



**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.

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

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

V. STAFF TRAINING MONITORING MECHANISM

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

VI. MONITORING MECHANISM

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