

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: 505 KAR 1:140</b>
<b>CHAPTER: Detention Services</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Annual Inspections of Secure Juvenile Detention Facilities and Juvenile Holding Facilities</b>		
<b>POLICY NUMBER: DJJ 730</b>		
<b>TOTAL PAGES: 8</b>		
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<b>APPROVAL: Bridget Skaggs Brown</b>		<b>, COMMISSIONER</b>

## **I. POLICY**

Secure juvenile detention facilities shall be inspected for compliance with Kentucky Administrative Regulations and the Juvenile Justice and Delinquency Prevention Act.

## **II. APPLICABILITY**

This policy applies to all employees of the Department of Juvenile Justice who administer and enforce the provisions of KRS Chapter 15A.

## **III. DEFINITIONS**

As used in this document the following definitions shall apply:

- A. "Administrator" means the person in charge of administering the operation of the secure juvenile detention facility or holding facility.
- B. "Corrective Action Plan" means a written response from the administrator stating the plan to correct all noncompliance items noted in the Department of Juvenile Justice inspection report.
- C. "Department" means the Department of Juvenile Justice.
- D. "Department Order" means an enforceable order issued by the Department of Juvenile Justice directing a facility to comply with regulations.
- E. "Detention Specialist" means a Department employee who serves as a juvenile detention consultant or inspector who administers and enforces the provisions of KRS Chapter 15A.
- F. "JJDP Act" means the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 U.S.C. 5601).

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- G. “Juvenile Holding Facility” means physically secure setting which is an entirely separate facility or portion or wing of a building containing an adult jail, which provides total separation between juvenile and adult facility spatial areas and which is staffed by sufficient certified staff to provide twenty-four (24) hour per day supervision.
- H. “Juvenile Justice Specialist” means the Department employee designated as responsible for administering federal grant funds received by the Department under the JJDP Act. The Juvenile Justice specialist is also responsible for monitoring detention facilities for compliance with the provisions of the JJDP Act.
- I. “Quality Assurance Branch Manager” means the Department of Juvenile Justice Administrator who manages the departmental quality assurance activities.
- J. “Secure Juvenile Detention Facility” means any facility used for the secure detention of children other than a jail, police station, lock-up, intermittent holding facility, or any building which is a part of, or attached to, any facility in which adult prisoners are confined or which shares staff with a facility in which adult prisoners are confined. Reference KRS 15A.200(4).
- K. “Waiver” means a decision made by the Quality Assurance Branch Manager not to require a facility to submit a corrective plan of action for an issue of noncompliance. Waivers shall be granted when it is determined that the totality of conditions do not present an imminent threat to the life and safety of occupants. Waivers may also be granted when it is apparent that a corrective plan of action is impossible and if the condition does not pose imminent threat.

#### **IV. PROCEDURES**

##### **A. ANNUAL INSPECTIONS**

1. The Detention Specialist shall conduct two annual inspections, one announced and one unannounced, of each secure juvenile detention facility, juvenile holding facility, or other facility as designated by the Department of Juvenile Justice.
2. The Detention Specialist shall develop a standard inspection form, which shall serve as the basis for all inspections. The Detention Specialist shall include state juvenile detention standards and JJDP Act facility monitoring requirements as a part of the standard inspection form. The inspection form shall be reviewed and updated by the Detention Specialist on an annual basis and shall be approved by the Quality

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Assurance Branch Manager and the Juvenile Justice Specialist prior to its usage. Supplemental inspection forms may be prepared and utilized if the Detention Specialist determines that additional information is necessary. Such forms shall also be approved prior to usage by the Quality Assurance Branch Manager. All forms used by the Detention Specialist shall include the date of adoption or amendment, and the date the form was approved by the Quality Assurance Branch Manager.

3. The Detention Specialist shall maintain a separate file for each facility inspected, which shall include all reports, correspondence and other documentation relating to that facility.

**B. Annual Inspection Process and JJDP Act File Review**

1. The Detention Specialist shall contact the administrator prior to the annual inspection to arrange a suitable date.
2. The Detention Specialist shall mail or fax a letter confirming the agreed upon date to the administrator. The Detention Specialist shall also include with the confirmation letter a blank copy of all inspection forms that may be used during the annual inspection. The Detention Specialist shall place a copy of all correspondence relating to each facility in that facility's file.
3. The Detention Specialist shall mail or fax a copy of the letter confirming the date of the visit to the Quality Assurance Branch Manager and the Juvenile Justice Specialist.
4. The Juvenile Justice Specialist may, at least forty-eight (48) hours prior to the scheduled inspection, provide the Detention Specialist with a written list of possible JJDP Act violations to investigate as part of the inspection. If the Detention Specialist receives such a list, the Detention Specialist shall examine the files for the admissions noted and shall document any additional detail requested by the Juvenile Justice Specialist in writing. If possible, the Detention Specialist shall provide the list of files to be examined to the administrator of the facility at least twenty-four (24) hours prior to the inspection so the files can be pulled in advance. The Juvenile Justice Specialist shall provide the Detention Specialist with an updated monitoring manual for use in reviewing the files for JJDP Act compliance.
5. The Detention Specialist shall tour and inspect all areas of the facility where juveniles are detained and all areas of the facility providing

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services to detained juveniles such as the kitchen, laundry and medical facilities.

6. The Detention Specialist shall complete the standard inspection form by marking all items as to compliance (C), noncompliance (NC), or not applicable (NA). The basis for the response shall be verified and marked according to the source of verification; a written document (W), sight confirmation (S), or verbal confirmation (V).
7. The Detention Specialist shall provide a written explanation in the comment section of the form when an item is marked as being in noncompliance (NC) or not applicable (NA).
8. The Detention Specialist shall obtain or prepare a floor plan of the facility that accurately illustrates all major components of the facility. If the facility is part of an adult jail, the location of the juvenile component shall be clearly identified. The floor plan shall include the approximate square footage of each separate area where juveniles may be securely detained. The floor plan shall be submitted with the inspection report.
9. The Detention Specialist shall also prepare and submit the following as attachments to the inspection form:
  - a. An organizational chart for the juvenile facility, and a narrative description of the staffing pattern used by the facility. The organizational chart shall include all direct service support staff such as teachers and counselors as well.
  - b. A description of the approximate foot-candles of light in each area where juveniles may be securely detained.
  - c. A description of the facility's rated bed capacity and the number of juveniles housed on the day of the visit.
10. The Detention Specialist shall submit the Inspection Report, including attachments and any JJDP Act file monitoring report to the Quality Assurance Branch Manager, the Director of Detention Programs, and the Juvenile Justice Specialist within ten (10) working days of the facility visit.
11. If the Detention Specialist discovers an area of noncompliance that constitutes a significant health or safety risk for juveniles or facility staff, the Detention Specialist shall immediately notify the facility administrator of the problem, and shall notify the Quality Assurance Branch Manager of the existence of the noncompliance as soon as possible but no later than twenty-four (24) hours after the inspection. The Detention Specialist shall note the date and time the issue was

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discussed with the facility administrator in the inspection report. The Quality Assurance Branch Manager shall contact the facility administrator within twenty-four (24) hours of receiving the report from the Detention Specialist to determine how the problem was or will be addressed. A written summary of the discussion shall be placed in the facility file. The Quality Assurance Branch Manager shall prepare a letter to the facility administrator detailing the health or safety risk and summarizing the action taken by the facility administrator, the Detention Specialist and the Quality Assurance Branch Manager. If the facility administrator does not appropriately address the situation, the Quality Assurance Branch Manager shall contact the General Counsel of the Department.

12. The Quality Assurance Branch Manager or designee shall maintain a master list of all facilities detailing the relevant timeframes for each facility, including the date of the annual inspection, the date the inspection report was received, and the date and nature of any subsequent communication with the facility administrator. Upon receipt of the inspection report, the Quality Assurance Branch Manager shall review the report. If the report is incomplete or does not include all required attachments, the Quality Assurance Branch Manager shall return the report to the Detention Specialist, who shall complete and resubmit the report within five (5) working days. A copy of the completed report and attachments shall be forwarded by the Quality Assurance Branch Manager to the facility administrator.
  - a. If any areas of noncompliance are reported that indicate a need for corrective action, the Quality Assurance Branch Manager shall prepare a letter to the facility administrator and, if the facility is operated by a county, the County Judge Executive. The letter shall be mailed via registered or certified mail within ten (10) working days of receipt of a complete inspection report and attachments by the Quality Assurance Branch Manager and shall:
    - i. Describe the areas of noncompliance in sufficient detail for the facility administrator to understand the problem and develop a corrective plan of action;
    - ii. Require the facility administrator to develop a corrective plan of action that specifically addresses each area of noncompliance;
    - iii. Indicate the date by which the corrective plan of action is due; and
    - iv. Inform the facility administrator that the Detention Specialist is available to answer questions or to provide technical assistance to

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the facility administrator in the development of a corrective plan of action and how assistance may be obtained.

- b. If the report does not include any area of noncompliance that require corrective action, the Quality Assurance Branch Manager shall prepare a certificate of compliance to be signed by the Commissioner of the Department of Juvenile Justice. The Quality Assurance Branch Manager shall forward the certificate to the facility after it has been signed by the Commissioner.
  - c. The Director of Program Services and the Detention Specialist shall be copied on any correspondence relating to the inspection from the Quality Assurance Branch Manager to the facility administrator and County Judge Executive.
13. The Quality Assurance Branch Manager shall notify the facility administrator by registered mail if a corrective plan of action is not submitted by the due date established in the letter requiring such plan, and no extension has been granted, or if the corrective plan of action submitted does not adequately address the issues raised in the letter requiring such corrective plan of action. This notice shall include statement that the facility has failed to meet the deadline for submission of a corrective plan of action, and that if the facility administrator does not respond within seven (7) working days by either submitting the corrective plan of action or a request for an extension detailing the reasons for the request and length of time requested, the Quality Assurance Branch Manager shall notify the General Counsel of the Department, who shall begin the process to close the facility until an acceptable corrective plan of action is submitted.

**C. Extensions**

A facility administrator may request an extension for the submission of a corrective plan of action. The Quality Assurance Branch Manager may grant an extension for the submission of a corrective plan of action for a specified period of time not to exceed thirty (30) days if the facility administrator can demonstrate action has been initiated, but cannot be completed within previously established time frames. All requests for extension of time and all allowances of additional time shall be in writing.

**D. Waivers of Noncompliance Issues**

A waiver may be granted by the Quality Assurance Branch Manager upon

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the submittal of a formal written request with supporting documentation and justification if the Manager determines that waiver of the requirement does not endanger the health or safety of the personnel working or juveniles being held in the facility.

**E. Failure to Comply**

If an administrator or County Judge Executive fails to cooperate with the Detention Specialist in providing a corrective plan of action within timeframes specified or fails to cooperate with the Detention Specialist in the inspection process, the Detention Specialist shall notify the Quality Assurance Branch Manager in writing, describing the actions taken by the Detention Specialist in response to the lack of cooperation and the response received from the administrator or County Judge Executive. If the Quality Assurance Branch Manager cannot resolve the situation, the Manager shall contact the General Counsel for the Department shall take appropriate legal action to address the situation.

**F. Second Inspection**

1. Every facility shall receive a second, unannounced inspection. Every facility required to submit a corrective plan of action shall receive a second, unannounced inspection after the deadline established for submission of the corrective plan of action and all extension granted have passed. The purpose of the inspection shall be to determine if the facility has maintained compliance or has taken the action indicated in the corrective plan of action, and to determine if technical assistance is needed for the facility to achieve full compliance.
2. The Detention Specialist shall complete a written report describing the findings during the second inspection and making additional recommendations and observations as necessary. The report shall be submitted to the Quality Assurance Branch Manager within ten (10) working days of the second visit.
3. The Quality Assurance Branch Manager shall review the report and shall discuss the report with the Detention Specialist. The results of the report shall be communicated by the Quality Assurance Branch Manager to the administrator in writing, along with any additional recommendations or requirements that must be fulfilled before the facility can be found in substantial compliance with established standards. If additional action is required, a timeline for action shall be included in the letter. Failure of the administrator to meet established deadlines or to cooperate with the

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Department shall be addressed as provided in the “Failure to Comply” portion of this document.

4. If the facility was found to be in noncompliance on the first inspection but is found to be in compliance after the second inspection, the Quality Assurance Branch Manger shall prepare a certificate of compliance for the signature of the Commissioner of the Department of Juvenile Justice, which shall be forwarded to the facility once signed by the Commissioner.
- G. The Quality Assurance Branch Manager and/or the General Counsel shall forward any recommendations for enforcement of corrective action plans to the appropriate governing entity.
- H. The Quality Assurance Branch Manager and the Department of Corrections’ Division of Local Facilities shall share all inspection reports and corrective action plans regarding Juvenile Holding Facilities.
1. The Department of Corrections shall inspect the shared physical plant features including fire alarm system, laundry services, food services and the physical plant of the juvenile housing area.
  2. The Department of Juvenile Justice shall also inspect the juvenile area of the facility concentrating its review on programs and staff. Any physical plant concerns observed shall be addressed in its inspection report.
  3. If significant physical plant deficiencies are observed by either department, immediate communication shall be initiated so appropriate action can be taken.

**V. MONITORING MECHANISM**

This activity shall be monitored by the Director of Program Services.