

CHAPTER 9 Prison Rape Elimination Act of 2003 (PREA)			
Number	Title	Emergency Effective Date	Pages

900	Definitions	04/04/14	5
901	Zero Tolerance of Any Type of Sexual Misconduct	04/04/14	3
902	Personnel Procedures	04/04/14	4
903	Prohibited Conduct of Staff, Interns, Volunteers, and Contractors	04/04/14	3
904	Contracted Residential Entities	10/14/13	2
905	Juvenile Vulnerability Assessment Procedure	04/04/14	3
906	Reporting and Investigating PREA Violations	04/04/14	3
907	Resident PREA Education	04/04/14	4
908	DJJ Response to a Report of a PREA Violation	04/04/14	6
909	Data Collection and Review	04/04/14	2
910	Facility Security Management	04/04/14	3
911	DJJ Staff PREA Education and Training	10/14/13	4
912	Sexual Orientation and Gender Identity	04/04/14	4

	JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:170 28 C.F.R. 115
CHAPTER: Prison Rape Elimination Act of 2003 (PREA)		AUTHORITY: 28 C.F.R. 115
SUBJECT: Definitions		
POLICY NUMBER: 900		
TOTAL PAGES: 5		
EFFECTIVE DATE: 04/04/14		
APPROVAL: A. Hasan Davis		, COMMISSIONER

I. POLICY

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

II. DEFINITIONS

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

POLICY NUMBER DJJ 900	EFFECTIVE DATE 04/04/14	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 committed to the Department of Juvenile Justice under KRS Chapter 600 subject to the jurisdiction of the juvenile court;
 2. Any youthful offender in the custody of the Department of Juvenile Justice prior to final sentencing; and
 3. Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail as established in 28 C.F.R. § 115.5.
- M. “Juvenile facility” means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system as established in 28 C.F.R. § 115.5.
- N. “Law enforcement staff” means employees responsible for the supervision and control of detainees in lockups as established in 28 C.F.R. § 115.5.
- O. “Medical practitioner” means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims as established in 28 C.F.R. § 115.5.
- P. “Mental health practitioner” means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims as established in 28 C.F.R. § 115.5.
- Q. “Pat-down search” means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband as established in 28 C.F.R. § 115.5.
- R. “Private child care” means any of the following settings if a juvenile is placed pursuant to a contract with the Department of Juvenile Justice: foster family

POLICY NUMBER DJJ 900	EFFECTIVE DATE 04/04/14	PAGE NUMBER 3 of 5
--	--	-------------------------------------

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

S. “Resident” means any person confined or detained in a juvenile facility or in a community confinement facility as established in 28 C.F.R. § 115.5.

T. “Secure juvenile facility” means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility as established in 28 C.F.R. § 115.5.

U. “Security staff” means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility as established in 28 C.F.R. § 115.5.

V. “Sexual abuse” means:

1. The behavior described by KRS 510.110 (1) (d) and 510.120 (1) (c); or
2. As established in 28 C.F.R. § 115.6.

- a. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- b. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

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

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

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

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

POLICY NUMBER DJJ 900	EFFECTIVE DATE 04/04/14	PAGE NUMBER 4 of 5
--	--	-------------------------------------

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

POLICY NUMBER DJJ 900	EFFECTIVE DATE 04/04/14	PAGE NUMBER 5 of 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 [e] reasons unrelated to official duties, such as peering at a resident who is using a toilet in his or her cell to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident’s naked body or of a resident performing bodily functions as established in 28 C.F.R. § 115.6.



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

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

CHAPTER: Prison Rape Elimination Act of 2003 (PREA)

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

SUBJECT: Zero Tolerance of Any Type of Sexual Misconduct

POLICY NUMBER: 901

TOTAL PAGES: 3

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis, COMMISSIONER

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

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

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

POLICY NUMBER DJJ 901	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 3
--	---	-------------------------------------

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

POLICY NUMBER DJJ 901	EFFECTIVE DATE: 04/04/14	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 and manage compliance with the PREA standards within their respective office.
6. The Division of Placement Services Director shall designate a Placement Services PREA Coordinator to train and provide technical assistance to all contract private child care facilities and contract detention facilities regarding the PREA standards and compliance.

V. STAFF TRAINING MONITORING MECHANISM

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

VI. MONITORING MECHANISM

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



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

**REFERENCES:
KAR 505 1:170**

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

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

SUBJECT: Personnel Procedures

POLICY NUMBER: 902

TOTAL PAGES: 4

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis , COMMISSIONER

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

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

POLICY NUMBER DJJ 902	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 4
---------------------------------	------------------------------------	------------------------------

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

POLICY NUMBER DJJ 902	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 3 of 4
--	---	-------------------------------------

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

V. STAFF TRAINING

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

POLICY NUMBER DJJ 902	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 4 of 4
--	---	-------------------------------------

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

VI. MONITORING MECHANISM

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

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:170
CHAPTER: Prison Rape Elimination Act of 2003 (PREA)	AUTHORITY: KRS 15A.065; 28 CFR 115	
SUBJECT: Prohibited Conduct of Staff, Interns, Volunteers, and Contractors		
POLICY NUMBER: 903		
TOTAL PAGES: 3		
EFFECTIVE DATE: 04/04/14		
APPROVAL: A. Hasan Davis , COMMISSIONER		

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

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

POLICY NUMBER DJJ 903	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 3
--	---	-------------------------------------

C. Staff, volunteers, interns, and contractors shall not use any mode of communication to initiate or carry on a sexual or intimate relationship with a juvenile that is in the custody, care, and supervision of DJJ.

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

V. STAFF TRAINING MONITORING MECHANISM

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

VI. MONITORING MECHANISM

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

POLICY NUMBER DJJ 903	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 3 of 3
--	---	-------------------------------------

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

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

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:170
CHAPTER: Prison Rape Elimination Act of 2003 (PREA)		AUTHORITY: KRS 15A.065; 28 CFR 115
SUBJECT: Prohibited Conduct of Staff, Interns, Volunteers, and Contractors		
POLICY NUMBER: 903		
TOTAL PAGES: 3		
EFFECTIVE DATE: 04/04/14		
APPROVAL: A. Hasan Davis , COMMISSIONER		

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

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

POLICY NUMBER DJJ 903	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 3
--	---	-------------------------------------

C. Staff, volunteers, interns, and contractors shall not use any mode of communication to initiate or carry on a sexual or intimate relationship with a juvenile that is in the custody, care, and supervision of DJJ.

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

V. STAFF TRAINING MONITORING MECHANISM

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

VI. MONITORING MECHANISM

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

POLICY NUMBER DJJ 903	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 3 of 3
--	---	-------------------------------------

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

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



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

**REFERENCES:
505 KAR 1:170**

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

**AUTHORITY: KRS 15A.065; 28
CFR 115; 28 CFR 115.312**

SUBJECT: Contracted Residential Entities

POLICY NUMBER: 904

TOTAL PAGES: 2

EFFECTIVE DATE: 10/14/13

APPROVAL: A. Hasan Davis , COMMISSIONER

I. POLICY

Private child care facilities and detention centers that have contracts with the Department of Juvenile Justice (DJJ), to care for juveniles, shall institute zero tolerance policies and protocols to prohibit the sexual abuse, sexual harassment, sexual contact, or any sexual offenses directed toward a juvenile who is placed in the custody, care, and supervision of that private child care facility or detention center by DJJ.

II. APPLICABILITY

This policy shall apply to all contracted private child care facilities and contracted detention centers.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. All contracts with a private child care facility and detention center shall have language that requires the contract provider and all staff that are employed by that entity to comply with the Prison Rape Elimination Act of 2003 (PREA) standards detailed within their respective contracts.
- B. DJJ shall only contract with private child care facilities and detention centers that have PREA policies and protocols in effect to protect youth that are placed in their custody, care, and supervision by DJJ.

POLICY NUMBER DJJ 904	EFFECTIVE DATE: 10/14/13	PAGE NUMBER 2 of 2
--	---	-------------------------------------

C. All contracted private child care facilities, child placing agencies, and detention centers shall provide DJJ with a copy of their PREA policies and procedures.

V. STAFF TRAINING

The Agency PREA Compliance Officer or designee or the Placement Services PREA Coordinator shall train contracted private child care facilities, child placing agencies, and detention centers regarding PREA standards and DJJ PREA policies.

VI. MONITORING MECHANISM

The Agency PREA Compliance Officer or designee shall conduct an annual audit to verify that staff in contracted private child care facilities, child placing agencies, and detention centers, are being trained regarding the PREA standards detailed within their contracts and that these entities have incorporated PREA practices into business operations.



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

REFERENCES:
505 KAR 1:170
4-JCF-3D-04, 06, 07
4-JCF-3D-03, 05, 06
3-JTS-3D-06-3, 06-5, 06-6
3-JCRF-3D-04-3, 04-5, 04-6
1-JBC-3D-06-2, 06-4, 06-5

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

**AUTHORITY: KRS 15A.065; 28
CFR 115; 28 CFR 115.341; 28
CFR 115.342; 28 CFR 115.381**

**SUBJECT: Juvenile Vulnerability
Assessment Procedure**

POLICY NUMBER: 905

TOTAL PAGES: 3

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis , COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall conduct a vulnerability assessment on each juvenile that will be placed in a DJJ facility in order to determine the most appropriate housing and program needs for each juvenile.

II. APPLICABILITY

This policy shall apply to each DJJ group home, youth development center (YDC), and DJJ detention center.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

A. DJJ shall utilize vulnerability assessment documentation for each juvenile placed in a DJJ residential facility or a DJJ detention center that assesses the vulnerability of that juvenile for victimization, the juvenile's sexual aggressiveness, and the juvenile's propensity to be violent. The screening shall take place within seventy-two (72) hours of admission. The ~~and the~~ juvenile shall not be placed in a general residential area until the screening is completed. The vulnerability assessment shall be administered quarterly throughout the youth's length of stay at the facility.

B. The following staff may complete the vulnerability assessment:

POLICY NUMBER DJJ 905	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 3
--	---	-------------------------------------

1. The facility Superintendent or certified designee;
 2. A counselor;
 3. The Treatment Director; or
 4. The Youth Service Program Supervisor (YSPS) or other staff in a group home.
- C. The initial vulnerability assessment results shall have a second level review and verification by another staff person. Each facility Superintendent shall designate another staff person different from the staff person indicated in Section IV (B) of this policy for the second level review of the assessment.
- D. The screening tool shall ascertain the following information:
1. Prior sexual victimization or abuse;
 2. Gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, questioning or queer, or intersex (LGBTQI);
 3. Current charges and offense history;
 4. Age;
 5. Level of emotional and cognitive development;
 6. Physical size and stature;
 7. Mental illness or developmental disabilities;
 8. Intellectual development;
 9. Physical disabilities;
 10. Resident's perception of vulnerabilities; and
 11. Information to indicate heightened need for supervision or safety precautions, or separation from certain residents.
- E. Information obtained from the screening shall be used in determining housing, bed, education, program, and work assignments in accordance with 28 C.F.R. 115.342.
- F. A juvenile shall not be given a housing assignment based solely on being identified as LGBTQI or sexually abused. LGBTQI residents shall not be isolated solely because of sexual orientation but may be housed in a single room, if the vulnerability assessment result is determined to be high risk.
- G. A juvenile that reveals a history of sexual abuse, is identified as at risk for sexual victimization, or as high risk of assaultive behavior, shall be offered a follow-up meeting with medical or mental health practitioner within seven (7) days. These juveniles shall be identified, monitored, counseled, and provided appropriate services.

POLICY NUMBER DJJ 905	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 3 of 3
--	---	-------------------------------------

H. Each completed vulnerability assessment, with results, shall be placed in the hard case file of the juvenile.

V. STAFF TRAINING

- A. The Agency Prison Rape Elimination Act of 2003 (PREA) Compliance Officer or designee shall train the facility Superintendent regarding the vulnerability assessment and this policy.
- B. The facility Superintendent shall train the staff designated to complete the vulnerability assessment at the facility.
- C. The PREA trainer from the Training Branch may also provide training regarding this policy.

VI. MONITORING MECHANISM

The Agency PREA Compliance Officer or designee shall conduct an annual audit to verify that each facility is conducting the vulnerability assessments and placing juveniles in accordance with the results of the vulnerability assessments.



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

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

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

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

**SUBJECT: Reporting and Investigating
PREA Violations**

POLICY NUMBER: 906

TOTAL PAGES: 3

EFFECTIVE DATE:

APPROVAL: A. Hasan Davis , COMMISSIONER

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

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

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

POLICY NUMBER DJJ 906	EFFECTIVE DATE:	PAGE NUMBER 2 of 3
--	------------------------	-------------------------------------

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

POLICY NUMBER DJJ 906	EFFECTIVE DATE:	PAGE NUMBER 3 of 3
--	------------------------	-------------------------------------

responsible for notification to the RFA, the Regional Director, Agency PREA Compliance Officer, the Deputy Commissioner, and the Commissioner.

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

V. STAFF TRAINING

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

VI. MONITORING MECHANISM

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



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

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

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

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

SUBJECT: Resident PREA Education

POLICY NUMBER: 907

TOTAL PAGES: 4

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis , COMMISSIONER

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

A. DJJ staff shall be responsible for providing juveniles with age-appropriate information and documentation explaining the zero tolerance policy regarding sexual abuse, sexual harassment, sexual contact, or any type of sexual offense and how to report incidents or suspicions to the Internal Investigations Branch (IIB) hotline or staff.

B. Juveniles in the custody, care, and supervision of DJJ shall receive verbal and written instruction regarding PREA during the following times:

POLICY NUMBER DJJ 907	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 4
--	---	-------------------------------------

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

POLICY NUMBER DJJ 907	EFFECTIVE DATE: 04/04/14	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 offenses, reporting instructions, and the right to be free from retaliation for reporting such incidents. The documentation shall be placed in the hard case file of the juvenile.
- G. In YDC's and group homes, juveniles shall receive the comprehensive PREA education again during each sixty (60) day review. The verbal instruction shall be documented in the electronic case file.
- H. In a detention center, juveniles shall receive verbal instruction, during each group counseling session regarding DJJ's zero tolerance policy and reporting information. The verbal instruction shall be documented in the group counseling progress note in the booking system.
- I. In a day treatment facility, staff shall provide the PREA brochure and parent or caregiver flyer during the initial assessment of juveniles and provide verbal instruction regarding DJJ's zero tolerance policy and the hotline information at the beginning of each group session. Staff shall document that the PREA education and the verbal instruction was completed in the electronic record hard case file of the juvenile.
- J. Each facility shall display PREA posters, in communal juvenile access areas, that inform the juveniles of DJJ's zero tolerance policy.
- K. DJJ's PREA policy shall be made available in an accessible format to juveniles with disabilities, juveniles who speak limited English, or in the juvenile's native language if the juvenile does not understand English. DJJ staff shall not use juveniles as interpreters, readers, or for any other types of resident assistance for translation except in exigent circumstances.
- L. Juveniles shall have access to the IIB hotline telephone to report an incident, allegation, or complaint. In a facility that does not have a direct access to the IIB hotline juveniles shall be permitted to use a facility telephone. The 1-800 IIB hotline number shall be clearly posted.
- M. The PREA standards, literature, and materials shall be made accessible to juveniles in each facility library and each community office.

V. STAFF TRAINING

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

POLICY NUMBER DJJ 907	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 4 of 4
--	---	-------------------------------------

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

VI. MONITORING MECHANISM

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



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

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

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

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

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

POLICY NUMBER: 908

TOTAL PAGES: 6

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis , COMMISSIONER

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

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

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 6
--	---	-------------------------------------

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

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 3 of 6
--	---	-------------------------------------

Regional Psychologist, Treatment Director, or designee for any necessary treatment or counseling, immediately after the safety and security of the victim is ensured.

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

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 4 of 6
--	---	-------------------------------------

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

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 5 of 6
--	---	-------------------------------------

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

POLICY NUMBER DJJ 908	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 6 of 6
--	---	-------------------------------------

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

V. STAFF TRAINING

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

VI. MONITORING MECHANISM

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



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

**REFERENCES:
505 KAR 1:170**

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

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

SUBJECT: Data Collection and Review

POLICY NUMBER: 909

TOTAL PAGES: 2

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis , COMMISSIONER

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

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

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

POLICY NUMBER DJJ 909	EFFECTIVE DATE: 04/04/14	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 Agency PREA Compliance Officer shall report the review team findings, along with recommendations for improvement, to the facility Superintendent and the Facility PREA Coordinator.
 - C. The Internal Investigations Branch (IIB) shall work directly with the Agency PREA Compliance Officer to determine statistical data and information required for annual federal reporting purposes regarding PREA.
 - D. The Commissioner or the Commissioner’s designee may conduct debriefing meetings to discuss any PREA related incidents.
 - E. The Agency PREA Compliance Officer shall conduct an annual meeting for the Commissioner and Executive Staff to discuss PREA related matters regarding the Department.
 - F. The Agency PREA Compliance Officer will compile an annual data report that shall be made available to the public.

V. STAFF TRAINING

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

VI. MONITORING MECHANISM

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



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

**REFERENCES:
505 KAR 1:170**

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

**AUTHORITY: KRS 15A.065;
28CFR 115; 28 CFR 115.331; 28
CFR 115.332;**

SUBJECT: Facility Security Management

POLICY NUMBER: 910

TOTAL PAGES: 3

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis , COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall implement quality controls for staff and youth in DJJ facilities to control movement, maintain adequate staffing patterns, and promote accountability.

II. APPLICABILITY

This policy shall apply to DJJ youth development centers (YDC's), group homes, and detention centers.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. Staff shall maintain accountability for youth movement within DJJ facilities.
- B. Staff shall conduct head counts of the population and implement procedures to regulate and control youth movement within the facility and during authorized movement outside the facility.
- C. Each facility Superintendent shall establish the minimum number of staff that shall be on duty. Each facility shall meet the minimum staffing requirements for each shift.
- D. Areas occupied by youth shall be supervised by DJJ staff.

POLICY NUMBER DJJ 910	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 3
--	---	-------------------------------------

- E. Facility staff shall be assigned to shifts to maintain appropriate staff to youth ratios at all times. Each shift shall have a designated supervisor that is responsible for determining the presence of sufficient staff and staffing patterns and take the necessary action to correct deficiencies.
- F. DJJ detention and YDC facilities shall maintain twelve to one (12:1) juvenile to staff ratios during waking hours and sixteen to one (16:1) juvenile to staff ratio during sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented. Group homes shall maintain an eight to one (8:1) juvenile to staff ratio during waking hours and sleeping hours.
- G. If an insufficient number of facility staff report for duty to meet the minimum requirements, the facility Superintendent or designee shall initiate measures to call in or maintain sufficient staff to meet the minimum coverage requirements. Overtime shall be avoided, but the provision of sufficient security staff shall take priority.
- H. Staff shall remain at their respective posts until relieved or otherwise authorized to leave the post.
- I. The facility Superintendent or management designee shall visit the facility at least once per week outside of normal business hours. The visits shall be planned and coordinated to observe facility operations. Observation of the entire facility shall not have to be completed, but each area below shall be reviewed:
 1. Youth in isolation;
 2. Sleeping areas;
 3. Control room;
 4. Counseling sessions or group counseling sessions; and
 5. Recreation areas.
- J. Each DJJ facility shall use a video monitoring system to assist in ensuring the safety, security, and general well-being of youth and staff.
- K. Video monitoring shall not substitute for appropriate supervision of youth.
- L. DJJ shall maintain video systems that are functional and maintained in proper working order.
- M. The facility Superintendent or the facility maintenance staff shall check the functionality of the camera systems weekly. Any issues or problems shall be reported immediately to the Regional Director, the Deputy Commissioner, the Director of Administrative Services or designee, and the Information System Branch Manager.

POLICY NUMBER DJJ 910	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 3 of 3
--	---	-------------------------------------

N. Each DJJ facility shall post the name of the facility staff that is on duty in a conspicuous location, so that residents are aware of staff that are not the same gender working in a housing unit. Staff of the opposite gender shall announce their presence when entering a resident housing unit, or any area where residents are likely to be showering, performing bodily functions, or changing clothing.

V. STAFF TRAINING

- A. The Agency Prison Rape Elimination Act of 2003 (PREA) Compliance Officer or designee or the PREA trainer from the Training Branch shall be responsible for training all Facility and Community PREA Coordinators regarding this policy.
- B. The facility Superintendent or Facility PREA Coordinator shall be responsible for training facility staff regarding this policy.

VI. MONITORING MECHANISM

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



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

**REFERENCES:
505 KAR 1:170**

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

AUTHORITY: KRS 15A.065

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

POLICY NUMBER: 911

TOTAL PAGES: 4

EFFECTIVE DATE: 10/14/13

APPROVAL: A. Hasan Davis , COMMISSIONER

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

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

POLICY NUMBER DJJ 911	EFFECTIVE DATE: 10/14/13	PAGE NUMBER 2 of 4
--	---	-------------------------------------

2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 3. Residents right to be free from sexual abuse and sexual harassment;
 4. The right of residents and employees to be free from retaliation for reporting sexual abuse and harassment;
 5. The dynamics of sexual abuse and sexual harassment in juvenile facilities;
 6. The common reactions of juvenile victims of sexual abuse and sexual harassment;
 7. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
 8. How to avoid inappropriate relationships with residents;
 9. How to communicate effectively and professionally with residents; and
 10. How to comply with mandatory reporting laws and understanding other laws regarding PREA as they relate to juveniles.
- C. DJJ PREA training shall consist of the following phases:
1. Phase one (1) shall include an introduction to PREA, prevention of PREA violations, PREA juvenile standards overview, and a video regarding keeping kids safe;
 2. Phase two (2) shall include PREA policy and protocol, human sexuality of a juvenile, staff and juvenile red flags, the fundamentals of supervision, understanding sexual orientation, including Lesbian, gay, bi-sexual, transsexual, questioning or queer, and intersex (LGBTQI) issues, Kentucky laws related to juveniles, reporting requirements and zero tolerance retaliation policy, youth rights, and utilization of the Vulnerability Assessment Instrument;
 3. Phase three (3) shall include juvenile education;
 4. Phase four (4) shall include responding to a sexual assault;
 5. Phase five (5) shall include PREA audit training.
 6. Phase six (6) shall include the fundamentals of trauma informed care, protecting a sexual assault scene, sexual assaults, sexual assault examinations, human sexuality of a juvenile, and understanding the importance of the Vulnerability Assessment Instrument;
 7. Phase seven (7) shall include the importance of leadership and organizational culture in implementing PREA; and

POLICY NUMBER DJJ 911	EFFECTIVE DATE: 10/14/13	PAGE NUMBER 3 of 4
--	---	-------------------------------------

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

V. STAFF TRAINING MONITORING MECHANISM

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

VI. MONITORING MECHANISM

POLICY NUMBER DJJ 911	EFFECTIVE DATE: 10/14/13	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**

CHAPTER: Prison Rape Elimination Act of 2003 (PREA)	AUTHORITY: KRS 15A.065; 28 C.F.R. 115; 28 C.F.R 115.315; 28 C.F.R 115.331; 28 C.F.R 115.341; 28 C.F.R 115.342; 28 C.F.R 115.386
SUBJECT: Sexual Orientation and Gender Identity	
POLICY NUMBER: 912	
TOTAL PAGES: 4	
EFFECTIVE DATE: 04/04/14	
APPROVAL: A. Hasan Davis	, COMMISSIONER

I. POLICY

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

II. APPLICABILITY

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

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

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

POLICY NUMBER DJJ 912	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 4
--	---	-------------------------------------

permission of the juvenile, unless such disclosure is necessary to comply with state or federal law.

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

POLICY NUMBER DJJ 912	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 3 of 4
--	---	-------------------------------------

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

V. STAFF TRAINING

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

POLICY NUMBER DJJ 912	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 4 of 4
--	---	-------------------------------------

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

VI. MONITORING MECHANISM

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