

Appendix A

Department of Juvenile Justice

Contracted Day Treatment Programs

DJJ 102- Ethics Policy

DJJ 104- Code of Conduct



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

REFERENCES:
3-JTS-1A-29; 1C-17, 23, 24
3-JDF-1A-33; 1C- 15, 21, 22
3-JCRF-1A-20, 21; 1C-05, 17
1-JDTP-1A-26; 1C-18, 24, 25
1-JBC-1A-25; 1C-14, 19, 20
4-JCF-6F-01, 6G-06
1-CO-1A-29; 1C-04, 20, 24

CHAPTER: Administration

AUTHORITY: KRS 15A.065

SUBJECT: Code of Ethics

POLICY NUMBER: DJJ 102

TOTAL PAGES: 3

EFFECTIVE DATE: 12/01/2014

APPROVAL: Bob D. Hayter

,COMMISSIONER

I. POLICY

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

II. APPLICABILITY

This policy shall be applicable to all DJJ staff.

III. DEFINITIONS

Refer to Chapter 100.

IV. PROCEDURES

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

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criminal activity.

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


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them.

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

V. MONITORING MECHANISM

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

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

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

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

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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 B

Department of Juvenile Justice

Contracted Day Treatment Programs

DJJPP 1019

	JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 1-JDTP-3E-02; 1-JDTP-3E-10; 1-JDTP-3E-11
CHAPTER: Day Treatment Services		AUTHORITY: KRS 15A.0652
SUBJECT: Incident Reporting		
POLICY NUMBER: DJJ 1019		
TOTAL PAGES: 5		
EFFECTIVE DATE: 4/05/2019		
APPROVAL: Carey D. Cockerell , COMMISSIONER		

I. POLICY

The Department of Juvenile Justice (DJJ) shall have a system for day treatment programs to report incidents involving students. Prompt reporting shall take place in accordance with established procedures.

II. APPLICABILITY

This policy shall apply to DJJ operated day treatment programs.

III. DEFINITION

Refer to Chapter 1000.

IV. PROCEDURES

A. Events involving students which compromise the health, safety, or security of students, staff, or others, or the orderly management of the facility shall be considered incidents. The following situations shall constitute an incident:

1. Non-DJJ committed students leaving the building without permission;
2. DJJ committed students absent without leave (AWOL) or attempts;
3. Assault, attempted assault, or threatened assault by:
 - a. Student on student;
 - b. Student on staff;
 - c. Staff on student; or
 - d. Student on other;
4. Sexual assault or attempted sexual assault, involving physical contact of:
 - a. Student on student;
 - b. Student on staff;
 - c. Staff on student; or

- d. Student on other;
 5. Sexual acting-out:
 - a. Student on student;
 - b. Student on staff;
 - c. Staff on student; or
 - d. Student on other;
 6. Major property destruction;
 7. Possession of contraband;
 8. Death of a student;
 9. Medication error;
 10. Major injury or illness requiring more than first aid, including emergency medical care or transport;
 11. Self-harming behavior;
 12. Suicide attempt;
 13. Use of physical restraint;
 14. The taking of a hostage or hostages;
 15. Rioting or attempting to incite a riot;
 16. Chronic program disruption that threatens the safety of students or staff;
or
 17. Other.
- B. The primary staff directly involved in an incident shall complete the incident report by the end of the shift.
- C. An incident report shall include the following:
1. The full name of the student;
 2. Date including month, day, and year;
 3. Time including designations of a.m. or p.m.;
 4. Location of the incident;
 5. The reporting staff's name, signature, and current title;
 6. Detailed and specific information regarding the incident;
 7. Events leading up to the incident;
 8. The manner in which the incident was managed and any immediate consequences issued as a result;
 9. Witnesses or others involved, if applicable;
 10. Physical evidence and chain of custody documentation, if applicable;
 11. Specific restraints used, if any; and
 12. Injuries, if any.

- D. Supporting documentation shall provide additional information regarding an incident. The following supporting documentation shall be required as part of the final incident report:
1. Medical body identification (ID) when the student is the subject of the incident and may have sustained injuries. This shall not include students who are physically restrained;
 2. Post-restraint body ID completed by health trained or medical staff when a student has been physically restrained;
 3. Photographs in the following situations:
 - a. Post-restraint or injury photographs, of the student, shall be retained, with a copy of the student's post-restraint body ID documentation, in the student's medical record, with a notation on the incident report stating the location of the photographs;
 - b. Staff injury photographs shall be retained with a copy of the incident report in the staff's medical record, with a notation on the incident report stating the location of the photographs; and
 - c. Damaged property photographs, dangerous contraband photographs, and all other photographs shall be attached to the incident report and retained in the student's hard case file;
 4. Witness statements from staff observing the incident and students and staff involved in the incident. Any witness statements shall be submitted directly to the shift supervisor or submitted in a sealed envelope to the Superintendent prior to the end of the staff's shift. Witness statements shall not be given directly to the staff member completing the incident report; and
 5. Police reports, when there has been a formal complaint made regarding an incident.
 6. For the following incidents, refer to the corresponding policy for required documentation:
 - a. Contraband;
 - b. Searches;
 - c. Restraint;
 - d. AWOL;
 - e. Sexual assault;
 - f. Suicide attempt;
 - g. Medical emergencies; or
 - h. Death of a resident.
- E. A student who is not the subject of the incident report, but involved in the incident, shall be identified by initials and DJJ number, if applicable.
- F. Designated staff shall reference the incident report in the progress notes.

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- G. The original incident report shall be filed in the student's Individual Client Record (ICR). An incident report that is medical in nature shall not be filed in the student's ICR.
- H. Designated staff shall document a summary of the incident in the electronic record of the student within seven (7) school days of the incident if applicable.
- I. The Superintendent or Administrative Duty Officer (ADO) shall be advised of all incidents immediately, or as soon as reasonably possible.
- J. The Superintendent or designee shall be responsible for review of the incident report, to ensure thoroughness and accuracy, shall sign off on the incident report, and include comments, if applicable.
- K. The Superintendent or designee shall conduct a preliminary review of all incidents involving injury, assaultive behavior (sexual or violent), suicide attempt, and any situation that may result in harm to a student or staff. The Superintendent shall take steps necessary to protect the safety and welfare of the student and staff.
- L. A debriefing shall be conducted after each incident. The debriefing process shall include coordination and feedback about the incident with staff involved in the incident, their supervisor, the Superintendent, and any other staff deemed appropriate by the Superintendent, as soon as possible after the incident. A debriefing shall include:
 - 1. A review of staff and the student's actions during the incident;
 - 2. A review of the incident's impact on staff and the student;
 - 3. A review of corrective actions taken and still needed; and
 - 4. Plans for improvement to avoid another incident.
- M. Notification
 - 1. The Superintendent or designee shall immediately provide notice, either by telephone or face to face contact, through the chain of command of all incidents that present an imminent threat to the safety or security of the facility.
 - 2. Incidents involving a student who is AWOL, attempted AWOL, death, or serious injury to staff or students, shall be immediately communicated through the chain of command to the Deputy Commissioner of Operations and the Commissioner.
 - 3. The Superintendent shall forward a copy of the incident report, including supporting documentation, to the Regional Facilities Administrator.
 - 4. The parent or caregiver, and the Juvenile Service Worker (JSW) if applicable, shall be promptly notified by the youth counselor, ADO, or designee of any of the following:
 - a. Serious injury or illness requiring more than first aid, including emergency medical care or transport;
 - b. Sexual assault; or

- c. Suicide attempt.
- 5. If a student AWOLs or leaves the building without permission the parent or caregiver, and the JSW if applicable, shall be notified by the youth counselor, ADO, or designee as soon as practicable, but no later than four (4) hours from the occurrence.
- 6. In the event of the death of a student, staff shall refer to DJJPP Chapter 1 (Death of a Youth).
- N. After consultation with the Regional Director, the Department may submit a juvenile petition for a public offense or criminal complaint to the local prosecutor's office.

V. MONITORING MECHANISM

Monitoring shall be conducted by the Superintendent, the Facilities Regional Administrator (FRA), Regional Division Director, and Quality Assurance (QA) Branch.