



1 JUSTICE AND PUBLIC SAFETY CABINET

2 Department of Juvenile Justice

3 (Amendment)

4 505 KAR 1:170. Department of Juvenile Justice Policies and Procedures: Prison Rape Elimination
5 Act of 2003 (PREA).

6 RELATES TO: KRS 15A.065, 15A.067, Chapters 600-645, 34 U.S.C. 30301-30309, 28
7 C.F.R. 115.5, 115.6, 115.311-115.393

8 STATUTORY AUTHORITY: KRS 15A.065, 15A.067, 15A.160, [~~15A.210, 200.115,~~
9 ~~605.100,~~] 605.150, 635.095, 640.120, 645.250

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160,
11 [~~15A.210,~~] 15A.305(5), 605.100, 605.150, 635.095, 640.120, and 645.250 authorize the Justice
12 and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative
13 regulations for the proper administration of the cabinet and its programs. This administrative
14 regulation incorporates by reference into regulatory form materials used by the Department of
15 Juvenile Justice in the implementation of a statewide juvenile services program.

16 Section 1. Incorporation by Reference.

17 The "Department of Juvenile Justice Policies and Procedures: Prison Rape Elimination Act of 2003
18 (PREA)", January 8, 2018, is incorporated by reference and includes the following: 900
19 Definitions (Amended 8/24/17); 901 Zero Tolerance of Any Type of Sexual Misconduct
20 (Amended 8/24/17); 902 Personnel Procedures (Amended 9/4/26[~~1/8/18~~]); 903 Prohibited
21 Conduct of Staff, Interns, Volunteers, and Contractors (Amended 8/24/17); 904 Contracted

1 Residential Entities (Amended 8/24/17); 905[90] Juvenile Vulnerability Assessment Procedure
2 (Amended 8/24/17); 906 Reporting and Investigating PREA Violations (Amended 8/24/17); 907
3 Resident PREA Education (Amended 1/8/18); 908 DJJ Response to a Report of a PREA Violation
4 (Amended 1/8/18); 909 Data Collection and Review (Amended 1/8/18); 910 Facility Security
5 Management (Amended 8/24/17); 911 DJJ Staff PREA Education and Training (Amended
6 8/24/17); and 912 Sexual Orientation and Gender Identity (Amended 1/8/18).

7 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
8 law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive,
9 Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday,
10 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Juvenile Justice website
11 at <https://djj.ky.gov/about/Pages/RegulationsFiled.aspx>.

505 KAR 1:170. Prison Rape Elimination Act procedures

9-4-26
Date


Troy Pollock, Executive Director, Office of
Detention, on behalf of:

Randy White, Commissioner
Department of Juvenile Justice

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation amendment shall be held November 24, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Deputy General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, KY 40601, Justice.RegContact@ky.gov, telephone number (502) 564-8216, facsimile number (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

505 KAR 1:170

Contact Person: Nathan Goens, Deputy General Counsel Justice and Public Safety Cabinet
125 Holmes Street, Frankfort, Kentucky 40601
Phone: (502) 564-8216
Email: Justice.RegContact@ky.gov

Subject Headings: Juvenile Detention and Justice; Background Checks; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation incorporates by reference into regulatory form materials used by the Department of Juvenile Justice (DJJ) in the implementation of a statewide juvenile services program.

(b) The necessity of this administrative regulation: This administrative regulation is needed to establish procedures for Prison Rape Elimination Act of 2003 ("PREA") compliance for DJJ, non-DJJ personnel, and juveniles in the custody of or under the supervision of DJJ .

(c) How this administrative regulation conforms to the content of the authorizing statutes: The authorizing statutes permit the cabinet and DJJ to implement practices or procedures to ensure compliance with federal PREA Standards and ensure the health and safety of the juveniles in the custody of or under the supervision of the DJJ.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation provides direction and information to DJJ employees, non-DJJ personnel, juveniles, and their families concerning procedures that govern operation of DJJ.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment updates DJJ Policy Number 902 in relation to the types of convictions that disqualify an applicant for hire or service.

(b) The necessity of the amendment to this administrative regulation: The amendment is needed to reconcile DJJ Policy Number 902 with statutory changes and to ensure the health and safety of juveniles.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes permit the Justice and Public Safety Cabinet and Department of Juvenile Justice to implement or amend practices or procedures to ensure the health and safety of juveniles in the custody of or under the supervision of DJJ.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides additional safeguards related to the hiring practices of DJJ to prevent individuals with disqualifying convictions from interacting with juveniles in the custody of or under the supervision of DJJ.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects approximately 1,302 merit

employees of DJJ as well as 422 juveniles in custody or under the supervision of DJJ and their families.

(5) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: DJJ will have to update its hiring practices to comply with amendments to DJJ Policy Number 902.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost to regulated entities identified in question (3) is anticipated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The changes will assist in ensuring a safe and healthy environment in DJJ facilities and the efficient operation of DJJ as a whole.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The administrative regulation impacts how DJJ operates but is not expected to increase costs.

(b) On a continuing basis: The administrative regulation impacts how DJJ operates but is not expected to increase costs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: DJJ budgeted funds for the biennium.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding is not anticipated because of this amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation does not create any fee.

(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

505 KAR 1:170

Contact Person: Nathan Goens, Deputy General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601

Phone: (502) 564-8216

Email: Justice.RegContact@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15A.065; 15A.067; Chapters 600-645; 34 U.S.C. 331-30309; 28 C.F.R. 115.5, 115.6, 115.311-115.393

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 15A.065, 15A.067, 15A.160, 605.150, 635.095, 640.120, 645.250.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Juvenile Justice ("DJJ")

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a): Department of Juvenile Justice

1. Expenditures:

For the first year: The administrative regulation impacts how DJJ operates but is not expected to increase expenditures.

For subsequent years: The administrative regulation impacts how DJJ operates but is not expected to increase expenditures.

2. Revenues:

For the first year: The administrative regulation does not generate revenue.

For subsequent years: The administrative regulation does not generate revenue.

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No affected local entities have been identified.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Approximately 422

juveniles in the custody of or under the supervision of DJJ will be affected by the amendment

(b) Estimate the following for each regulated entity identified in 5(a):

1. Expenditures:

For the first year: The administrative regulation impacts how DJJ operates but is not expected to increase expenditures for juveniles in the custody of or under the supervision of DJJ.

For subsequent years: The administrative regulation impacts how DJJ operates but is not expected to increase expenditures for juveniles in the custody of or under the supervision of DJJ.

2. Revenues:

For the first year: The administrative regulation does not generate revenue.

For subsequent years: The administrative regulation does not generate revenue.

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: The amendment is not anticipated to have a fiscal impact for the entities identified in (3)(a), (4)(a), and (5)(a).

(b) Methodology and resources used to determine the fiscal impact: The Department of Juvenile Justice reviewed the regulation, the policies incorporated in the regulation, and the amendments to DJJ Policy 902. The administrative regulation amendment impacts how DJJ operates. A fiscal impact was not identified because the only changes to the regulation relate to the types of convictions that would preclude an individual from working within DJJ facilities that house juveniles.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined in KRS 13A.010(14): This regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The Department of Juvenile Justice reviewed the regulation, the policies incorporated in the regulation, and the amendments to DJJ Policy 902. The administrative regulation amendment impacts how DJJ operates. A major economic impact was not identified because the only changes to the regulation relate to the types of convictions that would preclude an individual from working within DJJ facilities that house juveniles.

FEDERAL MANDATE ANALYSIS COMPARISON

505 KAR 1:170

Contact Person: Nathan Goens, Deputy General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601

Phone: (502) 564-8216

Email: Justice.RegContact@ky.gov

(1) Federal statute or regulation constituting the federal mandate. 28 C.F.R. Chapter 1, Part 115, §115.5, 115.6, and §115.311-501.

(2) State compliance standards: The state adopts the federal compliance standards through this regulation, internal policy, and actions taken by the Department of Juvenile Justice. The state has no separate compliance standards.

(3) Minimum or uniform standards contained in the federal mandate: Federal regulation establishes compliance standards for juvenile detention facilities to qualify for federal funds under the Prison Rape Elimination Act. These standards govern Prevention Planning, responsive planning, training and education, screening, reporting, response procedures, investigations, mandatory discipline, medical and mental care, data collection and review, and audits.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation will impose stricter requirements for the background checks imposed on employees, contractors, vendors, interns, and volunteers than the requirements in the hiring and promotion decision section of Prevention Planning.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The Department of Juvenile Justice believes that the additional requirements will better protect the health and safety of juveniles in the custody of or under the supervision of the DJJ by preventing individuals with disqualifying convictions from interacting with juveniles in the custody of or under the supervision of DJJ.

505 KAR 1:170

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

The amended policies and procedures incorporated by reference total 4 pages.

Department of Juvenile Justice Policy Number 902 was amended to update the types of convictions that disqualify an applicant for hire or service.

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: KAR 505 1:170
CHAPTER: Prison Rape Elimination Act of 2003 (PREA)		AUTHORITY: KRS 15A.065; 28 C.F.R 115; 28 C.F.R. 115.317; 28 C.F.R 115.376
SUBJECT: Personnel Procedures		
POLICY NUMBER: 902		
TOTAL PAGES: 4		
EFFECTIVE DATE: [03/09/18]		
APPROVAL: <u>Randy White</u>Carey D. Cockerell		COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall conduct background checks for DJJ staff, applicants, volunteers, interns, and contractors and explicitly indicate the prohibitions for employment or service with DJJ in accordance with the Prison Rape Elimination Act of 2003 (PREA).

II. APPLICABILITY

This policy shall apply to all DJJ staff, applicants, volunteers, interns, and contractors.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. DJJ shall maintain and facilitate personnel procedures to ensure that current staff, newly hired staff, volunteers, interns, and contractors have cleared all background checks required by this policy before having contact with juveniles under the custody, care, or supervision of DJJ.
- B. DJJ shall conduct background checks on all DJJ staff, volunteers, interns, and contractors and any applicant that is being considered for employment with DJJ, including the following:
 1. Criminal background or National Crime Information Center (NCIC) check;
 2. Sexual offender registry check; and

3. Child abuse and neglect registry check.
- C. DJJ shall conduct background checks on all DJJ staff every five (5) years. If DJJ is made aware of a criminal offense that may have been committed by a staff or any pending charges brought against a staff, a background check shall be conducted immediately. Any DJJ staff that refuses to cooperate and does not sign a release for the completion of a background check upon request, shall be subject to disciplinary sanctions up to and including termination or dismissal.
- D. DJJ staff volunteers, interns, and contractors shall be subject to random background checks during the tenure of their service. If DJJ is made aware of a criminal offense, pending charges, or child abuse or neglect investigation involving a staff member, volunteer, intern, or contractor, a background check shall be conducted immediately. Any staff, volunteer, intern, or contractor that refuses to cooperate and does not sign a release for the completion of a background check upon request, shall be suspended or subject to termination
- E. A newly hired staff, volunteer, intern, or contractor shall not interact with or have access to juveniles in the custody, care, or supervision of DJJ without the supervision of a qualified DJJ staff, until the Personnel Branch has cleared the individual to work with juveniles.
- F. DJJ shall not permit an employee, volunteer, intern, or contractor to work in a DJJ facility or office if the background check protocol yields ineligibility for employment or service with DJJ, pursuant to this section or Section H of this policy.
- G. DJJ shall not hire, promote, or transfer a person into DJJ as a staff or use a person as a volunteer, intern, or contractor who has:
1. Engaged in sexual abuse or sexual harassment in a prison, jail, community confinement facility, juvenile facility, or other institution;
 2. Been convicted of engaging in or attempting to engage in sexual activity by force, implied threats of force, coercion, or if the victim did not consent to or was unable to consent or refuse;
 3. Been civilly or administratively adjudicated to have engaged in sexual activity by force, overt or implied threats of force, coercion, or if a victim did not consent or was unable to consent or refuse; or
 4. Been identified as the perpetrator in a sexual harassment matter and was found to have committed sexual harassment in their employment history.
- H. An applicant, volunteer, intern, or contractor considered for employment or services, after October 1, 2013 shall be automatically disqualified as an applicant for hire or service if DJJ receives a background check for that respective individual that indicates a conviction, or similar disposition, for any of the following crimes or offenses, including inchoate crimes, in Kentucky or any crime involving substantially the same conduct in subparagraphs 1. through 13. in another jurisdiction. Where a period of time is listed, that period of time is calculated from the date of disposition:

1. Any sex related offense under KRS Chapter 510;
 2. Any violent offense referenced in KRS 439.3401;
 3. Sexual exploitation of minors under KRS Chapter 531;
 4. ~~[Any crime involving the same conduct as the criminal conduct in one (1) through three (3), but for which the conviction occurred in another jurisdiction;~~
 - 5.] Domestic violence under KRS 403;
 5. Dating violence under KRS Chapter 456;
 6. Any crime under KRS Chapter 529[Human trafficking];
 7. Any drug[Drug] trafficking under KRS Chapter 218A within the past eight (8) years;
 8. ~~[Conspiring to traffick drugs within the last eight (8) years;~~
 - 9.] Felony drug[Drug] conviction[possession] under KRS Chapter 218A within the last eight (8) years;
 - ~~[10. Drug cultivation within the last eight (8) years;~~
 - ~~11. Drug manufacturing within the last eight (8) years;~~
 - ~~12. Any embezzlement related offense with in the last eight (8) years;]~~
 - 9.[13.] Any offense under KRS 509;
 - 10.[14.] Any offense under KRS 529;
 - 11.[15.] Any offense under KRS 530;[-and]
 - 12.[16.] Any sex crime as defined in KRS 17.500; and[-]
 13. Any other felony conviction occurring within the last eight (8) years.
- I. All new hires and transfers into DJJ and all promotions within DJJ shall be subject to the background and reference check outlined within this policy. Any person with a confirmed sexual harassment finding shall submit documentation and additional information regarding the sexual harassment matter and the file shall be reviewed by the Commissioner or designee of the Commissioner, the Director of Administrative Services, an attorney from the Office of Legal Services, the Personnel Branch Manager, and the Agency PREA Compliance Officer to determine the best interest of the agency regarding the hiring or transfer of this person within DJJ.
 - J. Employment reference checks shall be conducted for individuals that are considered new hires or individuals being transferred into DJJ.
 - K. DJJ shall make a good faith effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or resignation during a pending investigation of an allegation of sexual abuse.
 - L. If a background check indicates that a current DJJ staff has committed a PREA offense that prohibits employment pursuant to this policy, the Personnel Branch Manager, the Agency PREA Compliance Officer, and the

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Commissioner or designee shall convene a case conference to determine the appropriate disposition for that staff.

- M. Material omissions or falsifying documentation regarding any type of sexual misconduct shall be grounds for dismissal.
- N. Staff shall be subject to disciplinary sanctions up to and including termination or dismissal for any violation of the PREA policies.

V. STAFF TRAINING

- A. The Agency PREA Compliance Officer or the Personnel Branch Manager shall train personnel staff to conduct background checks.
- B. The Personnel Branch Manager or designee shall train personnel branch staff on the procedures for facilitating the reference check process.

VI. MONITORING MECHANISM

- A. The Personnel Branch and Agency PREA Compliance Officer or designee shall verify that background checks are completed in accordance with this policy.
- B. The Agency PREA Compliance Officer or designee will conduct an annual audit to monitor compliance regarding this policy.

 JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: KAR 505 1:170
CHAPTER: Prison Rape Elimination Act of 2003 (PREA)	AUTHORITY: KRS 15A.065; 28 C.F.R 115; 28 C.F.R. 115.317; 28 C.F.R 115.376
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APPROVAL: Randy White	COMMISSIONER

I. POLICY

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II. APPLICABILITY

This policy shall apply to all DJJ staff, applicants, volunteers, interns, and contractors.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. DJJ shall maintain and facilitate personnel procedures to ensure that current staff, newly hired staff, volunteers, interns, and contractors have cleared all background checks required by this policy before having contact with juveniles under the custody, care, or supervision of DJJ.
- B. DJJ shall conduct background checks on all DJJ staff, volunteers, interns, and contractors and any applicant that is being considered for employment with DJJ, including the following:
 1. Criminal background or National Crime Information Center (NCIC) check;
 2. Sexual offender registry check; and

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3. Child abuse and neglect registry check.

- C. DJJ shall conduct background checks on all DJJ staff every five (5) years. If DJJ is made aware of a criminal offense that may have been committed by a staff or any pending charges brought against a staff, a background check shall be conducted immediately. Any DJJ staff that refuses to cooperate and does not sign a release for the completion of a background check upon request, shall be subject to disciplinary sanctions up to and including termination or dismissal.
- D. DJJ staff volunteers, interns, and contractors shall be subject to random background checks during the tenure of their service. If DJJ is made aware of a criminal offense, pending charges, or child abuse or neglect investigation involving a staff member, volunteer, intern, or contractor, a background check shall be conducted immediately. Any staff, volunteer, intern, or contractor that refuses to cooperate and does not sign a release for the completion of a background check upon request, shall be suspended or subject to termination
- E. A newly hired staff, volunteer, intern, or contractor shall not interact with or have access to juveniles in the custody, care, or supervision of DJJ without the supervision of a qualified DJJ staff, until the Personnel Branch has cleared the individual to work with juveniles.
- F. DJJ shall not permit an employee, volunteer, intern, or contractor to work in a DJJ facility or office if the background check protocol yields ineligibility for employment or service with DJJ, pursuant to this section or Section H of this policy.
- G. DJJ shall not hire, promote, or transfer a person into DJJ as a staff or use a person as a volunteer, intern, or contractor who has:
 - 1. Engaged in sexual abuse or sexual harassment in a prison, jail, community confinement facility, juvenile facility, or other institution;
 - 2. Been convicted of engaging in or attempting to engage in sexual activity by force, implied threats of force, coercion, or if the victim did not consent to or was unable to consent or refuse;
 - 3. Been civilly or administratively adjudicated to have engaged in sexual activity by force, overt or implied threats of force, coercion, or if a victim did not consent or was unable to consent or refuse; or
 - 4. Been identified as the perpetrator in a sexual harassment matter and was found to have committed sexual harassment in their employment history.
- H. An applicant, volunteer, intern, or contractor considered for employment or services, after October 1, 2013 shall be automatically disqualified as an applicant for hire or service if DJJ receives a background check for that respective individual that indicates a conviction, or similar disposition, for any of the following crimes or offenses, including inchoate crimes, in Kentucky or any crime involving substantially the same conduct in subparagraphs 1. through 13. in another jurisdiction. Where a period of time is listed, that period of time is calculated from the date of disposition:

1. Any sex related offense under KRS Chapter 510;
 2. Any violent offense referenced in KRS 439.3401;
 3. Sexual exploitation of minors under KRS Chapter 531;
 4. Domestic violence under KRS 403;
 5. Dating violence under KRS Chapter 456;
 6. Any crime under KRS Chapter 529;
 7. Any drug trafficking under KRS Chapter 218A within the past eight (8) years;
 8. Felony drug conviction under KRS Chapter 218A within the last eight (8) years;
 9. Any offense under KRS 509;
 10. Any offense under KRS 529;
 11. Any offense under KRS 530;
 12. Any sex crime as defined in KRS 17.500; and
 13. Any other felony conviction occurring within the last eight (8) years.
- I. All new hires and transfers into DJJ and all promotions within DJJ shall be subject to the background and reference check outlined within this policy. Any person with a confirmed sexual harassment finding shall submit documentation and additional information regarding the sexual harassment matter and the file shall be reviewed by the Commissioner or designee of the Commissioner, the Director of Administrative Services, an attorney from the Office of Legal Services, the Personnel Branch Manager, and the Agency PREA Compliance Officer to determine the best interest of the agency regarding the hiring or transfer of this person within DJJ.
 - J. Employment reference checks shall be conducted for individuals that are considered new hires or individuals being transferred into DJJ.
 - K. DJJ shall make a good faith effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or resignation during a pending investigation of an allegation of sexual abuse.
 - L. If a background check indicates that a current DJJ staff has committed a PREA offense that prohibits employment pursuant to this policy, the Personnel Branch Manager, the Agency PREA Compliance Officer, and the

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Commissioner or designee shall convene a case conference to determine the appropriate disposition for that staff.

- M. Material omissions or falsifying documentation regarding any type of sexual misconduct shall be grounds for dismissal.
- N. Staff shall be subject to disciplinary sanctions up to and including termination or dismissal for any violation of the PREA policies.

V. STAFF TRAINING

- A. The Agency PREA Compliance Officer or the Personnel Branch Manager shall train personnel staff to conduct background checks.
- B. The Personnel Branch Manager or designee shall train personnel branch staff on the procedures for facilitating the reference check process.

VI. MONITORING MECHANISM

- A. The Personnel Branch and Agency PREA Compliance Officer or designee shall verify that background checks are completed in accordance with this policy.
- B. The Agency PREA Compliance Officer or designee will conduct an annual audit to monitor compliance regarding this policy.