatment Director, or designee for any necessary treatment or counseling, immediately after the safety and security of the victim is ensured.

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 4 of 8
--	---	-------------------------------------

7. The 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 assault, sexual harassment, sexual contact, or any type of sexual misconduct, the Superintendent may submit an administrative transfer request (ATR) to the Division of Placement Services, to move the alleged perpetrator from the facility.
- G. If the sexual abuse or sexual 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.
- H. If the sexual abuse or sexual assault 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 Superintendent or Regional Director shall consult with IIB to determine what areas to close and what evidence to collect.
- I. If the sexual abuse or sexual 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, in consultation with the Superintendent and the Division Director of Medical Services.
- J. After an allegation of any type of sexual misconduct 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 misconduct 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.

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 5 of 8
--	---	-------------------------------------

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.
- K. If a committed or probated juvenile, under community supervision, makes an allegation of sexual abuse, sexual contact, or any type of sexual misconduct to a Division of Community and Mental Health staff or if a staff learns of an alleged sexual abuse through other means, the staff shall take the following steps:
1. Upon being notified of the sexual abuse, the staff shall immediately notify their supervisory chain, which includes the Juvenile Services District Supervisor (JSDS), Regional Manager, Regional Psychologist, and the Division Director of Community and Mental Health Services.
 2. The staff shall make a report to the Department of Community Based Services (DCBS), 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 or designee shall inform the Agency PREA Compliance Officer, the Office of General Counsel, the Deputy Commissioners, and the Commissioner.
 4. The reporting staff, if not the JSW, shall notify the assigned JSW. The JSW shall advise parents or caregivers to seek medical assistance and examinations regarding the juvenile reporting the sexual abuse.
 5. The JSW may accompany the juvenile and parents or caregivers 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 caregivers. Resources may include the Children's Advocacy Center, KSAP, Victim's Advocate at the Commonwealth Attorney's office, DJJ Mental Health Branch, 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

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 6 of 8
--	---	-------------------------------------

Office of General Counsel, the Deputy Commissioners, and the Commissioner.

- L. 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;
 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, the Ombudsman, and the Cabinet for Health and Family Services (CHFS), Office of Inspector General (OIG);
 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.
 6. The JSW shall assist in arranging victim services and counseling for the juvenile. Resources may include the Children's Advocacy Center, KSAP, Victim's Advocate at the Commonwealth Attorney's office, DJJ Mental Health Branch, and other community based services that provide sexual abuse assistance.
- M. If a juvenile is being transferred as a result of sexual abuse, the Division of Placement Services Classification Branch 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.
- N. 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.
- O. When staff has any questions regarding the PREA processes, protocol, or the federal PREA standards, staff may contact the Agency PREA Compliance Officer.

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 7 of 8
--	---	-------------------------------------

- P. If a resident at a DJJ facility alleges sexual abuse occurred at a different DJJ facility, the staff shall immediately report the allegation to the IIB hotline, Administrative Duty Officer (ADO), Facility PREA Coordinator, and Superintendent. The current Superintendent shall notify the Superintendent of the previous placement where the alleged abuse occurred, IIB, and the Facilities Regional Administrator (FRA). Notification shall be made immediately through the chain of command, but no later than twenty-four (24) hours from the time the allegation was reported. The notification shall be documented in the juvenile's ICR.
- Q. If a resident at a DJJ facility alleges sexual abuse occurred at a private child caring facility, contracted facility, hospital, or any correctional facility, the staff shall immediately report the allegation to the IIB hotline, Administrative Duty Officer (ADO), Facility PREA Coordinator, and the Superintendent. The current Superintendent shall notify the agency head of the previous facility where the alleged abuse occurred, IIB, and the Facilities Regional Administrator (FRA). Both notifications shall be up-lined immediately, but no later than twenty-four (24) hours from the time the allegation was reported. The notification shall be documented in the juvenile's ICR.
- R. If a third party source contacts a facility and alleges that a current resident has been a victim of abuse, the staff shall immediately report the allegation to the IIB hotline, Administrative Duty Officer (ADO), Facility PREA Coordinator, and Superintendent. The notification shall be up-lined immediately, but no later than twenty-four (24) hours from the time the allegation was reported. The notification shall be documented in the juvenile's ICR.
- S. DJJ staff in coordination with the Director of Medical Services shall make arrangements for any juvenile victim of sexual assault or sexual abuse to be tested for sexually transmitted diseases. For any female juvenile victim arrangements for a pregnancy test shall be arranged.
- T. Treatment services for any type of sexual assault or sexual abuse shall be provided to the victim without financial cost.
- U. The Superintendent or designee shall attempt to make arrangements for a Qualified Mental Health Professional (QMHP) to conduct a mental health evaluation or assessment of all known resident-on-resident perpetrators within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by the QMHP.

V. STAFF TRAINING


- A. The Agency PREA Compliance Officer or designee 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.

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 8 of 8
--	---	-------------------------------------

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; <u>28 CFR 115.386</u>; <u>28 CFR</u> <u>115.387</u>; <u>28 CFR 115.388</u>
SUBJECT: Data Collection and Review	
POLICY NUMBER: 909	
TOTAL PAGES: 2	
EFFECTIVE DATE: 03/09/18	
APPROVAL: Carey D. Cockerell, 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 Superintendent or designee shall assemble a review team of management, supervisors, medical or mental health professionals, the Facility Prison Rape Elimination Act of 2003 (PREA) Coordinator and any other staff deemed necessary to conference and examine PREA incidents. The review team shall:

1. Conduct the review conference within thirty (30) days after the conclusion of a substantiated or unsubstantiated sexual abuse investigation;
2. Prepare a report of the conference findings and include any recommendations for improvement. The report shall be submitted to the Agency PREA Compliance Manager;
3. Consider whether there is a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

POLICY NUMBER DJJ 909	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 2 of 2
--	---	-------------------------------------


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 Superintendent or designee shall report the review team findings, along with recommendations for improvement, to the Regional Director and the Agency PREA Compliance Officer or designee.
 - 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 Agency PREA Compliance Officer may conduct debriefing meetings to discuss any PREA related incidents.
 - E. The Agency PREA Compliance Officer shall compile and maintain all statistical data regarding all PREA-related matters for the Department.
 - F. The Agency PREA Compliance Officer shall conduct an annual meeting for the Commissioner and Executive Staff to discuss PREA related matters regarding the Department.
 - G. The Agency PREA Compliance Officer shall compile an annual data report that shall be made available to the public.

V. STAFF TRAINING

- A. The Agency PREA Compliance Officer or designee 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: 03/09/18		
APPROVAL: Carey D. Cockerell		, 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;
 2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;

POLICY NUMBER DJJ 911	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 2 of 4
--	---	-------------------------------------

3. Resident's 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 training phases as outlined in Table 1: Prison Rape Elimination Act of 2003 (PREA) Training Requirements.

POLICY NUMBER DJJ 911	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 3 of 4
--	---	-------------------------------------

Phase	Title of PREA Phase Training	Training Hours (approximate)
Phase 1: New Staff Training	PREA Phase 1 Training (Youth Worker Training Academy)	2.5
Phase 2: New Staff Training	PREA Phase 2 Dynamics of Sexual Abuse	0.75
	PREA Phase 2 Adolescent Sexual Development	1.0
	PREA Phase 2 Review Policy 901 No Retaliation	1.0
Phase 3: New Staff Training	PREA Phase 3 Juvenile Education	0.5
	PREA Phase 3 Kentucky Association for Sexual Abuse Programs (KASAP) and Translation Services	0.25
	PREA Phase 3 Overview Vulnerability Assessment	0.25
Phase 4: New Staff Training	PREA Phase 4 Staff Boundaries	1.0
	PREA Phase 4 Supervising Youth	0.25
Phase 5: New Staff Training	PREA Phase 5 First Responder and Facility Coordination plan	1.0
	PREA Phase 5 Respond to Threats or Signs	1.0
	Scene Protection	0.5
Phase 6: Medical/Mental Health Staff	PREA Phase 6 Specialized Training Medical and Mental Health Module 1 (Medical and Mental Health Staff Only)	1.0
	PREA Phase 6 Specialized Training Medical and Mental Health Module 2 (Medical and Mental Health Staff Only)	1.0
	PREA Phase 6 Specialized Training Medical and Mental Health Module 3 (Medical and Mental Health Staff Only)	0.5
	PREA Phase 6 Specialized Training Medical and Mental Health Module 4 (Medical and Mental Health Staff Only)	1.0
Phase 7: Agency Leadership	PREA Phase 7 Leadership and Culture	0.5
Phase 8: New Staff Training	PREA Phase 8 Lesbian, BI-sexual, Gay, Transexual, Questioning or Queer, and Intersex (LGBTQI) and Policy 912	1.0
Phase 9: Coordinator Training	Facility Management Procedures	TBA
Phase 10: Staff Annual Training	PREA Annual Policy Review	1.0
	PREA Phase 4 Review	1.0
	PREA Phase 5 Review	1.0
	PREA Phase 8 Review	1.0
	Visual Search Policy and Procedures	0.5
Contract Medical	PREA Phase 1 Training	
	PREA Phase 6 Specialized Training Medical and Mental Health Module 1	1.0
	PREA Phase 6 Specialized Training Medical and Mental Health Module 2	1.0
	PREA Phase 6 Specialized Training Medical and Mental Health Module 3	0.5
	PREA Phase 6 Specialized Training Medical and Mental Health Module 4	1.0
Volunteer/Contactor	PREA Phase 1 Training	1.5
Cross Gender Searches	Visual Search Policy and Procedures	0.5

Table 1: Prison Rape Elimination Act of 2003 (PREA) Training Requirements

POLICY NUMBER DJJ 911	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 4 of 4
--	---	-------------------------------------


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

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, DJJPP 301
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: 3		
EFFECTIVE DATE: 03/09/18		
APPROVAL: Carey D. Cockerell		, 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 custody, care, or supervision of DJJ. DJJ staff shall respect the dignity of heterosexual, 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 custody, care, or supervision 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, gender identity, or gender expression.
- 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, and other outside individuals or agencies, including health care or social service providers, without the permission of the juvenile, unless such disclosure is necessary to comply with state or federal law.

POLICY NUMBER DJJ 912	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 2 of 3
---------------------------------	------------------------------------	------------------------------

- 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 all juveniles including transgender 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 they will be most secure, as well as any recommendations from the health care provider of the juvenile.
- G. DJJ staff, volunteers, interns, religious leaders, and contractors shall show respect to all juveniles in DJJ facilities regardless of sexual orientation or gender identity.
- H. DJJ shall provide transgender and intersex juveniles with safety and privacy when using the shower and bathroom and when dressing and undressing.
- I. DJJ staff shall not require transgender and intersex juveniles to shower or undress in front of other juveniles; and transgender juveniles shall be permitted to use single occupancy bathrooms and showers, if available. Such accommodation shall be provided in a sensitive manner.
- J. DJJ staff shall provide LGBTQI juveniles access to medical and mental health care providers who are knowledgeable about the health care needs of LGBTQI juveniles.
- K. 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.
- L. The juvenile sex offender treatment program (JSOTP) shall not discriminate based on sexual orientation, gender expression, intersex condition, or gender identity and shall not criminalize LGBTQI identity.
- M. 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. Only qualified medical staff may conduct medical exams or searches that involve the removal of clothing revealing breasts, buttocks, or genitalia, except other staff may conduct such exams or searches in exigent circumstances as necessitated by safety concerns.
- N. Staff shall consult a transgender juvenile regarding staff gender preferences for conducting a pat down search and body identification. A transgender juvenile may request the gender of the staff member who will conduct the pat down search and body identification. 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.

POLICY NUMBER DJJ 912	EFFECTIVE DATE: 03/09/18	PAGE NUMBER 3 of 3
---------------------------------	------------------------------------	------------------------------

- O. 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. Only qualified medical staff may conduct medical exams or searches that involve the removal of clothing revealing breasts, buttocks, or genitalia, except in exigent circumstances as necessitated by safety concerns.
- P. 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.
- Q. Each DJJ program shall provide an inclusive organization culture where the dignity of every juvenile is respected and all youth are safe. When juveniles arrive at the program they shall be informed in intake or orientation that name-calling and other harassment is disrespectful and not accepted. Staff shall remind juveniles that harassment of LGBTQI juveniles is not acceptable. Anytime staff becomes aware of any harassment or disrespectful communications staff shall report it to the next line supervisor and address the behavior immediately. Staff shall promptly and consistently intervene to stop a juvenile from using terms that convey hatred, contempt, or prejudice toward LGBTQI juveniles, and shall initiate disciplinary action against juveniles who harass others.

V. STAFF TRAINING

- A. DJJ staff working directly with juveniles 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.
- C. The Agency PREA Compliance Officer 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.