



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

**REFERENCES:
4-JCF-6D-05
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	KRS 12.212
POLICY NUMBER: DJJ 122	
TOTAL PAGES: 3	
EFFECTIVE DATE: 5/15/2017	
APPROVAL: Carey D. Cockerell	, COMMISSIONER

I. POLICY

Department of Juvenile Justice (DJJ) staff may be provided 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 staff.

III. DEFINITIONS

Refer to Chapter 100.

IV. PROCEDURES

A. Counsel Availability

1. The Office of Legal Counsel may be available to provide advice, consultation, and representation to Department staff for the following:
 - 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 legitimate performance of their duties; or
 - e. Administrative hearings.
2. The Office of Legal Counsel may decline to provide for the defense of a civil action brought against a staff or former staff if it is determined:

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- a. The act or omission was not within the scope and course of employment of a state employee;
- b. The staff or former staff acted or failed to act because of fraud, corruption, or malice;
- c. Defense of the action by the department would create a conflict of interest between the department and the employee or former employee;
- d. Defense of the action would not be in the best interests of the department; or
- e. The staff or former staff acted in bad faith.

B. Legal Advice

DJJ staff shall have the ability to seek legal consultation 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 Legal Counsel.
 - b. Adequate background information and the reason for the request shall also be forwarded to the Office of Legal Counsel.
2. Department employees may make inquiries for legal advice directly to the Office of Legal Counsel when situations arise which require immediate legal counsel. When making such requests, reasons for the assistance requested and the advice given shall be documented in writing by the employee or his supervisor.
3. If evidence indicates the staff's conduct was negligent, illegal, or outside his scope of authority, legal representation may be denied as per KRS 12.212. Upon the denial of legal representation, the Office of Legal Counsel may provide notification to the employee.

D. Routing of Summons or Law Suits

1. Upon receipt of a summons or lawsuit, Department staff shall adhere to the following procedure:
 - a. Once served the staff member against whom the summons or lawsuit is directed shall sign the receipt and record the date, time of receipt, and signature on the document.

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- b. Immediately upon receipt of the summons or lawsuit a copy shall be electronically submitted to the Office of Legal Counsel, Office of the Commissioner, and Administrative Manager.
 - c. The original summons or lawsuit shall be mailed to the Office of Legal Counsel.
2. The Office of Legal Counsel will confer with the Office of the Attorney General when appropriate.

V. MONITORING MECHANISM

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