



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

**REFERENCES:
505 KAR 1:110
KRS 640.075; KRS 196.280;
KRS 197.170;
2-CO-4G-02
4-JCF-6G-07**

CHAPTER: Program Services

AUTHORITY: KRS 15A.0652

SUBJECT: Youthful Offenders

POLICY NUMBER: DJJ 346.1

TOTAL PAGES: 4

EFFECTIVE DATE: 4/05/2019

APPROVAL: Carey D. Cockerell

, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall maintain custody and control of a youthful offender (YO) sentenced to confinement to DJJ by a circuit court, in compliance with all applicable state laws and regulations. DJJ shall not extend jurisdiction for a YO beyond the age of eighteen (18) years and five (5) months except in special circumstances as defined by Kentucky Revised Statute (KRS) 640.075.

II. APPLICABILITY

This policy shall apply to YOs in placement.

III. DEFINITION

Refer to Chapter 300.

IV. PROCEDURES

A. A YO, who is sentenced to confinement by a circuit court, shall serve the sentence in a DJJ operated facility, or licensed facility, until one (1) of the following occurs:

1. Sentence expires;
2. Probated;
3. Shock probated;
4. Paroled;
5. Transferred to the Department of Corrections (DOC);
6. Attains the age of eighteen (18) years and five (5) months; or
7. As provided in KRS 640.075.

B. Transportation of a YO shall be in accordance with KRS 605.080 and DJJ policy.

POLICY NUMBER DJJ 346.1	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 2 of 4
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- C. The Classification Branch shall maintain a resident record card for each YO to show credit for time served. A copy shall be sent to the Superintendent or designee where the YO is placed.
- D. A YO shall remain in placement and custody of DJJ, until age eighteen (18) at which time the youth shall be returned to the sentencing court for a final sentencing hearing pursuant to KRS 640.030, unless the YO has been probated or released on parole. The sentencing hearing shall be held on or about the youth's eighteenth (18th) birthday.
- E. Thirty (30) days prior to the final sentencing hearing, the youth counselor shall prepare the final sentencing report for approval by the Superintendent or designee. Once approved, the final sentencing report shall be sent to the circuit court judge, the youth's attorney, the prosecuting attorney, the Juvenile Service Worker (JSW), the parent or caregiver, the Facilities Regional Administrator (FRA), the Regional Division Director, the Offender Information Administrator, and a copy placed in the youth's hard case file.
- F. At the final sentencing hearing, the court shall make one (1) of the following determinations for youth who are under eighteen (18) years of age:
 - 1. If the YO shall be placed on probation or conditional discharge;
 - 2. If the YO shall be returned to DJJ to complete a treatment program, which the treatment program shall not exceed the YOs attainment of the age eighteen (18) years and five (5) months. At the conclusion of the treatment program, the YO shall be returned to the sentencing court for a determination as set forth in KRS 640.030(2)(b); or
 - 3. If the YO shall be incarcerated in an institution operated by DOC. Reference KRS 640.030(2)(c).
- G. Youth initially sentenced, between the age of eighteen (18) years and the age of eighteen (18) years and five (5) months, shall be returned to the sentencing court upon attaining the age of eighteen (18) years and five (5) months if that individual has been sentenced to a period of placement or treatment with DJJ. The court shall have the same dispositional options as currently provided in KRS 640.030(2)(a) or (c).
- H. DJJ shall inform the sentencing court when a YO in their custody, pursuant to KRS 640.030(4), has attained the age of eighteen (18) years and five (5) months, and the court shall enter a court order directing the sheriff or jailer to transport the YO to the county jail to await sentencing pursuant to KRS 640.030(2)(a) or (c).
- I. Shock Probation
 - 1. A shock probation motion shall be made no earlier than thirty (30) days, or no later than one hundred eighty (180) days, after

POLICY NUMBER DJJ 346.1	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 3 of 4
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incarceration following a YO's conviction and sentencing.
Reference KRS 439.265 and KRS 439.267.

2. The court shall consider any motion for shock probation filed in accordance with above referenced statute within sixty (60) days, and shall enter its ruling within ten (10) days after considering the motion. The YO may, at the discretion of the sentencing court, have the right to a hearing on any motion they may file, or have filed for them, that would suspend further execution of their sentence. The YO may be released from custody by the court and granted probation under the supervision of DJJ. Reference KRS 439.265(2); KRS 439.267.
 3. If the circuit court grants the motion, the circuit court may issue an order of probation which specifies the length of the probation period and the imposed conditions of probation.
 4. The youth counselor shall coordinate with the JSW to initiate community supervision of the YO granted shock probation, in accordance with DJJ policy.
- J. Victim Information and Notification Everyday (V.I.N.E.)
1. Registered crime victims shall be notified of a YO's release prior to any planned release from confinement or escape from custody.
 2. DJJ shall contract with a vendor, by the authority of KRS 196.280, to provide notifications regarding convicted YO's to victims or members of the public who request to be notified regarding convicted YO's, through the automated victim notification system known as VINE.
 3. Participation by the victim or members of the public to enroll in VINE shall be voluntary and confidential.
 4. Only those victims or members of the public who have registered, shall receive electronic notification. Victims or members of the public may choose one of two methods to register:
Register electronically using the website, www.vinelink.com;
Register by calling the toll-free VINE line at 800-511-1670; or
Registrants may also call the DJJ toll-free VINE line at 866-249-6809 for information during normal business hours.
 5. A convicted YO shall be added to the VINE database by the Offender Information Administrator, no later than the day of initial placement by the Classification Branch, and in the event of a change in custody status, the Offender Information Administrator shall enter that custody status change in VINE.
 6. Notifications advise victims or members of the public that request to be notified, if a YO is absent without leave (AWOL), a sentence serve-out, or has a court-ordered release. The registrant may

POLICY NUMBER DJJ 346.1	EFFECTIVE DATE 4/05/2019	PAGE NUMBER 4 of 4
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choose to be notified in the event of a change of custody status by phone or email address.

V. MONITORING MECHANISM

This activity shall be monitored by the Superintendent, the FRA, Classification Branch Manager, and the Office of Legal Services.