

## CHAPTER 1. Administration

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

**REFERENCES:**

**CHAPTER: Administration**

**AUTHORITY: KRS 15A.065**

**SUBJECT: Staff and Visitor Meals**

**POLICY NUMBER: DJJ 114**

**TOTAL PAGES: 2**

**DATE ISSUED: 02/15/04**

**EFFECTIVE DATE: 04/15/04**

**APPROVAL: Ronald L. Bishop**

**, COMMISSIONER**

**I. POLICY**

Employees and visitors shall be charged \$1.00 per meal. Employees and visitors shall be served the same food, in the same portions, as that served to the resident population.

**II. APPLICABILITY**

This policy shall apply to all DJJ programs.

**III. DEFINITIONS**

- A. "Employee" means anyone who is employed by the Department.
- B. "Visitor" means anyone who is not an employee of the Department.

**IV. PROCEDURES**

- A. Employees and visitors shall be required to pay the \$1.00 meal charge to the Business Office or designee for each meal eaten in DJJ facilities.
  - 1. Each Superintendent shall appoint one person in charge of collecting money for meals and issuing either a ticket or chit for each meal purchased. Kitchen staff shall not take cash for meals from anyone as direct payment for a meal.
  - 2. Facility Standard Operating Procedures may restrict meal ticket sales to specific days of the week/month and certain times of day; however, maximum accessibility shall be ensured.
  - 3. Any money collected shall be turned into the Business Office daily and kept in a secured, locked box until such time as it is deposited or forwarded to the Fiscal Branch. The Business Office shall forward a check or money order to the Fiscal Branch of the DJJ Central Office at least

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monthly. The check or money order shall be made payable to the Kentucky State Treasurer.

4. Citizen Advisory Committee members shall not be charged for meals served during scheduled business meetings.
- B. Each facility shall maintain a signature log of employees and visitors eating meals in DJJ facilities.
1. When purchasing a meal, each employee or visitor shall sign a meal log and give the meal ticket or chit to a kitchen staff or designee at the point of service. The log shall designate the date and the specific meal (breakfast, lunch, dinner) and shall be kept in the kitchen for the complete month. Each day's tickets shall be attached to the meal log for that day.
  2. Although exempt from the \$1.00 meal charge, Citizen Advisory Committee members shall sign the meal log to ensure accurate accounting of meals served.
  3. At the end of the month the log shall be turned over to the designated person to be kept as records for meal ticket purchases and held on file with the Federal School Lunch records.

**V. MONITORING MECHANISM**

This activity shall be monitored by the Superintendent or designee. Meal charge receipts and Federal School Lunch records are monitored by the Division of Administrative Services.



**JUSTICE CABINET  
DEPARTMENT OF  
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POLICY AND PROCEDURES**

**REFERENCES:**

**CHAPTER: Administration**

**AUTHORITY: KRS 15A.065**

**SUBJECT: E-mail and Internet Access**

**POLICY NUMBER: DJJ 115**

**TOTAL PAGES: 5**

**DATE ISSUED: 08/01/02**

**EFFECTIVE DATE: 08/15/02**

**APPROVAL: Ralph E. Kelly, Ed.D.**

**, COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice shall adhere to the Governor's Office for Technology Internet and Electronic Mail Acceptable Use Policy, KRS 156.675, and all other applicable laws, regulations and directives of the Commonwealth in the use of E-mail and Internet services.

**II. APPLICABILITY**

This policy shall apply to all offices, programs and employees of the Department of Juvenile Justice.

**III. DEFINITIONS**

- A. "E-mail" means the electronic dissemination and transmission of data, directives, drafts, internal and external correspondence, information, memorandums, official documents, policies and public records via computer.
- B. "Hacking" means gaining or attempting to gain the unauthorized access to any computers, computer networks, databases, data or electronically stored information.
- C. "Internet" means the international network of computers which are connected by the Internet and other protocols. This network permits transfer of files, E-mail, remote log-on and other services.
- D. "Obscene" is defined in KRS 531.010(3).
- E. "Proxy Server" means the filter software required by KRS 156.675. The Department of Juvenile Justice has adopted Microsoft Proxy Server as its filter software. This software is configured to deny all Email and Internet sites. Access to Email and Internet sites must be explicitly granted by the Information Systems Branch.

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#### **IV. PROCEDURES**

A. Technology applications for the implementation of all aspects of this policy shall be the responsibility of the Division of Administrative Services Information Systems Branch.

#### **B. ACCEPTABLE USE GUIDELINES**

The Governor's Office for Technology (GOT) furnishes the communications backbone for users of the Kentucky Information Highway (KIH). The KIH is an enterprise shared resource and acceptable practices and common guidelines shall govern its use. The following Acceptable Use Guidelines shall be followed when using KIH or any other networks which are used as a result of their KIH connection, such as Internet and E-mail. Inappropriate use may result in disciplinary action pursuant to KRS 18A up to and including dismissal.

1. The acceptable use of Internet and E-mail represents the management of a state business resource. Supervisors shall work with employees to determine the appropriateness of using the Internet and E-mail for professional activities and career development during working hours, while insuring that employees do not violate the general provisions which prohibit using the Internet and E-mail for personal gain.
2. AutoSignature shall be used for full identification of the sender of an E-mail message. AutoSignature shall include the name, title, region/district or facility, address, telephone number. AutoSignature shall be printed in legible font not in excess of size fourteen (14) and shall not exceed four lines in length. Wall paper or graphics shall not be added.
3. Supervisors shall be encouraged to identify Internet and E-mail training needs and resources, to encourage use of the Internet and E-mail to improve job performance, to support staff attendance at training sessions, and to permit use of official time for maintaining skills, as appropriate in accordance with normal office protocol.
4. In accordance with the Federal Electronic Communications Privacy Act of 1986, employers can monitor electronic messages. Monitoring tools are in place to monitor employee's use of the Internet and E-mail. Unless secured by an approved encryption method, employees shall have no expectation of privacy associated with the information they publish/store on the Internet using Commonwealth facilities.
5. Use of the E-mail and Internet resources is a privilege that may be revoked at any time for inappropriate conduct. Violations of this policy may result

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in the revocation of access and disciplinary action, up to and including dismissal. Examples of inappropriate conduct include, but are not limited to, use of the E-mail or Internet:

- a. For personal gain or personal business activities as defined in a commercial sense such as buying or selling of commodities or services with a profit motive.
- b. To engage in illegal activities or using the Internet for any illegal purposes, including initiating or receiving communications that violate any laws and regulations, including KRS 434.840-434.860 (Unlawful Access to a Computer) and KRS 512.020 (Criminal Damage to Property Law). This also includes malicious use, spreading of viruses, and hacking.
- c. For misrepresentation of oneself, the Department, or the Commonwealth. This includes the use of false or misleading subject headers in the distribution of E-mail or presentation of information.
- d. To send or forward chain letters.
- e. To solicit a monetary contribution for religious or political causes, or advocating religious or political opinions.
- f. To knowingly visit pornographic or illegal sites, disseminating, soliciting or storing sexually oriented messages or images.
- g. To transmit abusive or objectionable language in either public or private messages.
- h. To transmit an abusive, harassing, vulgar, provocative, obscene, derogatory, sarcastic or exaggerated joke or message involving the race, national origin, sex, sexual orientation, age, disability, religious or political beliefs of an employee, juvenile or any other person.
- i. To copy, disseminate or print copyrighted material (including articles, images, games, or other software) in violation of copyright laws.
- j. To use official dissemination tools to distribute personal information to include any information that constitutes an unwarranted invasion of personal privacy as defined in the Kentucky Open Records Act, KRS 6.870.
- k. To distribute or forward unsolicited commercial E-mail.
- l. To engage in other activities and non-business related activities that could cause congestion and disruption of networks and systems [; i.e. Internet games, online gaming, unnecessary Listserv subscriptions and mail attachments, and chat rooms such as Internet Relay Chat

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(IRC), I SeeK You (ICQ), AOL Instant Messenger and similar computer conferencing chat rooms on the Internet.

6. Employee Responsibilities:

- a. Employees shall use their access to the Internet and E-mail in a responsible and informed way, conforming to network etiquette, customs, courtesies, and any or all applicable laws or regulations.
- b. Employees shall secure all E-mail containing sensitive or confidential information during transit with approved security services or encryption tools, if and when available.
- c. As with other forms of publications, copyright restrictions/regulations shall be observed.
- d. Employees shall be aware that their conduct and information that they publish could reflect on the reputation of the Department. Therefore, professionalism in all communications shall be of the utmost importance.
- e. Employees shall represent themselves and the Department accurately and honestly through electronic information or service content.
- f. [7.] If an employee receives or is aware of the transmittal of E-mail which violates this policy, he shall report this violation to his immediate supervisor or the sender's supervisor and the DJJ Information Systems Branch Manager.

C. YOUTH ACCESS TO EMAIL AND INTERNET SERVICES

1. No youth shall be permitted access to e-mail.
2. Through use of the Proxy Server, the Information Systems Branch shall ensure that Sexually Explicit Materials are not available via any video or computer system, software or hardware product, or internet service in any classroom setting or areas where youth are present within the offices and programs of the Department of Juvenile Justice.
3. Internet access shall occur only in a DJJ classroom with Proxy Server in place. Internet access shall be supervised and purposeful for the completion of academic/vocational learning objectives.
4. Classroom teachers shall be provided access to the server to add Internet sites as required or the use of the class.; however, the Information Systems Branch shall monitor Internet usage monthly, on a random basis, to ensure no inappropriate sites are visited.

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#### D. ATTORNEY-CLIENT PRIVILEGE

1. The privilege shall be strictly construed and shall not be used to protect a transmission or document which fails to meet the criteria set forth below.
2. A message or transmission shall be subject to the attorney – client privilege if:
  - a. the communication is made in confidence to DJJ, Office of General Counsel;
  - b. by an employee of DJJ;
  - c. for the purpose of obtaining legal advice from a staff attorney acting in his professional capacity as legal counsel.
3. A transmission which is prepared in anticipation, or during the course of litigation shall be designated as “work product” for purposes of safeguarding the document or information from improper disclosure and applying the appropriate records retention schedule.

#### E. DISCLOSURE OF E-MAIL

1. E-mail may be subject to an open records request under KRS Chapter 61; therefore, any request for inspecting a transmission or obtaining a copy shall be subject to the procedures of DJJPP 132.1, Open Records, and the requirements and protections of KRS Chapter 61, KRS 197.025 and KRS 439.510.
2. E-mail meets the legal definition of a document; therefore, these may be subpoenaed. If a subpoena for E-mail is received, the Office of General Counsel shall be contacted immediately.

#### V. MONITORING MECHANISM

Monitoring shall be conducted on an on-going basis by supervisory staff and employees of the Information Systems Branch.

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b>
<b>CHAPTER: Administration</b>		<b>AUTHORITY: KRS 15A.065, KRS 635.095 and KRS 640.120</b>
<b>SUBJECT: Staff Dress and Appearance</b>		
<b>POLICY NUMBER: DJJ 116</b>		
<b>TOTAL PAGES: 2</b>		
<b>DATE ISSUED: 02/03/09</b>		<b>EFFECTIVE DATE: 02/03/09</b>
<b>APPROVAL: J. Ronald Haws</b>		<b>, COMMISSIONER</b>

**I. POLICY**

Department Of Juvenile Justice Youth Workers in Youth Development and Detention Centers shall establish and adhere to specific written guidelines regarding uniform dress and appearance while on duty.

**II. APPLICABILITY**

This policy shall apply to all DJJ state operated Youth Development and Detention Centers.

**III. DEFINITION**

Not Applicable

**IV. PROCEDURES**

- A. Clothing shall be proper in size, clean, pressed, maintained in good order and reflect a professional appearance.
- B. At the discretion of the superintendent, the employee's identification card may be required to be visible while on duty.
- C. Personal Accessories
  - For safety reasons, only the jewelry items listed may be worn:
    1. Two rings may be worn; a wedding ring shall count as one ring.
    2. Medical alert bracelets or necklaces (worn inside the neckline) may be worn to indicate medical conditions.
    3. One religious medallion may be worn inside the neckline.
    4. An employee may wear one pair of stud type earrings, post or clasp style.
    5. Other facial piercings shall be prohibited.
    6. One wristwatch may be worn.

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**D. Grooming**

1. Ornaments shall not be worn in the hair with the exception of neat and inconspicuous hairpins and barrettes.
2. Fingernails shall be clean, neatly trimmed and shaped to not present danger to self or others.
3. Cosmetics, when worn, shall be applied to enhance a professional image.
4. Hair coloring, if used, shall appear natural. Hairpieces or wigs worn on duty shall conform to the same standards as those for natural hair.
5. For safety reasons, male hair length, bulk or appearance of the hair shall not be excessive, ragged or unkempt. The hair on the crown and sides of the head shall be neatly groomed and trimmed. Hair in the front shall be groomed so that it does not touch the eyebrows. Sideburns, if worn, shall be neatly trimmed.
6. For safety reasons, female hair length, bulk or appearance of hair shall not be excessive, ragged or unkempt. Hair in the front shall not touch the eyebrows.

**E. Accessories**

1. Shoes: Black plain-toe leather, athletic, or walking shoes that are in good repair shall be worn. Pants shall be worn out over the footwear, with the exception of the Cadet Leadership Education Program (CLEP).
2. Socks shall be worn.

**F. Special Articles of Clothing**

1. During inclement weather, uniformed personnel assigned outside duties may wear certain articles of clothing to protect them from the elements, such as toboggans and neck scarves. Preferably these items shall be dark blue or black in color and shall be unadorned with plain hems. These articles shall be approved by the facility superintendent or designee and shall be furnished by the employee.
2. During cool weather, uniformed personnel may wear plain cardigan sweaters identical in color to the uniform.

**G. Supervisors are responsible for enforcing the dress code and personal hygiene requirements of employees. Employees may be subject to discipline for failure to abide by the established dress code.**

**H. All state issued clothing and equipment shall be returned to the appropriate supervisor upon separation from the department, and prior to receiving a last paycheck.**

**V. MONITORING MECHANISM**

The policy shall be monitored by the Superintendent.



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

**REFERENCES:**

**CHAPTER: Administration**

**AUTHORITY: KRS15A.065**

**SUBJECT: Weather Emergency**

**POLICY NUMBER: DJJ 117**

**TOTAL PAGES: 2**

**DATE ISSUED: 03/01/01**

**EFFECTIVE DATE: 03/15/01**

**APPROVAL: Ralph E. Kelly, Ed.D.**

**, COMMISSIONER**

**I. POLICY**

Residential and detention facility staff shall be designated as mandatory personnel and required to report to duty as scheduled even when state operations are suspended or temporarily closed due to localized adverse weather.

Department of Juvenile Justice employees who are not designated for mandatory operations and choose not to work or to leave early in the event of adverse weather conditions shall have the time of the absence reported in accordance with 101 KAR 2:102 (10).

**II. APPLICABILITY**

This policy shall apply to all employees of the Department of Juvenile Justice.

**III. DEFINITION**

“Mandatory Personnel” means employees who are designated as such and required to report for duty in emergency or inclement weather conditions regardless of any public announcements to the contrary for state employees.

**IV. PROCEDURES**

- A. When a weather emergency has been declared, the Supervisor shall take necessary action to maintain continuous service.
- B. Mandatory personnel may be required to remain on duty beyond their normal scheduled hours until sufficient replacement staff are available. When staff are required to remain beyond their normal shift, the following shall apply:
  1. Employees may use telephones to notify their families;
  2. Employees shall take a 15-minute break after each additional 2.5 hours worked and a 30-minute break for meals every four hours.

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3. Employees shall be provided sleeping and leisure areas separate from youth residential areas if they are unable to return to their homes when needed to assist in providing twenty-four hour coverage.
- C. Employees who are required to work during an emergency situation shall be compensated pursuant to the provisions of 101 KAR 2:102 (5) and the Fair Labor Standards Act as amended.
- D. An employee who has prearranged annual, compensatory or sick leave shall charge leave as originally requested.
- E. Mandatory personnel who call in sick during weather emergencies may be required to furnish a physician's statement.

**V. MONITORING MECHANISM**

Supervisors shall monitor these activities as needed.



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

**REFERENCES:**  
**3-JTS-1B-16**  
**3-JDF-1B-17; 3A-25**  
**3-JCRF-1B-15**  
**1-JDTP-1B-16**  
**1-JBC-1B-15**  
**1-SJD-1B-13**

**CHAPTER: Administration**

**AUTHORITY: KRS 15A.065**

**SUBJECT: Insurance**

**POLICY NUMBER: DJJ 118**

**TOTAL PAGES: 2**

**DATE ISSUED: 08/01/02**

**EFFECTIVE DATE:**  
**08/15/02**

**APPROVAL: Ralph E. Kelly, Ed.D.**

**, COMMISSIONER**

**I. POLICY**

The Department for Juvenile Justice shall provide Worker's Compensation for all employees. A public employee blanket bond shall cover all employees. Liability insurance shall be provided for all official vehicles. The Department of Juvenile Justice shall also provide insurance on physical properties and the contents of those properties.

**II. APPLICABILITY**

This policy shall apply to all DJJ employees, offices and programs.

**III. DEFINITION**

Not Applicable

**IV. PROCEDURES**

A. Worker's Compensation: Claims for benefits shall be forwarded to the Department of Personnel, Division of Employee benefits, and Workers' Compensation Branch. Claims shall be processed and reviewed by the State Workers' Compensation Administrator along with the third party administrator.

B. Building and Contents Coverage: Coverage for losses to the building and its contents shall be covered by a private insurance carrier selected by the Department of Insurance (State Fire and Tornado Insurance Fund). In the event of loss to the buildings or their contents, immediately notify the DJJ Central Office

Insurance Representative for additional claim reporting requirements.

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- C. Blanket Bond: The blanket bond shall cover all losses resulting from crime or dishonesty by a state employee. The Finance and Administration Cabinet shall set the limits of coverage.
- D. State Vehicles: Employees driving state vehicles shall be covered by liability insurance secured for the Commonwealth by the Finance and Administration Cabinet. The Finance and Administration Cabinet shall set the limits of coverage. A Department of Transportation (DOT) Vehicle Operator's Handbook and insurance card shall be kept in the glove compartment of all vehicles; if missing, call 1-800-435-0714. In case of accident, the DJJ Central Office Insurance Representative shall be notified as soon as possible; also call the (DOT) Accident Hot Line (1-800-435-0714).
- E. Civil Liability: The Commonwealth of Kentucky preserves the sovereign immunity of the Department of Juvenile Justice or any of its officers, agents or employees while acting in the scope of their employment with the department, except where sovereign immunity is specifically and expressly waived as set forth by statute. No action for negligence may be brought in any court or forum other than the Kentucky Board of Claims. In accordance with KRS 44.070 to 44.165, the Board of Claims has exclusive jurisdiction to hear claims and to award compensation for damages sustained to either person or property.

**V. MONITORING MECHANISM**

The Director of Administrative Services and Fiscal Branch Manager shall monitor these activities.



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

**REFERENCES:**  
**3-JTS-1A-25-27**  
**3-JDF-1A-30, 31; 3D-05**  
**3-JCRF-1A-16-18**  
**1-JDTP-1A-22-24**  
**1-JBC-1A-20-23**  
**1-S.ID-1A-22-23**

**CHAPTER: Administration**

**AUTHORITY: KRS 15A.065**

**SUBJECT: News Media Contacts**

**POLICY NUMBER: DJJ 119**

**TOTAL PAGES: 3**

**DATE ISSUED: 08/01/02**

**EFFECTIVE DATE: 08/15/02**

**APPROVAL: Ralph E. Kelly, Ed.D.**

**, COMMISSIONER**

## **I. POLICY**

The Public Information Office shall be responsible for coordinating information dissemination for the Department. Coordination of this effort is through the Commissioner's Office. For release of routine public relations information to the media, the Public Information Office shall be available for consultation.

## **II. APPLICABILITY**

This policy shall apply to all Department of Juvenile Justice employees, offices and programs and shall govern the policy of contract programs and agencies in regards to news media contacts.

## **III. DEFINITION**

Not Applicable

## **IV. PROCEDURES**

### **A. Dissemination of Information**

1. The Public Information Office shall be informed of all correspondence to and from representatives of the media and shall determine the nature of the request.
  - a. Regional Facilities Administrators, Branch Managers, Superintendents, employees in Central Office, field offices, facilities, and community offices shall notify the Public Information Office in advance, through the appropriate chain of command, of media inquiries.
  - b. Arrangements for interviews and visits by representatives of the media shall be made in advance and have a specific goal in mind. The

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official in charge may allow visits without prior arrangement if there is sufficient personnel present and conditions are otherwise appropriate for the requested visit.

- i. The Regional Division Director shall be notified in advance when facility staff have been designated to talk with the press, or when a press representative visits a facility.
  - ii. Employees designated to speak with the media by permission granted by the Public Information Office or the Commissioner's Office shall restrict their comments to Department representation only, omitting personal views or opinions.
  - iii. Employees shall not hesitate to direct a reporter to the Public Information spokesperson when the subject matter shifts to a topic beyond their area of expertise.
2. Permission shall be obtained from the Commissioner or Public Information Office by Regional Facilities Administrators, Branch Managers, Superintendents or their designated staff members through the appropriate chain of command before announcements of AWOL, disturbances, accidents, fatal or severe assaults can be made to the local media. A written report shall be submitted immediately through channels by the Superintendent to the Regional Division Director after the incident occurs with copy forwarded to the Deputy Commissioner and Public Information Office. The Public Information Office shall notify the Justice Cabinet Public Affairs Office of such incidents.

**B. Media Visits**

1. When requests from the news media to visit a facility are received, the Superintendent shall follow the following procedures set forth in the visitation policy (DJJPP 310).

Each facility shall:

- a. Identify areas of the facility accessible to media representatives.
  - b. Designate a contact person for routine requests of information.
  - c. Protect the confidentiality of individuals including staff and residents.
  - d. Provide for special event coverage.
2. If the Regional Facilities Administrator or Branch Manager, after consultation with the Superintendent, determines that a visit may constitute a disruption of the treatment program or violate the rights of the residents, the Public Information Office, Deputy Commissioners and the

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Commissioner shall be advised through the appropriate chain of command.

**V. MONITORING MECHANISM**

The Regional Facilities Administrators, Branch Managers and Division Directors shall monitor this policy as needed.

	<p align="center"><b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b></p>	<p><b>REFERENCES:</b>  <b>3-JTS-3D-01, 02</b>  <b>3-JDF-3D-01, 02</b>  <b>3-JCRF-3D-01, 02</b>  <b>1-JDTP-3D-26</b>  <b>1-SJD-3D-01, 02</b>  <b>1-IRC-3D-01, 02</b></p>
<p><b>CHAPTER: Administration</b></p>		<p><b>AUTHORITY: KRS 15A.065</b></p>
<p><b>SUBJECT: Youth Access to Courts, Attorneys and Law Enforcement Officials</b></p>		
<p><b>POLICY NUMBER: DJJ 121</b></p>		
<p><b>TOTAL PAGES: 3</b></p>		
<p><b>DATE ISSUED: 03/01/01</b></p>		<p><b>EFFECTIVE DATE: 03/15/01</b></p>
<p><b>APPROVAL: Ralph E. Kelly, Ed.D.</b></p>		<p><b>, COMMISSIONER</b></p>

**I. POLICY**

Youth have the right of access to the courts. All youth in a DJJ operated program shall have access to legal representation. Interviews between youth and their attorneys and law enforcement officials shall be permitted.

**II. APPLICABILITY**

This policy shall apply to all state operated and contracted programs and to all youth in the care and custody of the Department of Juvenile Justice.

**III. DEFINITIONS**

1. "Blanket Interview" is defined as an interview with all youth at a facility.
2. "Legal Representative" means an assigned or retained attorney, or a paralegal who assists an assigned attorney.

**IV. PROCEDURES**

- A. Youth shall have uncensored, confidential contact by telephone, in writing, or in person with their legal representative(s). The youth shall have the right to contact and visit with counsel at any reasonable time. Program staff shall assist youth in making confidential contact with attorneys and authorized representatives. Such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.
- B. Accessing the Department's Contract Legal Service Provider
  1. Upon admission to a 24-hour residential Youth Development or Treatment

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Center, youth shall be informed both verbally and in writing of the method by which they may access a Department of Public Advocacy attorney. This information shall also be contained in the youth's orientation handbook. Youth shall sign an acknowledgement form indicating receipt of this information.

2. A sign-up system shall be implemented in each Youth Development or Treatment Center for youth who desire to speak with an attorney from the Department of Public Advocacy.
3. A record shall be kept of all youth signed-up to speak to the attorneys from the Department of Public Advocacy.
4. The Superintendent of each youth development and treatment center shall designate a staff member responsible to ensure that the above procedures are implemented and conducted on a continuous basis. The assigned counselor shall monitor procedures and attempt to ensure that the youth, and parent or guardian, understand the right to counsel.

C. Accessing Other Attorneys

1. Youth in DJJ facilities, group homes and day treatment centers have a right to consult with an attorney of their choice at a time reasonably convenient for all parties concerned, including management of the facility. Program staff shall assist youth in making confidential contact with attorneys and their authorized representatives. Such contact includes, but is not limited to telephone communication, uncensored correspondence, and visits. The assigned counselor shall attempt to ensure that the youth, and parent or guardian, understand the right to counsel.
2. Blanket interviews by attorneys shall not be granted.

D. Interviews by Law Enforcement Officials

1. The Regional Director or designee shall notify the General Counsel if a committed youth placed in a residential facility or group home is to be interviewed by a law enforcement officer in an official investigation.
2. Youth shall not be subject to interviews against their desires and shall be informed of their right to refuse and have an attorney of their choice present during questioning.
3. There may be exceptional cases involving children who are emotionally disturbed, mentally retarded, or who, for some other reason, may not be able to give a coherent, meaningful statement. For this reason, a staff member familiar with Department policy and the youth's specific needs

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shall be present during such interviews with law enforcement officials. Staff may tape the conversation and the tape should be kept in a locked location until the case has been resolved. When the youth does not wish to talk to law enforcement personnel, a staff member shall advise the law enforcement official of the youth's refusal and document the refusal. This shall not be done in the presence of the youth in question.

**V. MONITORING MECHANISM**

This policy will be monitored by the Superintendent and the Residential Facilities Administrator or Branch Manager on a continual basis.



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

**REFERENCES:  
3-JTS-1A-28  
3-JDF-1A-32  
3-JCRF-1A-19  
1-JDTP-1A-25  
1-JPAS-2-7022**

**CHAPTER: Administration**

**AUTHORITY: KRS 15A.065**

**SUBJECT: Legal Assistance for Department of  
Juvenile Justice Staff**

**POLICY NUMBER: DJJ 122**

**TOTAL PAGES: 3**

**DATE ISSUED: 09/13/10**

**EFFECTIVE DATE: 09/13/10**

**APPROVAL: J. Ronald Haws**

**COMMISSIONER**

## **I. POLICY**

Employees of the Department of Juvenile Justice shall be provided with adequate and appropriate legal advice and assistance in the performance of their duties and with legal representation in all civil actions arising from legitimate performance of those duties.

## **II. APPLICABILITY**

This policy shall apply to all DJJ employees.

## **III. DEFINITIONS**

- A. "Administrative Manager" means an employee within an organizational unit of the Department of Juvenile Justice (DJJ) with supervisory responsibility for carrying out the mission and policies of the Department within that unit. This term shall include Division Director, Assistant Director, Facilities Regional Administrator, Juvenile Services Regional Manager, Branch Manager, Justice Program Supervisor, Superintendent and Juvenile Services District Supervisor.
- B. "Counsel" means a legal advisor, lawyer, or counselor-at-law.
- C. "Legal Performance" means actions conforming to the positive rules of law or permitted by law.
- D. "Statute" means a law passed by a legislative body and set forth in a formal document.

## **IV. PROCEDURES**

### **A. Counsel Availability**

- 1. The Office of General Counsel shall be available for advice, consultation and representation of employees of the Department for the following:

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- a. Legal actions against the agency or institution;
  - b. Court decisions;
  - c. Youth rights;
  - d. Civil legal actions against Department employees for actions taken during the legal performance of their duties;
  - e. Personnel actions;
  - f. Administrative hearings.
2. The Office of General Counsel shall not be available for advice, consultation or representation of Department employees when the defense of the employee creates a conflict of interest between the Department and the employee or former employee or for criminal action taken against them.

**B. Legal Advice**

Consultation shall be available to provide advice on policy information, court requirements, and operational matters.

**C. Requests for Legal Assistance**

1. Requests for advice or representation shall be directed to the Administrative Manager.
  - a. The Administrative Manager shall forward the request with any comments or recommendations through channels to the appropriate Deputy Commissioner, who shall review the request and forward it to the Office of General Counsel.
  - b. Adequate background information and the reason for the request shall also be forwarded to the Office of General Counsel.
2. Department employees may make inquiries for legal advice directly to the Office of General Counsel when situations arise which require immediate legal counsel.
  - a. When making such requests, reasons for the assistance requested and the advice given shall be documented in writing by the employee or his supervisor.
  - b. A copy shall be forwarded to the Office of General Counsel.

**D. Evaluation of Requests for Legal Assistance**

1. The Department shall provide appropriate representation to all Department employees legitimately conducting their duty.

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2. If evidence indicates the employee's conduct was negligent, illegal or outside his scope of authority, legal representation may be denied as per KRS 12.212.
3. Upon the denial of legal representation, the Office of General Counsel shall provide the employee a written decision outlining the reason for the denial.

**E. Routing of Summons or Law Suits**

1. Upon receipt of a summons or law suit, Department employees shall adhere to the following procedure:
  - a. The staff member against whom the summons or lawsuit is directed shall sign the receipt and place the date, time of receipt and signature on the document.
  - b. Immediately upon receipt of the summons or lawsuit, copies shall be made with the original being mailed to the Office of General Counsel and, at facilities, notice given to the Superintendent or designee.
2. The Office of General Counsel or a designated staff person may receive a summons or lawsuit for an employee of the Department. In those instances the following procedure shall be used:
  - a. The staff member who receives the summons or lawsuit shall sign the receipt and place the date, time of receipt and sign name on the front of the document.
  - b. Immediately upon receipt of the summons or lawsuit, copies shall be made with the original mailed to the Office of General Counsel and a copy forwarded to the staff member to whom the summons or lawsuit is directed.

**V. MONITORING MECHANISM**

The activities of the Office of General Counsel shall be monitored by the Commissioner.

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: JTS-2B-06 JDF-2B-04 SJD-2B-04</b>
<b>CHAPTER: Administration</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Construction, Expansion or Renovation of Physical Properties</b>		
<b>POLICY NUMBER: DJJ 126</b>		
<b>TOTAL PAGES: 2</b>		
<b>DATE ISSUED: 02/15/04</b>		<b>EFFECTIVE DATE: 04/15/04</b>
<b>APPROVAL: Ronald L. Bishop</b>		<b>, COMMISSIONER</b>

## I. POLICY

The Department of Juvenile Justice shall provide for the construction of new facilities and for the major repair, expansion and/or renovation of existing properties.

## II. APPLICABILITY

This policy shall apply to physical properties planned, owned, or leased by the Department of Juvenile Justice.

## III. DEFINITION

“Major Construction” means any single project with an estimated cost of \$2,000 or more.

## IV. PROCEDURES

- A. Requests for major new construction, repair, expansion and / or renovation of physical plants shall be forwarded from the facility superintendent to the Capital Construction Branch Manager with copy sent to the appropriate Regional Manager, Regional Facilities Administrator, and Division Director.
- B. The Capital Construction Branch Manager shall have the appropriate staff review the request and consider all relevant factors, including, but not limited to alternatives considered, scope of need, population to be served, and availability of funding.
- C. When approved, the Division of Administrative Services, Capital Construction and Real Properties Branch, shall assist and

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monitor the implementation of construction projects that are charged to the facility's operating budget.

- D. When a separate Capital Construction Account is established and the project is paid for from funds placed in this account, the Division of Administrative Services, Capital Construction and Real Properties Branch, shall be responsible for implementation and monitoring of the project.

**V. MONITORING MECHANISM**

Monitoring shall be the responsibility of the respective Regional Division Directors and the Division of Administrative Services.



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

**REFERENCES:**  
3-JTS-2B-01, 02, 03, 10; 2C-01—12; 2D-01—05; 2E-01—12; 2F-01, 02; 2G-01—04  
3-JDF-2B-01, 02; 2C-01—12; 2D-01—03; 2E-01—13; 2F-2F-01, 02; 2G-01, 02  
3-JCRF-2B-01; 2C-01, 02, 04—08; 2D-01, 02 2E-01—09; 2F-01, 02; 2G-01  
1-JDTP-2A-04—08  
1-JBC-2B-01, 02; 2C-01—09; 2D-01—04; 2E- 01—12; 2F-01, 02; 2G-01—04  
1-SJD-2B-07; 2C-01—11; 2D-01—03; 2E-01—13; 2F-01, 02; 2G-01, 02

<b>CHAPTER: Administration</b>	<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Facility Physical Plant Requirements</b>	
<b>POLICY NUMBER: 126.1</b>	
<b>TOTAL PAGES: 2</b>	
<b>DATE ISSUED: January 18, 2006</b>	<b>EFFECTIVE DATE: 01/18/06</b>
<b>APPROVAL: Bridget Skaggs Brown</b>	<b>, COMMISSIONER</b>

**I. POLICY**

DJJ programs shall be in compliance with recognized national standards for space, design and environmental accommodations.

**II. APPLICABILITY**

This policy shall apply to all DJJ operated Youth Development Centers, Detention Centers, Group Homes and Day Treatment Programs.

**III. DEFINITION**

Not Applicable

**IV. PROCEDURES**

A. Documentation in the form of floor plans shall be maintained at the facility, reviewed annually and revised as necessary. Floor plans shall indicate space

<b>POLICY NUMBER</b> <b>DJJ 126.1</b>	<b>ISSUE DATE</b> <b>01/18/06</b>	<b>EFFECTIVE DATE</b> <b>01/18/06</b>	<b>PAGE NUMBER</b> <b>2 of 2</b>
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for all program functions. The facility operates with living units of no more than rated capacity.

- B. Documentation in the form of test reports of the levels of lighting and air quality shall be maintained at the facility. These tests shall be by an independent qualified source and shall be conducted on an annual basis. At any time there has been a change or modification to the physical plant which may in some way affect or change the existing conditions, another report shall be obtained.
- C. Documentation of test reports of noise levels shall be maintained at the facility. Decibel readings shall be taken using a sound level meter. Noise levels shall be monitored and recorded annually.
- D. Documentation in the form of periodic temperature checks of hot water for showers, laundry and dishwashing facilities shall be maintained at the facility.
- E. Preventative maintenance and monitoring of the facility's HVAC system shall be performed according to a prescribed schedule, and should be checked no less than once per accreditation cycle. (Reference DJJPP 427.) Additionally, all facilities shall record the temperatures of a sampling of youth and staff areas on no less than a semi-annual basis. This sampling shall be comprehensive and provide an overall documentation of the performance of the heating and cooling system. Any discrepancies observed shall be reported to maintenance staff or personnel responsible for mechanical systems.
- F. Superintendents shall submit a plan-of-action through the appropriate chain of command to the Manager of the Quality Assurance Branch for physical plant requirements found in noncompliance with accepted national standards during accreditation audits.
- G. Superintendents may submit a plan-of-action waiver request through the appropriate chain of command to the Manager of the Quality Assurance Branch after accreditation audits for one or more physical plant requirements, provided that overall programming compensates for lack of compliance. The waiver request shall be accompanied by a clear explanation of such compensating conditions. Waivers may be applied for only when the totality of conditions safeguards the life, health and safety of youth and staff.

## **V. MONITORING MECHANISM**

The facility superintendent or designee and the Quality Assurance Branch shall monitor compliance with this policy.



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

**REFERENCES:  
3-JTS-1F-02-06; 4C-45, 46  
3-JDF-1F-03-08; 4C-43, 44  
3-JCRF-1F-05-09; 4C-26  
1-JDTP-1F-04-08; 3B-14  
1-JBC-1F-03-06; 4C-40, 41  
1-SJD-1F-02-07; 4C-36, 37  
NCCHC Y-71**

<b>CHAPTER: Administration</b>	<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Research Projects</b>	
<b>POLICY NUMBER: DJJ 127</b>	
<b>TOTAL PAGES: 6</b>	
<b>DATE ISSUED: 08/01/02</b>	<b>EFFECTIVE DATE: 08/15/02</b>
<b>APPROVAL: Ralph E. Kelly, Ed.D.</b>	<b>, COMMISSIONER</b>

**I. POLICY**

It shall be the policy of the Department that research involving its activities or programs be conducted in a responsible manner which insures the confidentiality of youth.

**II. APPLICABILITY**

This policy shall apply to all Department of Juvenile Justice programs and offices.

**III. DEFINITIONS**

As used in this document, the following definitions shall apply:

- A. Agency Research: Studies conducted by employees of the Department usually by, or in conjunction with, the Division of Program Services.
- B. Cooperative Research: Any research which involves the collection of information pertaining to youth under the jurisdiction of the Department of Juvenile Justice or to employees of the Department of Juvenile justice which is conducted by non-Department persons or by Department personnel outside the normal duties of their job.
- C. Medical Research: Includes, but is not limited to, medical experiments and pharmaceutical studies using clients of the Department as subjects.
- D. Research Activities: The application of procedures for solving a problem or testing a hypothesis.

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#### **IV. PROCEDURES**

##### **A. Cooperative Research**

###### Application to Conduct Cooperative Research

1. All research requests shall be answered in a timely manner. Every application to conduct cooperative research shall be directed to the staff in the Division of Program Services.

a. A research proposal must meet the following criteria:

- i. The researcher and/or the sponsoring organization have professional standing in juvenile justice education or a related field.
- ii. The design of the research proposal is of sufficient quality to predict the results will be reliable and valid.
- iii. The project has identifiable benefits for the Department, particularly those projects which are compatible with efforts or include information which may be utilized by the Department.
- iv. The research is non-medical and is not of an experimental behavioral nature. "Experimental" medical treatment shall be permitted only when standard treatments of a life-threatening illness have been ineffective and the juvenile may benefit from "experimental" treatment as recommended by the treating physician and approved by the primary physician, the DJJ Medical Director and the youth's parent or guardian.
- v. The researcher agrees to abide by the conditions of participation specified herein.

b. A research proposal shall contain the following:

- i. Full name of the researcher, researcher's qualifications, and sponsoring organization, if any.
- ii. Statement of the purpose of the research.
- iii. Description of the methodology.
- iv. Specification of the information to be obtained and sources.

If information is obtained directly from subjects a copy of any questionnaires, tests or interviews to be used on subjects, as well as a copy of the Research Consent Form.

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- v. If identifiable information is to be obtained, the specific procedure to be utilized in order to comply with the conditions stated herein.
- vi. A signed statement of agreement to abide by the conditions of participation.
- c. In addition, the research staff may also request full documentation of any aspect of the research prior to a decision to approve or reject a cooperative research project.

## 2. Conditions of Participation

The researcher shall assume the responsibility for ensuring the protection of the rights and well being of the individuals involved in the study. Therefore, prior to receiving the Department's approval, the researcher shall agree to abide by the following conditions of participation:

- a. Information which identifies an individual may be used only for research or statistical purposes. Therefore, identifiable information shall not be revealed for any purpose other than approved research; shall not be included in reports or publications; and shall be maintained under physically secure conditions. At the termination of the project, identifying information, specifically name and identifying numbers shall be destroyed or otherwise separated from the data.
- b. Information may be collected directly from the research subject only with informed and voluntary consent of the youth and parent or guardian. The researcher is responsible for retaining a signed consent form which clearly states the purpose of the project and the activities in which the subject will be involved.
- c. Information designated as privileged in statutes shall not be disclosed by the researcher subject to the penalties specified.
- d. All information or data obtained under the auspices of a cooperative research project shall be made available to the Department upon request. This may include, but is not limited to, all raw data stored on electronic data processing equipment. Full documentation shall be required, including a comprehensive code listing as well as all computer programs, statistical techniques, etc. which were used to collect, analyze, or store the data. Data, when requested, shall be made available upon completion of the project. The researcher shall furnish the Department with a copy of the completed research, unless prior arrangements have been made to the contrary.

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- e. Information collected or obtained through cooperative research shall not be transferred to a third party without the approval of the Department. Recipients of transferred data are subject to the same conditions of participation stated herein.
- f. The offering of incentives to youth or employees for participation in research shall not be approved, unless in unusual and highly justifiable circumstances.

### 3. Processing of Proposed Cooperative Research

#### a. Review

Upon receipt of a request for approval of a cooperative research project, the Division of Program Services staff shall review the document to determine if it meets the guidelines specified herein. If the research staff finds the request unacceptable, it shall be returned to the researcher with a statement of additional information needed or a statement of why the proposal was not approved. If the proposal is acceptable, and involves facility or community services personnel or youth, the proposal shall be forwarded to the Regional Director. The Regional Director shall be responsible for discussing the proposal with the supervisor to evaluate the impact on programs and/or operations and communicating any concerns to research staff.

#### b. Approval

The Regional Director shall make the final recommendation for appropriate approval or rejection to the Program Services Director, Deputy Commissioner, and Commissioner.

#### c. Notification

The Program Services staff shall notify the researcher in writing of approval or disapproval within four weeks of receiving all the necessary information. The appropriate superintendent or supervisor shall be notified of approved cooperative research projects in a timely manner by the Director of Program Services.

### 4. Publication Rights

All publications shall contain a statement which acknowledges Department of Juvenile Justice participation in the project, but disclaims approval or endorsement of the findings. In the case of films, manuals,

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books, articles, or other copyright material, the Department reserves a royalty-free, non-exclusive and irrevocable license to reproduce and use such materials.

5. Medical Experimentation Upon Youth

No youth under the jurisdiction of the Department shall be the subject of medical, pharmaceutical or experimental behavior modification research. "Experimental" medical treatment shall be permitted only when standard treatments of a life-threatening illness have been ineffective and the juvenile may benefit from "experimental" treatment as recommended by the treating physician and approved by the primary physician, the DJJ Medical Director and the youth's parent or guardian. Youth shall not be asked to participate in research which, in the opinion of the Department, may result in undue physical or emotional stress.

6. Non-Compliance

Failure to comply with any of the policies or procedure stated herein shall constitute grounds for termination of the project and may result in denial of approval for future research proposals by the researcher and the sponsoring agency or institution.

B. Agency Research

The Program Services staff shall discuss the Department requirements regarding the use of research data with all persons who are authorized to conduct research projects. This information shall include at least the following:

1. Responsibility

As a general rule, research findings shall be disseminated regardless of the nature of the findings. Their publication may avoid duplication of effort elsewhere and provide for the sharing of knowledge and experience throughout the juvenile justice field.

2. Goal Measurement

A distinction is made between system review and program review. In a system review, overall performance of the entire field organization in achieving its goals and objectives is the object of measurement. In a program review, effectiveness of a particular program in the achievement of an immediate objective is the object of measurement.

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3. Distribution of Findings

Research results shall be given first to the requester for review, comment and/or changes. Within two weeks of receipt, the requester shall submit changes and/or comments to the research staff. The report shall then be disseminated to the management team for review and comment. If after one week no changes are requested, copies of the report shall be made available to interested person(s).

**V. MONITORING MECHANISM**

The Division of Program Services shall monitor this policy.

	<p align="center"><b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b></p>	<p><b>REFERENCES:</b></p>
<p><b>CHAPTER: Administration</b></p>		<p><b>AUTHORITY: KRS 15A.065</b></p>
<p><b>SUBJECT: Student Intern Program</b></p>		
<p><b>POLICY NUMBER: DJJ 128</b></p>		
<p><b>TOTAL PAGES: 4</b></p>		
<p><b>DATE ISSUED: 02/15/04</b></p>		<p><b>EFFECTIVE DATE: 04/15/04</b></p>
<p><b>APPROVAL: Ronald L. Bishop</b></p>		<p><b>, COMMISSIONER</b></p>

**I. POLICY**

Recognizing the need for trained staff within this agency, the DJJ supports practicum and cooperative educational experience for students. As an expression of this support, when appropriately supervised training resources are available, the DJJ shall provide placement resources for qualified students from accredited colleges and universities who are pursuing degrees in relative fields of study. To promote a productive learning environment, the student intern shall be provided with supervision and direction commensurate with the student's assessed knowledge, experience and ability.

**II. APPLICABILITY**

This policy shall apply to all Department of Juvenile Justice programs and offices.

**III. DEFINITION**

Not Applicable

**IV. PROCEDURES**

A. General Requirements

1. The school and the DJJ shall develop and sign an agreement, or Memorandum of Understanding, which shall specify the basis on which the DJJ may serve as a cooperative educational program facility for students. The agreement shall include and describe school, student and DJJ responsibilities. The agreement shall specify that the Department shall not assume liability for injury to students or faculty members which might be incurred in the course of the cooperative educational program. DJJ staff shall provide supervision to students and assign job duties that are commensurate with the assessed knowledge, experience and ability of the student. Care shall be exercised by DJJ staff to avoid placing the

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student in situations that may be harmful to the student or the clients the student may serve. The agreement shall specify the need for confidentiality of client records. Except as it pertains to DJJ business, the names of clients served shall not be used in oral or written communication.

2. After the supervisor is assured that the student intern has the ability to handle routine situations, the student may be given duties similar to regular staff. Initial student contacts with clients shall be made in the presence of a DJJ employee assigned to work with the student. As the student gains experience and confidence, routine job responsibilities may be assigned under supervision. Students shall not be permitted access to hard or electronic copies of Individual Client Records except for the cases they are working on.; access to electronic information systems shall be under the direct supervision of a DJJ employee. Students shall not be permitted to make a home visit alone in which there is concern regarding worker safety or there is reason to believe a youth may be at risk. Student interns shall not be permitted to assume sole responsibility for casework decisions or responsibilities. Student interns shall not be permitted to assume sole responsibility for supervision of minor children. Student interns shall not be permitted to transport clients of the DJJ or youth committed to the DJJ.
3. Except for research projects initiated by the DJJ, research projects conducted by student interns shall comply with policies and procedures outlined in DJJPP 127.
4. The practicum experience may be terminated by the student, the student's school, or the Department at any time. In the event that other arrangements are required, reasonable notice shall be given by the terminating party. Difficulties or problems encountered during the student's placement shall be resolved by cooperation among the faculty advisor, DJJ staff supervisors, and the student.

#### B. Eligibility

1. When appropriately supervised training resources are available, practicum placements shall be granted to graduate and upper-class undergraduate students who are:
  - a. Attending an accredited college or university that has entered into a student intern agreement with the DJJ.

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b. Pursuing a degree in a field considered relevant to the operation of the Department's programs.

2. Graduate students shall receive first priority for field placement with the Department.

C. Application Procedures

1. The student or faculty person may apply directly with the Superintendent/Office Supervisor of the local office or facility where the student desires to complete a practicum placement; or, the responsible faculty person may submit a request for student placement to the Director of the departmental division in which the faculty person desires to place a student intern. Requests made to the Division Director shall indicate the desired geographical location of the placement, length of placement, and educational needs of the student.

2. Prior to acceptance of a student intern, the Superintendent/Office Supervisor shall determine that the DJJ has entered into an agreement or "memorandum of understanding" with the college or university to provide cooperative educational placements for their students. The Superintendent/Office Supervisor shall carefully evaluate staff attitudes about the placement program. The evaluation shall ensure that the employee being considered for the student's placement supervisor is in a position to dedicate time to the practicum student and shall not feel undue stress from the added responsibility.

3. After the student is accepted for practicum placement with the Department, the Superintendent/Office Supervisor shall assure that the student is oriented to DJJ policies and procedures. The student shall be given a written job description developed in conjunction with the faculty supervisor. A copy of the job description shall be maintained on file at the office or facility of placement.

4. The accepted student shall submit to the supervisor, the assigned placement supervisor and the school faculty advisor a written outline, or Learning Agreement, of the objectives of the field placement. If the school faculty advisor and DJJ supervisors are in agreement with the learning objectives, the agreement is signed by all parties involved.

D. Evaluation and Reports

DJJ employees who serve as student supervisors shall be responsible for reporting the progress difficulties and accomplishments of the student as deemed necessary by the college or university advisor. The student supervisor

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shall report any concerns regarding the placement to the Superintendent/Office Supervisor. Upon conclusion of the period of field study, the student's placement supervisor shall prepare a written evaluation of the progress the student has made toward achievement of his learning objectives. The evaluation report shall be shared with the student's faculty advisor.

**V. MONITORING MECHANISM**

Monitoring shall be the responsibility of the respective Division Directors.

**MEMORANDUM OF UNDERSTANDING**

Between

Commonwealth of Kentucky  
Department of Juvenile Justice

And the

(Name of University/College)

Relating to

Student Placement Programs at  
Department of Juvenile Justice Offices and Facilities

This Memorandum of Understanding made and entered into as of the (day) of (month), (year) by and between the Commonwealth of Kentucky, Justice and Public Safety Cabinet, Department of Juvenile Justice, hereinafter referred to as the Department and (University Name) hereinafter referred to as the University.

The purpose of this Memorandum of Understanding is to provide student placement programs at the Cabinet’s Department of Juvenile Justice Offices and Facilities.

WITNESSETH:

WHEREAS,

The Department’s Offices and Facilities will serve as cooperative educational program facilities for the University students in such number and at such time as the parties hereto mutually agree.

**NOW, THEREFORE, THE PARTIES TO THIS MEMORANDUM OF UNDERSTANDING HEREBY AGREE AS FOLLOWS:**

**Section 1. The University agrees:**

- (1) To provide the appropriate instruction and control of its student interns to insure the proper application of principles and theory during their cooperative educational placement with the Department;
- (2) To become familiar with the policies, programs and procedures of the placement facility and the Department prior to initiation of student training programs and to maintain confidentiality of youth records at all times;
- (3) To be responsible for planning each students intern’s training in consultation with personnel of the placement facility or other appropriate Department personnel;
- (4) To select student interns with due care as to their suitability to perform assigned tasks and with due care as to their suitability to render services to clients;
- (5) To coordinate student intern training with placement facility activities to facilitate optimum client services;
- (6) To assist in the orientation of appropriate placement facility personnel to the aims, objectives, and educational methods of the University’s program;

- (7) To assist the Department in evaluating the practicum placement program and its impact on youth services;
- (8) To provide a faculty member responsible for the attainment of education goals.
- (9) To provide instruction and educational direction to the Intern, to provide linkage between the field placement experienced and the academic experience; and
- (10) To evaluate the Intern's performance in conjunction with the Department's field instructor.

**Section 2. The Justice Cabinet, Department of Juvenile Justice agrees:**

- (1) To serve as a cooperative educational program facility in which a limited number of student interns per academic semester may be assigned;
- (2) To provide staff time for planning with faculty of the University for suitable student intern experiences;
- (3) To provide staff time for the orientation of University faculty to the placement facility's policies, programs and procedures; and
- (4) To exercise its customary responsibility relative to determining the treatment of clients.

**Section 3. The Department and the University mutually agree as follows:**

- (1) That the student interns in this cooperative educational training program shall not be deemed to be employees of the Department, they will receive no remuneration from the Department and they shall not be covered by the Department's Workers Compensation insurance coverage;
- (2) The Department assumes no responsibility for providing students with meals, laundry services, travel or other services or privileges;
- (3) The Department assumes no liability for injury to student interns or University faculty members which may be incurred in the course of the cooperative educational training program;
- (4) That the Department or the University may suspend or terminate the participation of any student intern in the cooperative educational training program conducted pursuant to this Memorandum of Understanding if it finds that the student intern's continued participation in the program is not in the best interest of youth placed in the Department's care, the student intern, the University or the Department;
- (5) That all regulations, policies and procedures of the Department will apply to persons engaged in the cooperative educational training programs, unless otherwise agreed by the parties in writing, and that confidentiality of client records shall be maintained at all times;
- (6) That the Department Policy 128, Student Intern Program, shall be followed by all persons engaged in the cooperative educational training program (copy attached);
- (7) That the scheduling of activities of student interns in the cooperative educational training program will be in accordance with the schedule of courses at the University and will be explored and planned with the placement facility or other appropriate Department personnel;
- (8) The student assignments, planned by the instructor in consultation with personnel of the placement facility, or other appropriate Department personnel, will be selected in accordance with the particular opportunities available through the placement facility and shall not require the adjustment of staffing patterns within the placement facility/office;
- (9) The student interns in training and faculty members of the University designated as academic supervisors for this cooperative educational training program will be assigned to the Department's placement facility for administrative purposes; and

(10) The paramount consideration in determining student intern assignments and in implementing all other facets of the cooperative educational training program will be the achievement of optimum client treatment through the placement facility.

**Section 4.** This memorandum of Understanding shall be effective for the school year beginning on (month/day/year) and ending on (month/day/year).

**Section 5.** Either party may cancel this memorandum of Understanding upon 30 days of written notice to the other party.

**Section 6.** This Memorandum of Understanding incorporates by reference the Student Intern Agreement (Addendum – Student Intern Agreement) executed by the student intern. The student inter shall sign the agreement prior to participating in the program.

**Section 7.** All parties understand and agree that duplicate originals of this Memorandum of Understanding as between the school and the Department shall be maintained by each entity. Furthermore, the Department shall maintain a copy of the original memorandum and of the Student Intern Agreement which shall bare the original signature of the Intern (Addendum – Student Intern Agreement).

**Section 8.** In case any one or more of the provisions of this Agreement shall be invalid, illegal, or unenforceable in any respect, the validity of the remaining provisions shall in no way be affected, prejudiced, or disturbed thereby.

This note has been delivered in, and shall be governed by and construed in accordance with the laws of, the Commonwealth of Kentucky.

**APPROVED:**

\_\_\_\_\_  
Commissioner  
Department of Juvenile Justice

Date: \_\_\_\_\_

**APPROVED:**

\_\_\_\_\_  
University Official

Date: \_\_\_\_\_

**RECOMMENDED BY:**

\_\_\_\_\_  
Regional Director  
Department of Juvenile Justice

\_\_\_\_\_  
University Official

**EXAMINED AS TO FORM AND SUBSTANCE:**

\_\_\_\_\_  
Attorney  
Department of Juvenile Justice

**STUDENT INTERN AGREEMENT**

**ADDENDUM**

**To the**

**MEMORANDUM OF UNDERSTANDING**

**Between**

**Commonwealth of Kentucky  
Department of Juvenile Justice**

**and the**

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The Department of Juvenile Justice and \_\_\_\_\_ firmly believe that educational internships serve a viable function in the pursuit of academic and professional achievement. In furtherance of this philosophy, and in accordance with the Department of Juvenile Justice Policy 128 (copy attached), this agreement is entered into by the student intern \_\_\_\_\_.

The Department of Juvenile Justice shall serve as an educational program for the Intern on behalf of \_\_\_\_\_. The particular nature of supervision and consultation provided will be determined by the specific placement afforded to the Intern.

The Intern understands and agrees:

- That they are provided no remuneration for any services performed for the Department of Juvenile Justice and are not an employee of the Department;
- That no insurance coverage, of any kind, is provided by the Department for their protection from liability of any type whatsoever;
- To be responsible for and to follow the School's and the Department's policies and procedures while engaged in this education program; and
- To adhere to all confidentiality provisions applicable to juveniles encountered during this program.

**The student intern is permitted to do an internship with the Commonwealth of Kentucky, Department of Juvenile Justice and the intern will be working with youth that may exhibit violent behavior. In exchange for the opportunity to participate in this internship, the intern agrees to hold the Department of Juvenile Justice and its employees, harmless from any liability incurred as a result of injury received by a resident.**

The student intern understands that participation in this intern program may be suspended or terminated if continuation in the program would be a detriment to the clients, the Intern, the School, or the Department of Juvenile Justice.

Entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
Day Month Year

\_\_\_\_\_  
Student Intern Signature

\_\_\_\_\_  
DJJ Legal Department Signature

\_\_\_\_\_  
DJJ Commissioner Signature

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: 3-JTS-1F-07 3-JDF-1A-26 3-JCRF-1A-10; 1F-02; 5B-06; 5C-04 1-JDTP-3D-20 1-SJD-1A-19</b>
<b>CHAPTER: Administration</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Cooperation with Community Agencies and Educational Institutions</b>		
<b>POLICY NUMBER: DJJ 130</b>		
<b>TOTAL PAGES: 2</b>		
<b>DATE ISSUED: 02/15/04</b>		<b>EFFECTIVE DATE: 04/15/04</b>
<b>APPROVAL: Ronald L. Bishop</b>		<b>, COMMISSIONER</b>

**I. POLICY**

DJJ shall cooperate with all elements of the criminal justice system in the delivery of services to youth, including coordinating delinquency prevention and planning.

**II. APPLICABILITY**

This policy shall apply to all DJJ offices and programs.

**III. DEFINITION**

“Planning” means a scheme of action or procedure which, within the greater juvenile justice field, shall make more effective or more efficient the task of delinquency prevention, detection and intervention.

**IV. PROCEDURES**

A. DJJ shall be represented in state, regional or national planning efforts that may effect the design, administration, or delivery of juvenile justice programs. This may be achieved by:

1. Membership for appropriate agency officials in the state, local and national juvenile justice associations;
2. Involvement with legislative leaders, community leaders and consumers;
3. Cooperation with local juvenile justice agencies; and
4. Cooperation with colleges and universities

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B. Community Planning Efforts

1. The Department shall facilitate and support the establishment of local Juvenile Delinquency Prevention Councils in designated counties to reduce the incidence of delinquency in those communities. The Councils shall be governed by statute under KRS 15A.300, 505 KAR 1:010, 1:050, 1:060 and 1:070.
2. The Department shall identify and remain informed as to all community planning efforts related to the Councils which directly or indirectly effect DJJ mission and programs.

V. **MONITORING MECHANISM**

This activity shall be monitored by the Office of the Commissioner, Division Directors and the Division of Program Services.



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

**REFERENCES:  
42 U.S.C.A. § 12111  
KRS Chapter 344  
101 KAR 2:020  
101 KAR 2:102(2)(f)  
101 KAR 2:076**

<b>CHAPTER: Administration</b>	<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: DJJ American Disabilities Act Reasonable Accommodations Protocol</b>	
<b>POLICY NUMBER: DJJ 131</b>	
<b>TOTAL PAGES: 2</b>	
<b>DATE ISSUED: March 15, 2007</b>	<b>EFFECTIVE DATE: 3/15/07</b>
<b>APPROVAL: Bridget Skaggs Brown</b>	<b>, COMMISSIONER</b>

**I. POLICY**

All requests made by a Department of Juvenile Justice (DJJ) employee for reasonable accommodations shall be made through the Superintendent, Juvenile Services District Supervisor (JSDS), Branch Manager, or Division Director in consultation with the Personal Branch.

**II. APPLICABILITY**

The policy is applicable to any DJJ employee making application for accommodations under the American Disabilities Act (ADA).

**III. DEFINITIONS**

“Safety Sensitive Position” means any position within the Department of Juvenile Justice that requires direct contact with youth in custody of the department.

**IV. STANDARD OPERATING PROCEDURES**

- A. An employee requesting reasonable accommodations shall submit a memorandum through channels to the Personnel Branch through the Division Director. The request shall include a current acceptable evaluation by an appropriate medical professional. The evaluation shall include a doctor’s statement indicating their current status relative to their ability to perform the essential functions of their current position, with or without reasonable accommodations.
- B. DJJ shall take a progressive approach in dealing with reasonable accommodations requests by:
  1. Assisting a DJJ employee who qualifies for a vacant position;
  2. Reviewing other vacant positions within the facility or office where the employee currently works to which the employee can be transferred;

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3. Reviewing vacant positions in other facilities or offices within DJJ to which the employee can be transferred;
  4. Assisting in the submission of updated applications to the Personnel Cabinet so the employee can be placed on qualifying registers for consideration;
  5. Where appropriate, place the employee on accrued leave, Family Medical Leave (FML) , and/or leave without pay for up to one year;
  6. If the employee cannot return to work and perform the essential functions of the job after one year of leave without pay, assist the employee in resigning their employment, provided no vacant positions for which the employee may qualify are available as described above.
- C. The process to transition employees into other employment will be limited to sixty (60) days before termination.
  - D. Each facility or office shall review their environment to determine where positions are available which allows temporary transition of an employee to a position in which essential functions can be performed. Positions must already be established and vacant to be considered. Approved staffing patterns dictate the specific classifications and numbers of positions that facilities or offices can establish. DJJ cannot create positions to accommodate a request.
  - E. The Department of Juvenile Justice shall not honor requests for relief from mandatory overtime due to restrictions. This is an essential function of the department.
  - F. Light duty assignments shall be made on a temporary basis provided there are duties for the employee to perform and the condition does not exceed twelve (12) weeks duration. Extensions may be granted upon request of the employee and with approval of the Commissioner's Office. The employee shall be provided written confirmation of the duration of the temporary light duty by the Division Director in the employee's chain of command.
  - G. The Department cannot alter the essential functions and fundamental job duties of a safety sensitive position due to safety and security concerns, and the protection of youth, staff and visitors.
  - H. The Department of Juvenile Justice shall follow all applicable statutes and administrative regulations of the State Personnel Cabinet in carrying out this policy.

**V. MONITORING MECHANISM**

This policy shall be reviewed annually by the Commissioner's Office, Administrative Services, and Quality Assurance.

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b>
<b>CHAPTER: Administration</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Privacy of Health Information</b>		
<b>POLICY NUMBER: 132</b>		
<b>TOTAL PAGES: 11</b>		
<b>DATE ISSUED: 03/04/03</b>		<b>EFFECTIVE DATE: 04/14/03</b>
<b>APPROVAL: Ronald L. Bishop</b>		<b>, COMMISSIONER</b>

**I. POLICY**

It is the policy of the Department of Juvenile Justice to protect the privacy of individually identifiable health information in compliance with federal and state laws governing the use and disclosure of protected health information (PHI) pursuant to the requirements of the HIPAA privacy rule (45 CFR 164.500 et seq.). Parental access to a minor’s PHI shall be in accordance with state law.

**II. APPLICABILITY**

This policy shall apply to all employees of the Department of Juvenile Justice.

**III. DEFINITIONS**

- A. “Individually Identifiable Health Information” means information, including demographic information, that relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and
  - 1. That identifies the individual; or
  - 2. With respect to which there is reasonable basis to believe the information can be used to identify the individual.
- B. “Licensed Healthcare Professional” means a medical doctor, a nurse, or a qualified mental health professional.
- C. “Protected Health Information” means individually identifiable health information that is transmitted or maintained in any form or medium.

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D. "Psychotherapy Notes" means notes recorded (in any medium) by a healthcare provider who is a qualified mental health professional documenting or analyzing the contents of conversations during private counseling sessions or a group, joint, or family counseling session and that are separated from the rest of the individual's medical record. "Psychotherapy notes" exclude medication prescriptions and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

#### **IV. PROCEDURES**

##### **A. Notice of Privacy Practices**

Beginning on April 14, 2003, a youth (and a youth's parent or guardian if the youth is under 18 years of age) shall be given a copy of the Notice of Privacy Practices as follows:

1. Every youth who is provided physical or mental health services, when provided by a qualified mental health professional, by DJJ personnel in the community at a DJJ office or in a DJJ program, shall be provided a copy of the Notice of Privacy Practices. The Notice shall be provided to the youth at his first appearance for services on or after April 14, 2003. Each youth, and a parent or guardian if appropriate, given the Notice shall be asked to sign an acknowledgment that the Notice has been provided. If the youth refuses to sign the acknowledgement, the employee providing the Notice shall note the refusal on the acknowledgement. The acknowledgement shall be maintained in the youth's file.
2. The Notice of Privacy Practices shall be posted in a prominent location in every DJJ community office.
3. Any youth who requests a copy of the Notice of Privacy Practices shall be given a copy.
4. The Notice shall be posted on DJJ's website.
5. If the Notice of Privacy Practices is changed, the amended Notice shall be provided as required above.

##### **B. Right to Access, Inspect and Copy Protected Health Information**

It is DJJ's policy to honor a youth's right of access to inspect and

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obtain a copy of PHI for as long as the PHI is maintained in compliance with HIPAA and DJJ's retention policy.

1. A youth who has or is receiving services from DJJ, a parent or guardian of a minor, or a personal representative shall make a written request to access to inspect or copy, or to receive copies of, PHI.
2. All requests for access to PHI shall be discussed with the Privacy Officer in the Office of General Counsel.
3. Action shall be taken on the request within 30 days after receipt of the request if the PHI has not been archived and within 60 days if the PHI has been archived. One 30-day extension is permitted if DJJ provides a written statement of the reasons for the delay and the date by which the request will be processed to the individual making the request.
4. The request may be denied without an opportunity for review if the information requested consists of:
  - a. Psychotherapy notes; or
  - b. Information compiled in anticipation of or use in civil, criminal or administrative action or proceeding.
5. The request may also be denied without providing an opportunity for review when:
  - a. The youth making the request is in placement in a treatment facility and the request to obtain PHI would jeopardize the youth, other youths, or the safety of any employee or other person at the facility, or a person responsible for transporting the youth.
  - b. The PHI was obtained from someone other than a healthcare provider under a promise of confidentiality and access would likely reveal the source of the information: or
  - c. Access is otherwise precluded by law.
6. The request may be denied under the following circumstances if the youth is given a right to have the denial reviewed:
  - a. A licensed healthcare professional has determined that the access is likely to endanger the life or physical safety of the youth or another person;
  - b. The PHI makes reference to another person who is not a healthcare provider, and a licensed healthcare professional has determined that the access request is

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reasonably likely to cause substantial harm to such other person; or

- a. The request is made by the youth's parent, guardian, or other personal representative and a licensed healthcare professional has determined that access is reasonably likely to cause substantial harm to the youth or another person.
2. If the request is granted, the individual and DJJ shall arrange a mutually convenient time for the individual to inspect and copy the information. If the individual agrees, a copy of the information may simply be provided.
  3. If the request is denied, a written denial shall be provided to the individual. The denial shall be in plain language and contain the basis for the denial, a statement, if applicable, of review rights, and a description of how the individual may complain to DJJ or to the Secretary of Health and Human Services.
  4. If access is denied because DJJ does not maintain the PHI that is the subject of the request, and DJJ knows where the PHI is maintained, DJJ shall inform the individual where to direct the request for access.
  5. DJJ shall, to the extent possible, give the individual access to any other PHI requested, after excluding the PHI denied.
  6. If the reason for denial is one that gives the individual right of review, the denial shall be reviewed by a licensed healthcare professional designated by DJJ and who did not participate in the original decision to deny if the individual who made the original request submits a written request for review. The reviewing professional shall make a decision within 30 days of receipt of the review request. Written notice of the reviewing professional's decision shall be provided to the individual.
- C. Amendment of Protected Health Information
- A youth, or the parent or guardian of a minor or other personal representative (if appropriate), who believes information in his health records is incorrect may request an amendment or correction of the information.
1. The request for amendment shall be in writing and clearly identify the information to be amended as well as the reasons for the amendment.

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2. The request may be denied if the material requested to be amended:
  - a. Was not created by DJJ;
  - b. Is not part of the juvenile's health record;
  - c. Is not part of the information that the youth would be permitted to inspect or copy; or
  - d. Is accurate and complete.
3. The request shall be forwarded to the Privacy Officer, in the Office of General Counsel, immediately. The request shall be acted on no later than 60 days after receipt of the request. DJJ may have a one-time extension of 30 days to process the request if the individual making the request is given a written statement of the reasons for the delay and the date by which the request will be processed.
4. If the request is granted, after review and approval by the individual responsible for the entry, DJJ shall:
  - a. Insert the amendment or provide a link to the amendment at the site of the information that is the subject of the request;
  - b. Inform the individual that the amendment is accepted;
  - c. Obtain the individual's identification of and agreement to have DJJ notify the relevant persons with whom the amendment needs to be shared; and
  - d. Within a reasonable time, make reasonable efforts to provide the amendment to persons identified by the individual, and persons that DJJ knows have the PHI that is the subject of the amendment and that they may have relied on or could foreseeably rely on to the detriment of the individual.
5. If the request is denied, DJJ shall provide a written denial, in plain language, that contains:
  - a. The basis for the denial;
  - b. The individual's right to submit a written statement disagreeing with the denial and how the individual may file such an amendment;
  - c. A statement that if the individual does not submit a written statement of disagreement, the individual may request that DJJ provide the individual's request for amendment and the denial with any future disclosures of the PHI that was the subject of the request; and

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- d. A description of how the individual may complain to DJJ or the Secretary of Health and Human Services.
  6. A written statement of disagreement with a denial shall be limited to one page in length. DJJ may prepare a written rebuttal to the statement. If a rebuttal is prepared, a copy shall be provided to the individual who made the request. If a statement of disagreement is submitted by the individual, DJJ shall identify the record of PHI that is the subject of the disputed amendment and append or otherwise link the individual's request for amendment, the denial, statement of disagreement, and the rebuttal, if any. If a written statement of disagreement was not submitted, the request for amendment and its denial, or a summary of such information, shall be included with subsequent disclosures of PHI only if the individual has requested such action.
  7. If DJJ is informed by another entity of an amendment to an individual's PHI, DJJ shall amend the appropriate record accordingly, in written or electronic form.
- D. Access to PHI by DJJ Employees
- It is DJJ's policy to protect the privacy of individually identifiable health information in compliance with state and federal law and to limit access to such information to employees who have a need for such information to perform their jobs.**
1. DJJ employees shall be granted access to PHI in accordance with state and federal law and relevant DJJ Policies and Procedures.
  2. DJJ employees shall access PHI relating to an individual only when such access is necessary to perform a function of their job.
  3. Communications between employees which involve PHI shall be considered confidential and shall not take place in public areas, unless it is absolutely necessary. If discussion must be held in a public area, reasonable steps shall be taken to assure confidentiality of PHI.
  4. Records shall be maintained in accordance with appropriate policies and procedures set forth in the Department's Policies and Procedures Manual.
  5. If PHI in any form is lost or stolen, the Privacy Officer, in the Office of General Counsel, shall be notified as soon as

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possible, but no later than two business days after the loss is discovered, in order for the Privacy Officer to initiate mitigation.

**B. Authorization for the Disclosure of PHI**

Unless one of the limited exceptions apply, DJJ shall not use or disclose PHI unless an authorization is obtained from the individual who is the subject of the PHI.

1. Any disclosures that occur shall be limited to the minimum amount of information necessary to meet the purpose of the use or disclosure, unless:
  - a. The disclosure is authorized by the individual;
  - b. The disclosure is required by law; or
  - c. The disclosure is to another healthcare provider and is for treatment, payment or healthcare operation purposes.
2. DJJ shall obtain an authorization for any use or disclosure of psychotherapy notes except:
  - a. To carry out treatment, payment or healthcare operations; or
  - b. For DJJ to use in defending itself in litigation or other proceedings brought by the individual.
3. PHI may be disclosed without authorization:
  - a. To a public health authority;
  - b. To report child abuse or neglect or other situations involving abuse, neglect or domestic violence;
  - c. To the Food and Drug Administration;
  - d. To a health oversight agency;
  - e. To judicial or administrative proceedings;
  - f. To law enforcement (but only in certain circumstances);
  - g. To avert a serious threat to health or safety;
  - h. For governmental functions (such as national security, veterans information);
  - i. To other agencies administering public benefits;
  - j. To medical examiners and coroners;
  - k. To funeral directors;
  - l. For organ donation purposes;
  - m. For some research purposes; or
  - n. As required or permitted by law.
4. Any questions as to whether use or disclosure is permitted shall be directed to the Privacy Officer, in the Office of

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General Counsel.

C. Accounting of Disclosures

An individual has the right to receive a written accounting of disclosures of PHI made by DJJ.

1. All disclosures of PHI shall be accounted for upon the request of the individual. "Disclosure" includes any form of communication that discloses PHI, including verbal.
2. The following list of exceptions do not require tracking or need to be accounted for:
  - a. Disclosures made for treatment, payment, and healthcare operations;
  - b. Disclosures made to the individual;
  - c. Disclosures made for national security or intelligence purposes;
  - d. Disclosures made to correctional institutions or law enforcement officials;
  - e. Disclosures made prior to April 14, 2003; and
  - f. Disclosures to health oversight agencies (contact the Privacy Officer if this situation arises).
3. A request for an accounting of disclosures shall be made in writing. The request may be for a period of up to six years prior to the date the accounting is requested. No accounting shall include disclosures made prior to April 14, 2003.
4. An accounting of disclosures shall include the following information:
  - a. Date of disclosure;
  - b. Name of person who received the PHI, and address, if known;
  - c. Brief description of PHI disclosed; and
  - d. Brief statement of the purpose of the disclosure or a copy of the individual's written authorization or a copy of the individual's written request for disclosure.
5. The accounting of disclosures shall be completed within 60 days of receipt of the request. If the PHI has been disclosed to a business associate, then a request shall be made by DJJ to the business associate to provide an accounting of disclosures of the individual's PHI. The business associate shall provide the accounting within 20 days of the request. DJJ is allowed one 30-day extension to complete the accounting, but the

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individual making the request shall be informed in writing of the delay, the reason for the delay, and the date the accounting will be provided. Notification of the extension shall be made to the individual within the original 60-day timeframe.

6. A copy of the accounting that is provided shall be maintained in the individual's record.
7. The accounting of disclosures shall be provided at no charge for a request made once during any twelve-month period. A reasonable fee shall be charged for any additional requests made during a twelve-month period provided that the individual is informed of the fee in advance and given an opportunity to withdraw or modify the request.

**D. Verification of Identity of Requestor**

Prior to disclosing PHI to third parties, the employee providing the information shall verify the identity of the requestor and the authority of the requestor to request the information.

1. PHI may be released to a third party only if an authorization has been signed by the individual who is the subject of the PHI, unless the situation is one of the exceptions set forth earlier in this policy or the HIPAA privacy rule.
2. The identity and authority of the party requesting the information shall be verified prior to the information being provided.
3. Any request that requires an authorization shall be discussed with the Privacy Officer prior to disclosure of the information.

**E. Complaint Process**

DJJ shall provide a process for an individual to file a complaint if the individual feels that his privacy rights have been violated.

1. DJJ strongly encourages that individuals and employees discuss and attempt to resolve issues in the most direct and informal manner at the local level.
2. If the complaint cannot be resolved informally, an individual may call, write or present in person the alleged privacy violation or complaint to the Juvenile Services Regional Manager or the Regional Facilities Administrator, depending on from where the complaint arises.
3. The complaint shall be summarized on the Complaint Report Form. The complaint must include the date on which the act being complained of occurred, a description of the PHI

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affected and how it was affected, the name of anyone who may have been improperly provided with the PHI, and the date the complaint is being made.

1. The Complaint shall be investigated and a written response provided to the individual who filed the complaint within 30 days from the date the complaint was filed. The Complaint shall be forwarded to the Privacy Officer and the investigation and the response shall be discussed with the Privacy Officer prior to completion.
2. A copy of the complaint and the response shall be filed with the Privacy Officer. If a violation was found to have occurred, the Privacy Officer shall, after discussion with appropriate management personnel, take any corrective action necessary, including disciplinary action against employees.
3. The Privacy Officer shall retain a record of the complaint for a minimum of six years.
4. There shall be no retaliation against any individual for filing a complaint.

**C. Judicial and Administrative Proceedings**

Except for information that is provided as statutorily required in the every day course of treatment, prior to providing PHI pursuant to any court order, subpoena, or other court or administrative proceeding document, the employee requested to provide the information shall discuss the situation with the Privacy Officer.

**D. Psychotherapy Notes**

Even though an individual has a right to access most health information, the individual does not have a right to access psychotherapy notes. Therefore, DJJ is not required to fulfill an individual's request for access to psychotherapy notes. An individual shall be informed of this limitation on access if the request will not be fulfilled.

In most circumstances, an individual's psychotherapy notes may not be used or disclosed without the individual's written authorization. An authorization is not required for the following uses or disclosures of psychotherapy notes:

1. To carry out the following treatment, payment or healthcare operations:
  - a. Use by the originator of the notes for treatment;

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b. Use by DJJ for its own training programs in which students, trainees, or practitioners in mental health learn under supervision to practice or improve their skills in group, joint, family or individual counseling; or

c. To defend itself in a legal action or other proceeding brought by the individual.

2. To respond to the federal Department of Health and Human Services to determine compliance with HIPAA privacy rules;
3. To comply with the law;
4. To assist in oversight of the originator of the notes;
5. To help coroners/medical examiners in the examination of deceased persons; or
6. To address serious public health or safety concerns.

**E. Training**

All DJJ employees who have access to PHI shall receive training related to this policy and HIPAA privacy rules. Acknowledgment of such training shall be received from each employee who receives the training.

**F. Privacy Officer**

The Assistant General Counsel in the Office of General Counsel has been designated as DJJ's Privacy Officer. Any questions related to this policy or HIPAA privacy rules may be directed to the Privacy Officer.

**IV. MONITORING MECHANISM**

The Privacy Officer and Quality Assurance shall monitor compliance with this policy.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b>
<b>CHAPTER: Administration</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Ombudsman</b>		
<b>POLICY NUMBER: DJJ 133</b>		
<b>TOTAL PAGES: 2</b>		
<b>DATE ISSUED: 11/16/09</b>		<b>EFFECTIVE DATE: 11/16/09</b>
<b>APPROVAL: J. Ronald Haws</b>		<b>COMMISSIONER</b>

**I. POLICY**

The Office of the Ombudsman shall work to ensure fairness and equality in all services and programs provided by the Department of Juvenile Justice and to facilitate communications between the Department, its employees, its clients and their families, governmental bodies, and the general public.

The Office of the Ombudsman shall receive and respond to inquiries and records requests and provide written and oral information to citizens, government agencies, and current or former youth and their attorneys.

**II. APPLICABILITY**

This policy shall be applicable to all programs and employees of the Department of Juvenile Justice, to youth under the supervision, or in the care and custody of the Department, and to the authorized representatives of those youth.

**III. DEFINITIONS**

Not Applicable

**IV. PROCEDURES**

A. The duties of the Ombudsman assigned to conduct complaint investigations shall include:

1. Report to the Office of the Commissioner;
2. Monitor the implementation and use of the Internal Grievance Procedure in all program areas;
3. Review the final decision of the facility superintendent concerning an internal grievance to ensure that it complies with policy and procedure, fairness and equality;
4. Advocate for needed or improved services to clients and their families;
5. Request corrective action for services not provided according to policy and procedure, fairness and equity, when necessary;
6. Respond to concerns and complaints from the general public and members of governmental bodies as they pertain to services of the Department;

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7. Coordinate with the Office of Investigations (OOI) to identify complaints received via the 800 hotline that need immediate attention;
8. Have access to all documents necessary for investigation. All staff shall be required to cooperate on inquiry being made by the Ombudsman;
9. Community Services, Day Treatment Programs, and all DJJ operated and contracted residential programs shall have access to the Office of the Ombudsman as described in [DJJ Policy and Procedures](#);
10. Provide training to DJJ employees concerning DJJ Policy and Procedures as they apply to grievances, service complaints, and investigations;
11. When requested, the Office of the Ombudsman will attempt to mediate disputes between families and service providers representing DJJ.

B. The duties of the Ombudsman assigned to conduct records requests shall include:

1. Report to the Office of the Commissioner;
2. Receive requests pertaining to:
  - a. Youth under the supervision or care and custody of the Department;
  - b. All open records requests;
  - c. Supervised placement requests; and
  - d. Other requests as appropriate.
3. Review, refer, and redact confidential information and prepare the outgoing records that are deemed responsive to the request; and
4. Maintains records and prepares and distributes reports as directed by the Office of the Commissioner.

#### **IV. MONITORING MECHANISM**

The activities of the Office of the Ombudsman shall be monitored by the Office of the Commissioner.

	<p align="center"><b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b></p>	<p><b>REFERENCES:</b></p>
<p><b>CHAPTER: Administration</b></p>	<p><b>AUTHORITY: KRS 15A.065</b></p>	
<p><b>SUBJECT: Records Requests</b></p>		
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<p><b>APPROVAL: J. Ronald Haws</b></p>	<p><b>COMMISSIONER</b></p>	

**I. POLICY**

Records shall be requested in writing according to established protocol in compliance with all applicable state and federal statutes. Designated department personnel shall respond to records requests promptly according to the procedures outlined in this policy.

**II. APPLICABILITY**

This policy shall apply to all employees of the Department of Juvenile Justice.

**III. DEFINITIONS**

- A. “Confidential records” means documentation which, if publically released, would constitute a clearly unwarranted invasion of personal privacy pursuant to [KRS 61.878\(1\)\(a\)](#). Juvenile records are confidential per [KRS 610.320](#) and [KRS 610.340](#) except as specifically authorized by these statutes. Medical and mental health records are confidential per [KRS 61.878\(1\)\(a\)](#), [KRS 61.878\(1\)\(k\)](#), [KRS 610.340\(1\)\(c\)](#), and [45 C.F.R. Part 164 \(HIPAA\)](#).
- B. “Custodian” means the persons authorized to have custody and control of assigned public and confidential records.
- C. “Exempt records” means records which are not subject to inspection as defined in [KRS 61.878](#).
- D. “Fee” means the copy cost of ten (\$0.10) cents per page or the cost of the media used for disclosure of information and any tax charges for the institution. If the record is requested in a non-standard form, the custodian may recover staff preparation costs. Fees may be charged at the discretion of the Office of the Ombudsman. Youth are not to be charged for an initial copy of their personal records. Intra-governmental agencies are not to be charged for initial copies of records.
- E. “Media” means the physical material in or on which records may be stored or represented, and may include paper, microfilm, disks, diskettes, optical disks, magnetic tapes, and cards.
- F. “Public Agency” means those individuals or entities as defined in [KRS 61.870\(1\)](#).

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G. "Public Record" means all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency as defined in [KRS 61.870\(2\)](#).

#### IV. PROCEDURES

##### A. Open Records Requests:

1. The Kentucky Open Records Act ([KRS 61.878-61-884](#)) establishes a right of access to public records. All public agencies are required to make all non-exempt public records available to any requester. All non-exempt public records which are prepared, owned, used, possessed, or retained in the normal course of business, shall be made available for inspection or copying.
2. Open Records Requests received from outside agencies or individuals shall contain:
  - a. A written request;
  - b. Name and address of the requester; and
  - c. A description of the documents with reasonable particularity of the public records being requested.
3. Duties of the Ombudsman when processing Open Records Requests:
  - a. When an open records request is received, it shall be immediately forwarded to the Office of the Ombudsman or, if they are unavailable, to the Office of Legal Counsel.
  - b. The Ombudsman shall notify the Commissioner, Deputy Commissioners, Office of Legal Counsel, and Justice and Public Safety Attorney of any open records requests and any subsequent response(s).
  - c. The request shall be scanned to the appropriate record holder(s). The Ombudsman shall notify each record holder of the open records request by e-mail, attaching the Ombudsman certification sheet. A description of the requested records shall be provided and the expected date of submission should be noted.
  - d. A response from the Ombudsman, either interim or final, shall be completed, approved, and mailed or faxed within three (3) business days after receiving an open records request.
  - e. When preparing an official response from the Department, a determination, should be made regarding:
    - i. If the Department has custody and control of the requested records. If not, the requester shall be notified of the name and location of the appropriate agency if available.

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- ii. If the public record is not readily available, the Office of the Ombudsman shall provide an explanation for the delay and a reasonable timeframe shall be noted in an interim response.
- iii. If the request is to be denied, the reason shall be clearly stated with supporting statutes within the response.
- iv. Whether or not applicable fees will be charged and if pre-payment will be requested pursuant to [KRS 61.874\(3\)](#).
- f. The Ombudsman shall collect and review all records responsive to the request from the appropriate record holder(s) and shall redact all exempt and confidential information contained within the responsive records pursuant to [KRS 610.340\(1\)\(a\)](#).
- 4. The custodian shall confer with the Office of Legal Counsel regarding the handling of any request.
- 5. Verbal requests for records will NOT be accepted.
- 6. General or blanket requests may be denied. The individual or organization shall be given the opportunity to amend the request to describe the document with reasonable particularity.
- 7. Requests for a compilation or lists of records shall be denied if the request requires a compilation or listing which does not exist and is not expected to exist in the future.
- 8. Waivers of fees for law enforcement and other government agencies shall be made on a case by case basis.
- 9. The final response will be approved by the Ombudsman's supervisors, as well as DJJ Office of Legal Counsel, prior to being provided to the requester.
- 10. The Office of the Ombudsman shall keep an electronic copy of all outgoing responses and attachments.
- 11. Any required fees, ten (\$0.10) cents per page plus postage, shall be paid by check or money order made payable to the Kentucky State Treasurer. The Department can request that the fee be paid prior to the release of any records.

**B. Youth Record Requests:**

- 1. Upon receipt of a request for records of youth currently probated, committed, or adjudicated to DJJ, the Office of the Ombudsman shall:
  - a. Confirm that the request and release(s) are valid;
  - b. The request shall be scanned to the appropriate DJJ record holder(s) or other DJJ personnel;
  - c. The Ombudsman should notify each record holder of the request by e-mail and attach the Ombudsman certification sheet. A description of the records requested shall be provided and the expected date of submission should be noted;

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- d. The Ombudsman shall collect, review, redact, and respond to, as well as provide the requested records, in a timely manner. A copy will be sent to requester via US Postal Service or Messenger Mail when possible. E-mailing of confidential documents is NOT permissible except under certain circumstances.
  - e. All documents responsive to the request should be scanned to the Ombudsman. An electronic copy of all requests, releases, and outgoing records shall be maintained in that office.
2. Upon notification of a youth record request by the Office of the Ombudsman the record holder shall:
    - a. Compile all applicable records (in their possession) that are responsive to the request;
    - b. Completely fill out the Ombudsman certification sheet;
    - c. Scan the records (certification sheet separately) to the Office of the Ombudsman;
    - d. If the record holder does NOT have records responsive to the request, an e-mail shall be sent to the Ombudsman stating this; and
    - e. Redactions of confidential information will be made pursuant to [KRS 610.340\(1\)\(a\)](#).
  3. All requests for records received by anyone other than the Ombudsman shall immediately scan the request to the Ombudsman and notify him or her of the request.
  4. Requests for records from law enforcement persons or peace officers currently investigating or prosecuting a criminal case shall have access to youth records per [KRS 610.340\(2\) & \(3\)](#).
  5. [KRS 610.342](#) mandates the release of youth records for attorneys representing a child under any proceeding under KRS 600 – 645 or under any adult criminal proceeding.
  6. All youth records requested or submitted from entities within DJJ as part of providing care to the youth do not need to be submitted to the Ombudsman. Email or a DJJ-issued picture identification card is an acceptable method of verification of identity when staff do not know each other by sight or voice.
  7. There is no charge for requests for youth records (unless the records have recently been provided to the same person, then the fee of ten (\$0.10) cents per page will apply).
- C. Supervised Placement Revocation Requests:**
1. Prior to the hearing:
    - a. The community Juvenile Service Worker (“JSW”) shall scan the anticipated hearing documents to the Office of the Ombudsman.
    - b. The Office of the Ombudsman shall review all documents for needed redactions.

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- i. If no redactions are needed, the packet is approved via e-mail.
  - ii. If redactions are needed:
    - a) The requester and the Office of Legal Counsel shall be notified that redactions are necessary.
    - b) Redactions shall be made and the revised packet or redacted pages shall be scanned to the JSW.
  - c. The Office of the Ombudsman maintains an electronic copy of the approved documents.
  - d. The JSW or designee presenting at the revocation hearing is responsible to make two copies of the approved documents.
    - i. One copy shall be forwarded to the youth's attorney as soon as practical and prior to the hearing.
    - ii. The second copy shall only be transferred to the hearing officer during the proceeding if deemed admissible in the Administrative Hearing.
    - iii. Those documents that are not admissible shall be destroyed after the hearing.
2. When a Supervised Placement Revocation request is not received prior to the hearing:
  - a. The JSW or designee presenting the case shall provide a copy of the records specifically related to the revocation to the youth's attorney at the hearing location.
  - b. Only documents deemed admissible in the Administrative Hearing shall be provided to the hearing officer.
3. If there is not sufficient time to obtain prior approval for all documents supporting the revocation to be released at the Revocation Hearing:
  - a. It is permissible to provide authorized documents to the youth's attorney and the hearing officer to the extent deemed admissible.
  - b. As soon as possible, but no later than twenty-four (24) hours later, excluding weekends and holidays, the JSW shall e-mail or global scan a copy of the released document(s) along with an explanation as to why the release without review was necessary to the Office of the Ombudsman. A copy of the e-mail shall be sent to the Juvenile Services District Supervisor and the Juvenile Services Regional Manager.

**D. Formerly Committed Youth Record Requests:**

1. Requests from former DJJ youth and attorneys of former DJJ youth shall be directed to the Records Officer within the Classification Branch.

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2. A parent or guardian of a formerly committed youth is permitted to make a request on behalf of the youth only if the parent or guardian has guardianship of a formerly committed youth who is now legally an adult. Proof of guardianship may be required by DJJ before records requests will be honored in this situation.
3. A written request from the former client will serve as a release of information and shall contain:
  - a. An approximate time-frame of commitment dates;
  - b. A list of DJJ facilities where youth was housed, in chronological order, if possible; and
  - c. Reasonable specificity of the documents requested.
4. If documents have been archived with the state library system, the documents will be requested from the Department of Libraries and Archives.
5. Once the custodian obtains the file, an appointment will be scheduled during which the requested documents may be reviewed.
6. If the location of the requester hinders a personal review, a copy of the documents shall be sent to the former client.
7. If no records are found, the records officer shall notify the requester.

**E. Interstate Compact Record Requests:** All requests for information received through the channels established by the Interstate Compact on Juveniles shall be processed through the Interstate Compact Coordinator.

**F. Subpoena and Court Orders for Records:**

1. When a youth records request is received in the form of a subpoena or court order, the designated staff shall respond as directed by the Commissioner. If that person is not available, the subpoena or court order should be sent to the Office of Legal Counsel for further advisement.
2. The Office of Legal Counsel shall receive a copy of all subpoenas and court ordered youth records request responses.
3. All other court orders and subpoenas of any kind shall be submitted directly to the Office of Legal Counsel for advisement.

**G. Other Record Requests:**

1. Requests from entities other than the former DJJ youth or their attorney, such as disability determination requests, shall be directed to the Records Officer within the Classification Branch.
2. Except in the event of a court order, a written request for information shall be accompanied by a valid release of information and shall be signed by the former DJJ youth. If the release is signed by another person, it shall not be processed.
3. The release of information shall include a detailed list of which DJJ generated documents are requested.

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- a. DJJ cannot release documents generated by other agencies.
- b. The requester shall be responsible for contacting the outside agency for instructions on how to request records from that agency.
4. The custodian may forward documents to a medical or mental health professional for review prior to release.
5. Once the file is ready for release, an appointment will be scheduled during which the requested documents may be reviewed by the requester.
6. If the location of the requester hinders a personal review, a copy of the documents shall be sent to the former client.
7. If no records are found, the custodian shall notify the requester.

**V. MONITORING MECHANISM**

This policy shall be monitored by the Office of the Commissioner and the Office of Legal Counsel.

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: NCCHC Y-50</b>
<b>CHAPTER: Administration</b>	<b>AUTHORITY: KRS 15A.065</b>	
<b>SUBJECT: Use of Tobacco</b>		
<b>POLICY NUMBER: DJJ 139</b>		
<b>TOTAL PAGES: 2</b>		
<b>DATE ISSUED: 08/01/02</b>	<b>EFFECTIVE DATE: 08/15/02</b>	
<b>APPROVAL: Ralph E. Kelly, Ed.D.</b>	<b>, COMMISSIONER</b>	

## **I. POLICY**

DJJ programs and offices shall provide a tobacco-free environment for youth and staff.

## **II. APPLICABILITY**

This policy shall apply to all Department of Juvenile Justice programs, offices and vehicles and to all contracted agencies and programs.

## **III. DEFINITION**

Tobacco products include smoking tobacco, chewing tobacco or snuff.

## **IV. PROCEDURES**

- A. No-smoking signs shall be conspicuously posted at each DJJ program or office and within each DJJ vehicle.
- B. Superintendents and office supervisors shall develop procedures that permit staff and visitors to use tobacco products in designated areas outside of occupied buildings, vehicles and youth activity areas. For staff, use of tobacco may only occur during scheduled break times. Noncombustible receptacles for smoking materials shall be provided. All receptacles shall be emptied and cleaned daily.
- C. The use of tobacco in any form by youth in DJJ and contract programs shall be prohibited. Tobacco shall be considered contraband when in the possession of a youth and subject to penalties prescribed in the facility's discipline procedures. Each youth entering a DJJ program shall be informed in writing of this policy. It shall be included in the resident orientation materials given to youth upon admission.

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D. Youth who are assessed as having dependency on tobacco products shall receive appropriate services to assist them with breaking the habit. Specific needs related to the immediate cessation of tobacco products may be addressed in the youth's Individual Treatment Plan.

**V. MONITORING MECHANISM**

This policy shall be monitored by superintendents and office supervisors, facility charge nurses, and regularly scheduled Quality Assurance Reviews.

	<p align="center"><b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b></p>	<p><b>REFERENCES:</b>  <b>3-JTS-3D-06</b>  <b>3-JDF-3D-06</b>  <b>3-JCRF-3D-05</b>  <b>3-JDTP-3E-03</b>  <b>1-JBC-3D-07</b>  <b>1-S.ID-3D-05</b></p>
<p><b>CHAPTER: Administration</b></p>		<p><b>AUTHORITY: KRS 15A.065</b></p>
<p><b>SUBJECT: Reporting of Special Incidents</b></p>		
<p><b>POLICY NUMBER: DJJ 140</b></p>		
<p><b>TOTAL PAGES: 3</b></p>		
<p><b>DATE ISSUED: 02/15/04</b></p>		<p><b>EFFECTIVE DATE: 04/15/04</b></p>
<p><b>APPROVAL: Ronald L. Bishop</b></p>		<p><b>, COMMISSIONER</b></p>

**I. POLICY**

It is the policy of the Department that all reports of special incidents shall be reported in accordance with the Kentucky Revised Statutes. It is the obligation of staff to report any special incident of which they have knowledge. Failure to report may result in disciplinary action. All reporters of suspected and known special incidents shall be protected from retaliation and all staff and juveniles shall be informed of their right to be free from retaliation.

**II. APPLICABILITY**

This policy shall apply to all employees of the Department of Juvenile Justice.

**III. DEFINITIONS**

- A. "Facility" means a group home, residential treatment or youth development center, or a detention center operated by or contracted with the Department of Juvenile Justice.
- B. "Founded" means that a Special Incident was determined to have occurred:
  - a. By an admission of the person responsible; or
  - b. By a preponderance of the evidence.
- C. "Special Incident" shall mean an act in which the health or welfare of a youth is harmed or threatened with harm by a staff person. It includes but is not limited to incidents when a facility staff person:
  - 1. Uses inappropriate or excessive force that could result in an injury.
  - 2. Engages in any sexual activity to include any contact or interaction, which uses or allows, permits or encourages the use of a youth for the sexual gratification of the perpetrator or another person.

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3. Uses inappropriate consequences such as excessive exercise, harsh physical work or other physical consequences outside accepted practices of the Department of Juvenile Justice.
  4. Uses or attempts to use a youth in the pursuit of the staff's own personal gain;
  5. Enters into a business relationship with a youth;
  6. Extends unearned special privileges to a youth in return for something done for staff.
  7. Accepts a bribe from a youth or indicate a bribe would be accepted.
  8. Enters any unlawful transaction with a youth as set forth in KRS 530.064, 530.065 and 530.070.
  9. Uses humiliating, demeaning, profane or racially charged language and/or gestures directed at a youth;
  10. Uses verbal threats of harm directed at a youth;
  11. Exhibits a pattern of harassing conduct directed at a youth;
  12. Does not provide appropriate supervision, medical care, food, clothing, shelter or education;
  13. Allows or encourages a youth to engage in an illegal activity such as use of drugs or alcohol or gambling.
- D. "Unfounded" means insufficient evidence was found to indicate that a Special Incident occurred.

#### **IV. PROCEDURES**

- A. Special Incidents in Residential Treatment and Youth Development Centers, Group Homes, and Detention Centers
1. The Justice Cabinet's Internal Investigation Branch (IIB) shall conduct investigations of all special incidents at all residential treatment and youth development centers, group homes, and detention centers operated by the Department of Juvenile Justice.
  2. A toll-free number, or in Youth Development and Treatment Centers telephones programmed to dial direct to the IIB and maintained in good working order, shall be accessible to youth and staff for use in the reporting of special incidents.

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3. It is the responsibility of all staff to immediately report special incidents to the Superintendent. If more than one staff witnesses or become knowledgeable of the occurrence or alleged occurrence of a special incident, each holds individual responsibility for making report to the Superintendent. Reports to the Superintendent are required whether staff observe the incident, are verbally informed of the incident from youth or staff or it is reported some other way. Reporting is required regardless of whether staff think that the incident has already been reported or will be reported.
4. The Superintendent shall make immediate report to the IIB. The Superintendent may use either the 800 phone number or, in Youth Development and Treatment Centers, telephones programmed to dial directly to IIB. A voice mailbox system shall be available for reporting Special Incidents after normal work hours.
5. The IIB shall not investigate reports that do not meet the definition of a Special Incident. IIB may notify the DJJ Ombudsman and refer such reports to other appropriate resources.

**B. Special Incidents in Day Treatment Centers and Community Service Offices**

Staff of the Department and contract programs who have knowledge of an alleged situation of abuse or neglect shall immediately make report to the local Department of Community Based Services (DCBS) office. This report shall be followed by completing the DSS-115, Report of Suspected Child Abuse or Neglect or Dependency and mailing it to the local DCBS office. DJJ staff filing the DSS-115 shall forward copy of the report to the DJJ Ombudsman

**V. MONITORING MECHANISM**

This policy shall be monitored by Division Directors or designees and the Division of Program Services.

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b>
<b>CHAPTER: Administration</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Staff Involved in Special Incident Allegations</b>		
<b>POLICY NUMBER: DJJ 142</b>		
<b>TOTAL PAGES: 5</b>		
<b>DATE ISSUED: 02/15/04</b>		<b>EFFECTIVE DATE: 04/15/04</b>
<b>APPROVAL: Ronald L. Bishop</b>		<b>, COMMISSIONER</b>

## **I. POLICY**

When allegation of a special incident is founded, disciplinary action shall be initiated with the perpetrating employee. Contact between an alleged perpetrator and an alleged victim shall cease at any point the alleged victim is determined to be at risk.

## **II. APPLICABILITY**

This policy shall apply to all employees of the Department of Juvenile Justice.

## **III. DEFINITIONS**

- A. "Facility" means a group home, residential treatment or youth development center, or a detention center operated by or contracted with the Department of Juvenile Justice.
- B. "Founded" means that a Special Incident was determined to have occurred:
  - 1. By an admission of the person responsible; or
  - 2. By a preponderance of the evidence.
- C. "Special Incident" shall mean an act in which the health or welfare of a resident is harmed or threatened with harm by a facility staff person. It includes but is not limited to incidents when a facility staff person:
  - 1. Uses inappropriate or excessive force that results in an injury;
  - 2. Uses inappropriate or excessive force that could result in an injury;
  - 3. Engages in any sexual activity to include any contact or interaction, which uses or allows, permits or encourages the use of a resident for the sexual gratification of the perpetrator or another person;

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4. Uses inappropriate consequences such as excessive exercise, harsh physical work or other physical consequences outside accepted practices of the Department of Juvenile Justice;
  5. Uses or attempts to use a resident in the pursuit of the staff's own personal gain;
  6. Enters into a business relationship with a resident;
  7. Extends unearned special privileges to a resident in return for something done for staff;
  8. Accepts a bribe from a resident or indicate a bribe would be accepted;
  9. Enters any unlawful transaction with a youth as set forth in KRS 530.064, 530.065 and 530.070;
  10. Uses humiliating, demeaning, profane or racially charged language or gestures directed at a resident;
  11. Uses verbal threats of harm directed at a resident;
  12. Exhibits a pattern of harassing conduct directed at a resident;
  13. Does not provide appropriate supervision, medical care, food, clothing, shelter or education; or
  14. Allows or encourages a resident to engage in an illegal activity such as use of drugs or alcohol or gambling.
- D. "Unfounded" means insufficient evidence was found to indicate that a Special Incident occurred.

#### **IV. PROCEDURES**

##### **A. ALLEGATION**

1. In situations where a staff member has evidence or reason to believe that a special incident has occurred, steps shall be taken to assure immediate report of the incident is made to the Internal Investigations Branch (IIB) in accordance with DJJPP 140.
2. When evidence or reason exists to support that continued contact with the alleged perpetrator during the course of investigation may place the alleged victim at risk:
  - a. The supervisor shall provide immediate notice to the Superintendent or District Office Supervisor with appropriate justification. This evidence

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or reason may include staff's self report or report by another staff member or other individuals present at the time of the allegation.

- b. The Superintendent or District Office Supervisor shall take action to insure that no contact occurs between the alleged victim and the alleged perpetrator by temporarily reassigning the alleged victim or the alleged perpetrator and/or making a change in the work schedule or change in a shift assignment.
  - c. The Superintendent or District Office Supervisor shall document the reasons for reassigning the staff involved. The Division Director and the Personnel Branch shall be consulted regarding the actions to be taken.
  - d. Any information that is related to this type of action shall be retained by the supervisor and Personnel Branch.
  - e. Respective Superintendents and District Office Supervisors, through the RFA or Regional/Branch Manager, may, when the allegation is such that another person is placed at risk of physical or emotional harm, immediately direct an employee to depart a DJJ facility or office in connection with any serious allegation. The Superintendent or District Office Supervisor shall advise the employee that they shall remain in their normal pay status pending further notice. If an employee is directed to leave a facility the Superintendent shall, on the next Central Office business day, notify the Personnel Branch of the incident and directive so that the department may obtain investigative leave authorization. Reference DJJPP 105.
3. If the allegation is unfounded the staff member(s) may continue duties as before.

## **B. FOUNDED INVESTIGATIONS**

1. Upon receipt of a "founded" investigation from the Internal Investigations Branch (IIB) or the Department of Community Based Services (DCBS):
  - a. The Commissioner shall provide copy of the founded report to the Executive Assistant to the Commissioner, the Deputy Commissioner, the Ombudsman, the Personnel Branch Manager, the Office of General Counsel and the appropriate Division Director.

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- b. The Division Director shall FAX copy of the report immediately to the respective Regional Facilities Administrator (RFA) or Regional/Branch Manager.
  - c. The RFA or Regional/Branch Manager and Superintendent or District Office Supervisor shall immediately determine a proposed Action Plan—Staff Disciplinary Response.
  - d. The Action Plan, with supporting justification, shall be faxed to the Personnel Branch Manager for response. The Personnel Branch manager shall access the Office of General Counsel and the Office of the Commissioner for consultation as needed.
  - e. The Personnel Manager shall advise the RFA or Regional/Branch Manager of the approved Action Plan.
  - f. The approved Action Plan, with appropriate disciplinary format, shall be forwarded immediately from the RFA or Regional/Branch Manager to the Division Director for approval. The Division Director shall then forward the plan to the Office of the Commissioner for signature and forwarding to the Personnel Branch Manager. The approved Action Plan shall be received by the Office of the Commissioner no later than fifteen (15) days from receipt of the substantiated investigation in the respective region.
  - g. The approved disciplinary action, with appropriate letter to the employee, shall be forwarded to the Commissioner for review and signature by the Personnel Branch Manager no later than twenty-one (21) days from receipt of the founded investigation in the respective region.
  - h. The Commissioner shall provide written notice of the disciplinary action to the Justice Cabinet Secretary, with copy to the Director of the Internal Investigations Branch, no later that thirty (30) days from receipt of founded investigation in the respective region.
  - i. The Office of the Commissioner shall maintain log of all founded IIB and DCBS investigations to include: IIB or DCBS report number, perpetrator, victim, date received, date forwarded to region, date response due, date response received, disciplinary action taken and date of notice to the Justice Cabinet Secretary.
2. In those instances of founded special incidents where the perpetrating employee is terminated, the department shall defend the agency action pursuant to the employee’s appeal before the Kentucky Personnel Board. Should the Personnel Board overturn the termination decision of the

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agency and order the employee's return to the department, the agency shall avoid placing the employee in a position directly interacting with youth pending any final review and/or appeal.

**V. MONITORING MECHANISM**

The Division Directors and the Quality Assurance monitoring team shall monitor this activity on continual basis.



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

**REFERENCES:**

<b>CHAPTER: Administration</b>	<b>AUTHORITY: KRS</b>
<b>SUBJECT: DJJ Internal Affairs</b>	
<b>POLICY NUMBER: DJJ 143</b>	
<b>TOTAL PAGES: 5</b>	
<b>DATE ISSUED: 02/15/04</b>	<b>EFFECTIVE DATE: 04/15/04</b>
<b>APPROVAL: Ronald L. Bishop</b>	<b>, COMMISSIONER</b>

**I. POLICY**

The Department of Juvenile Justice Internal Affairs Officer, as an extension of the Commissioner's Office, shall investigate complaints or allegations against employees.

**II. APPLICABILITY**

This policy shall be applicable to all Department of Juvenile Justice employees.

**III. DEFINITION**

Not Applicable

**IV. PROCEDURES**

- A. The Internal Affairs Officer shall be housed in the DJJ Central Office and supervised by the Office of the Commissioner.
- B. Investigations by the Internal Affairs Officer shall only be initiated by the Office of the Commissioner. Investigations without such prior approval shall not be permitted.
- C. The Commissioner or designee may direct an inquiry into alleged misconduct to determine whether or not an investigation should be initiated.
- D. Requests for investigations shall be made in writing and shall include all facts known at the time the request is submitted.
- E. Verbal complaints may be recorded and transcribed for signing by the complainant. Transcribed, but unsigned, verbal complaints shall not be made a matter of record, unless good cause exists. Persons making verbal complaints shall be made aware of this policy.

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- F. The Internal Affairs Officer shall handle only administrative investigations. If an investigation is determined to be criminal in nature, the unit, with approval of the Commissioner or designee, shall contact law enforcement for further criminal investigation or prosecution.
- G. Investigation of Special Incidents as defined in DJJPP 140 shall be outside the jurisdiction of the DJJ Internal Affairs Officer and shall remain under the sole authority of the Justice Cabinet Internal Investigations Branch. The Department of Juvenile Justice Internal Affairs Officer shall coordinate with the Justice Cabinet Internal Investigation Branch to identify allegations of Special Incidents that need immediate attention.
- H. For tracking purposes, all new investigations shall be assigned a case number and a case file opened. The format utilized shall be IA-(YY)-#### (starting with 0001). The inquiries, if any, shall be designated IAQ-(YY)-#### (starting with 0001). Start dates shall be 0001 hours on 1 January and ending at 2400 hours 31 December of each calendar year. All case files shall be securely stored under lock and key in the Internal Affairs office. Access to these files shall come from the Office of the Commissioner.
- I. Allegations which may be referred to the Internal Affairs Officer shall include, but not be limited to, the following:
1. Theft;
  2. Drinking, in possession of, or under the influence of alcohol or the presence of any measurable amount of illicit drugs in a person's system while on duty;
  3. Falsification of records or reports;
  4. Fighting or inciting a fight while on duty;
  5. Being insubordinate or refusing to comply with supervisor's reasonable instruction;
  6. Sleeping on duty;
  7. Failure to report a Special Incident, as defined in DJJPP 140;
  8. Sexual harassment or discrimination; and
  9. Retaliation by supervisor or employees against an employee who makes a complaint or are called to act as a witness.

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- J. The Internal Affairs Officer may assist in conducting employee background checks.
- K. The Internal Affairs Officer shall be trained in investigative techniques and shall be well versed in state personnel policies as it relates to investigations or allegations of misconduct.
- L. The Internal Affairs Officer shall have access to all documents necessary for investigation. All staff shall be required to cooperate with investigations conducted by the Internal Affairs Officer.
- M. Investigations conducted by the Internal Affairs Officer shall be in accordance with the following format:
  1. An interview with the DJJ employee, other than in the initial stage of the investigation, shall be scheduled at a reasonable time, preferably while the employee is on duty. The Internal Affairs Officer shall give an employee at least twenty-four (24) hours prior notice, unless the interview is needed immediately due to the seriousness of the allegation. Employees of DJJ, who may be potential witnesses and not being investigated, need not be given notice of the necessity of their being interviewed.
  2. The interview, depending upon the allegation, shall take place at the DJJ Central Office; the employee's assigned workplace or other appropriate location.
  3. Prior to an interview, the employee shall be informed of the nature of the complaint, the identity of the person in charge of the investigation, the identity of the person conducting the interview and the identity of all persons present in the interview. When a formal statement is being taken, all questions directed to the interviewee shall be asked by and through one interviewer.
  4. The employee shall not be permitted legal representation during an administrative investigation by the Internal Affairs Officer. The employee being investigated shall be given or read an "Admonition of Rights for Internal Administrative Investigations", to provide advisement of rights and warning of possible consequences for failing to answer questions or answer questions in a truthful manner.

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5. All formal interviews shall be taped, transcribed, and made a part of the case file.
  6. An employee under investigation shall be provided an opportunity to review any written statement pertaining to the incident under investigation prior to questioning. An employee providing a written or oral statement as a witness in an investigation shall be provided, prior to questioning, a copy of any statement he may previously have personally written.
  7. The interviewer shall limit questions to the specific allegations under investigation, unless the employee expresses a voluntary willingness to discuss other subjects.
  8. During the course of an interview, breaks shall be taken so the interviewee may attend to personal needs.
- N. The Internal Affairs Officer shall prepare written reports of investigations. These reports shall be of a fact-finding nature. They shall not contain conjecture, speculation, innuendo or personal opinion. The report shall not offer recommendations, nor shall the investigator have the ability to impose discipline or take administrative action. Report conclusions shall only use three categories:
1. Unfounded—Allegations are false or not factual or the incident occurred but was lawful and proper;
  2. Founded—Incident occurred and may merit further action; or
  3. Unsubstantiated—Insufficient evidence either to prove or disprove the allegation.
- O. All investigations shall be concluded within a reasonable period of time.
- P. Upon receipt of a “founded” investigation from the Internal Affairs Officer, the Office of the Commissioner shall provide a copy of the founded report to the Director, or other manager as appropriate, for required action.
1. The Director, or other manager as appropriate, shall immediately determine a proposed Disciplinary Action Plan. Disciplinary action shall comply with the provisions of KRS Chapter 18A and 101 KAR 1:345.

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2. The Director, or other manager as appropriate, shall then forward the Disciplinary Action Plan to the Office of the Commissioner for signature and forwarding to the Personnel Branch Manager. The approved Disciplinary Action Plan shall be received by the Office of the Commissioner no later than fifteen (15) days from receipt of the founded investigation by the respective Director.
  3. The approved Disciplinary Action Plan, with appropriate letter to the employee, shall be forwarded to the Commissioner for review and signature by the Personnel Branch Manager no later than twenty-one (21) days from receipt of the founded investigation by the respective Director.
- Q. The Internal Affairs Officer shall maintain a log of all DJJ Internal Affairs investigations and inquiries. The log shall list the complainant; the name of the employee involved; the date of alleged incident; the nature of the allegation; and the disposition.
- R. In those instances of founded investigations where the employee is terminated, the department shall defend the agency action pursuant to the employee's appeal before the Kentucky Personnel Board. The Internal Affairs Officer shall be expected to testify, if required, at personnel board hearings or, potentially, in court.
- S. The Commissioner or designee shall make all decisions as to referral for criminal prosecution.

**V. MONITORING MECHANISM**

Monitoring shall be the responsibility of the Office of the Commissioner.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: 3-JCRF-1A-15 1-JPAS-2-7013, 7105</b>
<b>CHAPTER: Administration</b>	<b>AUTHORITY: KRS 15A.065</b>	
<b>SUBJECT: Quality Assurance Monitoring Program</b>		
<b>POLICY NUMBER: DJJ 145</b>		
<b>TOTAL PAGES: 6</b>		
<b>DATE ISSUED: 09/13/10</b>	<b>EFFECTIVE DATE: 09/13/10</b>	
<b>APPROVAL: J. Ronald Haws</b>	<b>COMMISSIONER</b>	

## I. POLICY

In order to ensure the proper implementation of agency policy and youth services, the Department of Juvenile Justice shall develop a comprehensive program to monitor its operations through periodic inspections and program audits. Parties that are responsible for monitoring shall be outlined in DJJ Policy or through management directive.

## II. APPLICABILITY

This policy shall apply to all facility and support staff within the Department of Juvenile Justice

## III. DEFINITIONS

- A. "Area of Concern" means program issues or problems that are discovered during a monitoring visit that are not systemic but need correction.
- B. "Finding" means a wide-spread or systemic problems that violate policy, pose a threat to safety, security, well-being of youth, or threaten accreditation. Areas of Concern that are repetitive from year-to-year can also become a finding after a pattern is established. Findings require a Corrective Action Plan (CAP).

## IV. PROCEDURES

- A. Each facility Superintendent shall be responsible for monitoring the implementation of and adherence to DJJ policy.
  - 1. Each Superintendent shall develop a regular schedule to monitor their facility or office for policy compliance. This shall be referred to as "internal monitoring"
  - 2. Internal monitoring shall be documented, to include the date of the monitoring, the signature of the person monitoring, and the results of the monitoring.
  - 3. The "Monitoring Mechanism" section of each DJJ policy shall indicate the content and frequency of internal monitoring.

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4. Deficiencies noted on internal monitoring shall be corrected as soon as possible. The next internal monitoring report shall note whether or not the issue has been corrected.
  5. Internal monitoring documentation shall be forwarded to the Facilities Regional Administrator for review upon completion.
  6. Each Superintendent shall keep documentation of internal monitoring on file and available for review by supervisory staff, the Quality Assurance Branch, and other Department staff as indicated in DJJ policy.
- B. The Quality Assurance Branch (QA) shall be responsible for conducting scheduled annual facility monitoring visits and other monitoring visits as directed by the Commissioner's Office or the Division Director of Program Services.
1. QA is responsible for developing and maintaining an annual schedule of facility monitoring visits. This visit shall generally be scheduled approximately two (2) to three (3) month prior to the facility's scheduled reaccreditation audit.
  2. Specific QA staff shall be designated as lead monitors for each facility. These lead monitors shall coordinate the monitoring visit for each facility.
  3. Monitoring teams shall include at least one facility Superintendent.
  4. QA shall develop a "Monitoring Visit Protocol" for use during the monitoring visit. This protocol shall include all items required by DJJ policy along with any other required items. This monitoring tool shall be approved by the Commissioner, reviewed by all QA staff and facility Superintendents, and revisions made when necessary.
- C. Monitoring Visit Requirements
1. An entry and exit interview shall take place for each facility monitoring visit.
  2. The QA Lead Monitor shall brief the Superintendent at the end of each day prior to the final day regarding the progress of the monitoring visit.
  3. The Monitoring Visit Protocol shall be completed by hand during the visit and shall be reviewed with the Superintendent during the exit interview.
  4. A facility walk-through shall be conducted at each facility monitoring visit by the QA Lead Monitor and the facility Superintendent assigned to the monitoring team. QA shall develop a "Walk Through Checklist" to use during walk-throughs.
  5. Monitoring visits shall include a review of selected American Correctional Association accreditation files. QA shall develop and maintain an "ACA Compilation Tool" that shall list what documentation is to be placed in each ACA file. The Compilation Tool shall be reviewed each year by all QA staff and facility Superintendents and revisions made when necessary.
  6. At the conclusion of the monitoring visit, the monitoring team shall decide (based on the results of the monitoring) the Areas of Concern and Findings. These shall be decided by a majority of the team with the

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dissenting member documenting their reason for not joining the majority opinion.

7. The “Initial Report” shall be completed at the end of the monitoring visit by the QA Lead Monitor and shall incorporate the immediate findings of the monitoring team. The Initial Report shall be presented to the Superintendent at the conclusion of the monitoring visit.
- D. No longer than ten (10) working days after the completion of the monitoring visit, the QA Lead Monitor shall schedule the Review Meeting.
1. The Review Meeting shall consist of the QA Lead Monitor, the facility Superintendent, and the appropriate Facility Regional Administrator (FRA).
  2. During the Review Meeting, the Initial Report shall be discussed and Corrective Action Plans (CAPs) will be developed for any Findings from the monitoring visit.
  3. Any disagreement by the Superintendent or FRA with the Areas of Concern or Findings shall be discussed and consensus will be reached where possible.
  4. If consensus is reached, it is permissible for Areas of Concern to be removed from the Preliminary Report during the meeting.
  5. Findings cannot be removed except at the Exit Meeting, even if there is consensus among all parties.
  6. If consensus is not possible, it will be the responsibility of the disagreeing party to provide their disagreement (with justification) in writing to the QA Lead Monitor within five (5) working days of the Review Meeting for inclusion into the Preliminary Report.
- E. CAPs shall be developed at the Review Meeting for each Finding.
1. CAPs shall include the following elements:
    - a. The desired outcome;
    - b. A specific timeframe for completion of the CAP;
    - c. Specific assignments of responsibility for various program or office staff with the Superintendent bearing ultimate responsibility for the completion of the plan; and
    - d. Specific outcomes that will be monitored by the QA Lead Monitor after the completion of the CAP.
  2. CAPs are not required on Findings where there is an unresolved disagreement after the Review Meeting. The QA Lead Monitor shall note in the Preliminary Report that the Finding is “Contested”. This shall be

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reviewed during the Exit Meeting and if the Finding is upheld, a CAP shall be completed (see Section IV.J.5 below).

- F. The Preliminary Report shall be completed after the Review Meeting and consist of the Initial Report, documentation of the Review Meeting, any CAP's resulting from the Review Meeting, and documentation of any disagreements on Areas of Concern or Findings that were not reconciled during the Review Meeting.
- G. The Lead QA Monitor shall complete and disseminate the Preliminary Report within fifteen (15) working days of the completion of the Review Meeting. An extension on this timeframe can be approved by the QA Branch Manager when needed. The QA Branch Manager shall inform the Superintendent and FRA if an extension is granted and the date the report will be complete.
- H. Following the dissemination of the Preliminary Report, the QA Lead Monitor shall notify the Commissioner's Office. The Commissioner's Office shall schedule the Exit Meeting as soon as possible.
- I. Participants at the Exit Meeting shall include the Commissioner or an assigned Deputy Commissioner(s), the QA Branch Manager, the QA Lead Monitor, the Superintendent, the FRA, the appropriate Regional Division Director, the Division Director of Program Services or designee, and other Departmental staff at the Commissioner's direction.
- J. The Exit Meeting shall be structured as follows:
  - 1. The QA Lead Monitor shall present all Areas of Concern and Findings from the Preliminary Report.
  - 2. The facility Superintendent shall present CAPs for any Findings cited in the Preliminary Report.
  - 3. The Superintendent and FRA may present any disagreements recorded in the Preliminary Report.
  - 4. The Commissioner or assigned Deputy Commissioner shall make the final determination regarding Areas of Concern and Findings.
  - 5. Findings that are Contested at the Review Meeting and ruled as Findings at the Exit Meeting shall require a CAP. The CAP shall be determined at or immediately following the Exit Meeting and shall be included in the Final Report. The CAP shall meet all requirements as listed in Section IV.E above.

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K. The QA Lead Monitor shall complete and disseminate the Final Report within ten (10) working days of the completion of the Exit Meeting. The Final Report shall note the final decisions of the Commissioner or assigned Deputy Commissioner and finalize all CAPs.

L. The Final Report shall be disseminated to the Superintendent , FRA , appropriate Division Director, QA Branch Manager, Deputy Commissioner of Operations for facilities, Deputy Commissioner of Support Services, Assistant Director of Program Services, and Director of Program Services. The report shall be provided electronically to all parties and shall be available on the DJJ Portal.

M. The facility Superintendent shall be responsible for implementing CAPs as outlined.

N. The QA Lead Monitor shall be responsible for following up on CAPs within the timeframes outlined. After all CAPs have been reviewed, the QA Lead Monitor shall add an addendum to the Final Report that documents the results of the CAP follow-ups.

O. The Quality Assurance Branch shall monitor the use of restraints and isolation in DJJ Residential Facilities for adherence with department policy and procedure and prepare a statistical summary report quarterly to be submitted to the Commissioner’s Office and the Regional Directors.

**V. STAFF TRAINING**

A. The QA Branch Manager is responsible for developing and delivering training for QA staff on the monitoring protocol, walk-throughs, and ACA file review. This training shall be delivered to facility Superintendents prior to these staff joining monitoring teams.

B. All new facility Superintendents shall attend one monitoring visit as an observer after being trained prior to being assigned to a monitoring team.

**VI. MONITORING MECHANISM**

A. The Director of Program Services shall review all monitoring reports and meet with the QA Branch Manager on at least a monthly basis to review monitoring reports and discuss issues.

B. The QA Branch Manager shall ensure the Monitoring Visit Protocol, the ACA Compilation Tool, and other monitoring-related documents are reviewed

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annually by QA staff and facility Superintendents. Comments and suggested revisions from the field shall be compiled and considered in annual reviews.

	<p align="center"><b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b></p>	<p><b>REFERENCES:</b>  <b>3-JTS-4C-47</b>  <b>3-JDF-4C-45</b>  <b>3-JCRF-4C-27</b>  <b>1-JDTP-3B-19</b>  <b>1-JBC-4C-42, 43</b>  <b>1-SJD-4C-27</b>  <b>NCCHC Y-10. 11</b></p>
	<p><b>CHAPTER: Administration</b></p>	<p><b>AUTHORITY: KRS 15A.065</b></p>
	<p><b>SUBJECT: Death of a Youth</b></p>	
	<p><b>POLICY NUMBER: DJJ 147</b></p>	
	<p><b>TOTAL PAGES: 4</b></p>	
	<p><b>DATE ISSUED: 08/01/02</b></p>	<p><b>EFFECTIVE DATE: 08/15/02</b></p>
	<p><b>APPROVAL: Ralph E. Kelly, Ed.D.</b></p>	<p><b>, COMMISSIONER</b></p>

**I. POLICY**

In the event of the death of a youth in an out-of-home placement prompt notification shall be provided to the coroner and appropriate law enforcement officials, to the parent or guardian of the youth, and to Department of Juvenile Justice officials. An Internal Review Process shall be established by the Commissioner to review all fatalities of youth in out-of-home placement.

**II. APPLICABILITY**

This policy shall be applicable to all youth under the care and custody of the Department of Juvenile Justice.

**III. DEFINITION**

Not Applicable

**IV. PROCEDURES**

- A. Notification to the parent shall be made by the Juvenile Service Worker except in the case of detention, alternative to detention and day treatment programs where the Superintendent or Detention Alternatives Coordinator shall be responsible for notification.
- B. Staff shall follow these procedures when death occurs in a youth development center, DJJ operated or contract day treatment center or group home; or DJJ operated detention center:
  - 1. Staff on duty shall immediately notify the Emergency Medical Services (EMS), the Superintendent or ADO and the program nurse, where

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applicable, of the death of the youth. The EMS location and phone number shall be posted by the telephone in each program.

2. Staff on duty shall not disturb the body or the immediate area beyond any action necessary to check for vital signs or provide emergency resuscitation techniques.
3. The Superintendent or ADO shall notify the local law enforcement officials immediately upon the death of a youth.
4. The Superintendent or ADO shall immediately notify the Regional Facilities Administrator or Regional Manager and the Juvenile Service Worker. The Juvenile Service Worker shall immediately notify the parents or closest relative. Reference DJJPP 411. The Deputy Commissioner of Operations and Commissioner shall be notified immediately (not to exceed 24 hours) through the normal chain of command.
5. The Superintendent or ADO shall, without disrupting the scene or evidence, immediately investigate the incident, keeping in mind that if abuse, neglect, or exploitation is suspected, Child Fatality Investigations shall apply. In addition, the Superintendent shall immediately report any alleged abuse or neglect to the Internal Investigations Unit.
6. In the event the death of a youth occurs off campus and out of staff supervision (i.e., AWOL, home, furlough, off-campus work site, school, etc.), the same notification and documentation procedures shall apply. The Superintendent or ADO shall cooperate and communicate with the person in charge at the location of the death. Documentation, in addition to that required in these procedures, shall cover the circumstances surrounding the youth being off campus and out of staff supervision.
7. In compliance with KRS 72.020, the local Coroner's office shall be notified immediately.
8. All inquiries from the press shall be referred to the Public Information Officer.
9. Detailed documentation of the incident shall be entered in the case record by staff as soon as possible, including the time the Coroner was notified and pronouncement of death given, names of all staff involved, and all subsequent notifications of parents and guardians. All pertinent notifications and significant facts related to the death shall be fully documented in the client file. All staff with direct information regarding events surrounding the death shall document this information on an Incident Report.

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10. A final written report shall be prepared by the Superintendent to be submitted to the Regional Facilities Administrator or Branch Manager and the Division Director, with copies to the Deputy Commissioner for Operations and the Commissioner. Along with this report, a copy of the Coroner's or Doctor's report, and autopsy report when applicable, and any other relevant documentation shall be attached or forwarded to the Regional Director upon receipt.
  11. The youth's record shall be maintained at the facility until a final Coroner's report is entered into the record.
  12. Under Kentucky law, autopsies may be authorized by the Coroner, next of kin, or court order on petition of the County or Commonwealth Attorney. Staff may not authorize autopsies except in unusual circumstances, and then only upon advice of the Department's General Counsel and with approval of the Commissioner.
- C. Staff shall follow these procedures when death occurs in the community or a community-based program:
1. The Juvenile Service Worker shall immediately notify the Juvenile Service District Supervisor, Regional Manager and local law enforcement officials upon the death of a DJJ youth in a:
    - a. Foster Home;
    - b. Private Child Care Facility;
    - c. Psychiatric Hospital; or
    - d. Non-DJJ operated Detention Facility.
  2. The Division Director, Deputy Commissioner of Operations and Commissioner shall be notified immediately (not to exceed 24 hours) through the normal chain of command.
  3. The Detention Alternatives Coordinator (DAC) shall immediately notify local law enforcement officials and their supervisor, who shall upline according to the chain of command, upon the death of a youth in an Alternative to Detention Program.
  4. Notification to law enforcement shall include both County of Origin and County of Placement, if different.
  5. The responsible Juvenile Service District Supervisor shall designate staff to determine whether neglect or abuse is suspected in those situations where other youths are in the same placement. If the designated staff finds

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that neglect or abuse is involved, procedures outlined in DJJ Policy 140 shall be followed.

6. Procedures IV. A.7, 8, 9 of this policy shall be followed.
  7. Service providers having direct knowledge of the events surrounding the death shall be requested by the Juvenile Services Worker to supply a written narrative regarding the death for inclusion in the client file.
  8. The Regional Manager shall submit a final written report to the Division Director, with copies to the Deputy Commissioner of Operations and the Commissioner. Along with this report, a copy of the Coroner or Doctor's report, and autopsy report when applicable, and any other relevant documentation shall be attached or forwarded to the Division Director upon receipt.
- D. The Internal Affairs Unit (IAU) shall be contacted within five (5) working days of the fatality to conduct a fact-finding investigation of the incident. Written report of the investigation shall be submitted through the Deputy Commissioner(s) to the Commissioner.
  - E. The IAU shall review policy and procedures applicable to the incident, conduct staff and youth interviews, and review all documentation of the incident to determine if existing policy and procedures were appropriately implemented. The IAU shall submit its report to the Commissioner within thirty (30) calendar days of the date of the fatality. (This timeframe may be extended by the Commissioner in the event that the Coroner's report is not finalized.)
  - F. If a plan of corrective action is recommended by the Commissioner, the Division Director shall submit a subsequent report regarding the implementation and results of the corrective action to the Commissioner within thirty (30) calendar days of receiving the report. Follow-up reports may be requested at the Commissioner's discretion.
  - G. All family and personal resources shall be exhausted prior to recommending expenditure of Departmental funds for funeral and burial expenditures.

## **V. MONITORING MECHANISM**

Monitoring shall be done by the Deputy Commissioners.



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

**REFERENCES:  
3-JTS-1F-01, 08  
3-JDF-1A-06, 1F-01, 02  
3-JCRF-1F-01, 03, 04  
1-JDTP-1F-01-03  
1-JBC-1F-01, 02  
4-JCF-6F-04, 07  
1-JPAS-2-7074, 7075, 7077-79**

**CHAPTER: Administration**

**AUTHORITY: KRS 15A.065**

**SUBJECT: Information Systems**

**POLICY NUMBER: DJJ 149**

**TOTAL PAGES: 3**

**DATE ISSUED: 09/13/10**

**EFFECTIVE DATE: 09/13/10**

**APPROVAL: J. Ronald Haws**

**COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall maintain both manual and automated youth and management information systems. These information systems shall provide information necessary for the efficient and effective management of all aspects of the agency. The information system is part of an overall research and decision-making process related to both youth and operational needs.

**II. APPLICABILITY**

This policy shall apply to all employees, programs and offices of the Department of Juvenile Justice.

**III. DEFINITIONS**

“Use Instructions” means written documentation that provides the user of the information system with direction on how to use the information system or a specific component of the information system.

**IV. PROCEDURES**

A. Overall authority and responsibility for information systems in DJJ is assigned to the Division of Administrative Services, Information Systems (IS) Branch.

B. Information systems include youth record management programs and any other application that is designed to maintain information on Department functions. The design and format of the information system is the sole responsibility of the IS Branch and shall be based on current technology, overall usability, and best practices for similar types of systems.

C. The information system shall be reviewed regularly through the establishment and operation of a committee of appropriate DJJ staff referred to as the “Information System Committee.” This committee shall meet monthly to review the adequacy, effectiveness, and overall usability of the information system.

1. The Information System Committee shall be composed of the following staff:

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- a. The IS Branch Manager or designee, who serves as the Chair of the Committee;
  - b. The Division Director of Program Services or designee;
  - c. The Division Director of Community and Mental Health Services or designee;
  - d. Two Community Services Branch Managers as selected by the Division Director of Community and Mental Health Services;
  - e. One staff member representing each residential facility type (Youth Development Center, Detention Center, Group Home and Day Treatment) as selected by the IS Branch Manager;
  - f. The Classification Branch Manager or designee;
  - g. The Quality Assurance Branch Manager or designee; and
  - h. Other staff permanently or temporarily assigned as determined by the IS Branch Manager.
2. Requests for changes to the Information System shall be submitted in writing to the IS Branch Manager using the online "Change Request Form." The IS Branch Manager shall evaluate the change request for feasibility. If the request is feasible, it shall be taken to the Information Systems Committee for adoption or rejection. The IS Branch Manager or designee shall inform the requestor of the ultimate disposition of the request after the determination of the Information Systems Committee.
  3. Decisions on the adoption or rejection of a change request shall be made by a unanimous decision of the committee if and when possible. If consensus among all members cannot be reached, two-thirds support by vote is required for final approval. Otherwise the request shall be rejected. All decisions of the Committee are subject to override by the Commissioner's Office.
  4. The IS Branch is responsible for developing any changes that are accepted by the Committee. The Division of Program Services is responsible for the development and distribution of use instructions and training on any changes to the information system. Documentation such as use instructions (including user manuals) and all subsequent revisions shall be approved by the Commissioner prior to distribution to the agency.
  5. Changes to the information system shall not be deployed to users until use instructions and appropriate training have been delivered to all affected users.
- D. Data security shall be imposed by the system to only allow access to appropriate DJJ staff with a legitimate need for the information. All DJJ information shall be protected by appropriate security measures as determined by the IS Branch. Data shall be backed up and stored according to procedures developed by the IS Branch according to best practices in data collection and retention.

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- E. DJJ shall collaborate with other criminal justice systems and human service agencies in information gathering, exchange and standardization. Information in JORI shall be available for use in statistical reporting and research in accordance with the provisions on confidentiality of KRS 610.320, 610.340 and 635.120.
- F. All youth records maintained in the data system are to be maintained according to the established DJJ Records Retention Schedule.

**V. STAFF TRAINING**

Not applicable.

**VI. MONITORING MECHANISM**

- A. The Division of Administrative Services shall be responsible for ensuring the administration of the Information Systems Committee as outlined in this policy.
- B. The Division of Program Services shall be responsible for conducting an evaluation of the effectiveness of the information system as it relates to overall agency management on an annual basis. A report shall be generated as a result of this evaluation and it shall be distributed to all agency managers.