

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b>
<b>CHAPTER: Administrative</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: 3</b>		
<b>EFFECTIVE DATE: 12/01/2014</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>,COMMISSIONER</b>

## **I. POLICY**

When allegation of a special incident is substantiated, 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**

Refer to Chapter 100.

## **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, not substantiated, or exonerated the staff member(s) may continue duties as before.

**B. SUBSTANTIATED INVESTIGATIONS**

1. Upon receipt of a substantiated investigation from the Internal Investigations Branch (IIB), Ombudsman, 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.
  - 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

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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 than thirty (30) days from receipt of founded investigation in the respective region.
  - i. The Office of the Commissioner shall maintain a 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 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 or appeal.

## **V. MONITORING MECHANISM**

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