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MEMORANDUM

TO: Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet

FROM: Emily Caudill, Regulations Compiler

RE: Acknowledgement of Proposed Ordinary & Emergency Regulations – 505 KAR 1:140 E&O and 505 KAR 1:410 E&O

DATE: September 25, 2025

Copies of the ordinary and emergency administrative regulations listed above are enclosed for your files. The information below provides an overview of the standard KRS Chapter 13A timeline. Please note that effective dates or expiration dates may be impacted by legislation or other statutes.

Emergency regulations

Pursuant to KRS 13A.190, an emergency administrative regulation becomes effective upon filing with our office on and, unless an extension on an accompanying ordinary is requested, is set to expire either in 270 days (for these regulations on **June 22, 2026**) or when replaced by its corresponding ordinary regulation, whichever occurs first. These emergency regulations are tentatively scheduled for full review by the Administrative Regulation Review Subcommittee at its **December 2025** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for these emergency regulations would be due **by noon on December 15, 2025**.

Ordinary regulations

These ordinary regulations are tentatively scheduled for full review by the Administrative Regulation Review Subcommittee at its **January 2026** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for these ordinary regulations or a one-month extension request would be due **by noon on January 15, 2026**.

Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment periods and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosures

FILED WITH LRC TIME: <u>1:15 pm</u> SEP 25 2025 Emily B. Caudill REGULATIONS COMPILER

STATEMENT OF EMERGENCY

505 KAR 1:140E

(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1. to meet an imminent threat to public health, safety, or welfare. KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities across the Commonwealth of Kentucky. While juveniles are in DJJ's custody, the DJJ is responsible for the health and safety of those juveniles. This requires protecting the juveniles from themselves and each other, sometimes by using restrictive housing and protective custody in instances where a juvenile poses a serious assault risk to other juveniles and staff. Restrictive housing and protective custody placements may occur any day due to the changing population and needs of the juveniles in DJJ's custody. The United States Department of Justice recommended that DJJ make changes to its regulations and policies governing the use of restrictive housing and protective custody placements, and DJJ determined that more frequent medical and mental health evaluations, as well real time process review by persons with higher levels of governmental authority, are necessary to protect the health and safety of juveniles in such placements. This administrative regulation is being filed on an emergency basis to ensure the additional safeguards included in 505 KAR 1:410E intended to protect juveniles placed in restrictive housing and protective custody are implemented immediately and that there exists no conflict between 505 KAR 1:410E and the policy deleted as a result of this emergency administrative regulation amendment.

(2) An ordinary administrative regulation is not sufficient because an ordinary regulation could not become effective before additional juveniles will be placed in restrictive housing and protective custody with less monitoring and less scrutiny than the amount DJJ now believes is appropriate.

(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because the new evaluation timelines and levels of scrutiny are the new standards DJJ believes is appropriate to safeguard juveniles in the DJJ's custody going forward.

(4) The companion ordinary administrative regulation is identical to this emergency regulation.

(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.


Andy Beshear, Governor
Commonwealth of Kentucky


Keith Jackson, Secretary
Justice and Public Safety Cabinet


Randy White, Commissioner
Department of Juvenile Justice

1 JUSTICE AND PUBLIC SAFETY CABINET

2 Department of Juvenile Justice

3 (Emergency Amendment)

4 505 KAR 1:140E. Department of Juvenile Justice Policies and Procedures Manual: detention
5 services.

6 RELATES TO: KRS 15A.065, 15A.067, 15A.200-15A.245, 15A.305, 200.080-200.120,
7 Chapters 600-645

8 STATUTORY AUTHORITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305,
9 200.115, 605.150, 635.095, 635.100(7), 640.120, 645.250

10

11 NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160,
12 15A.210, 15A.305(5), 605.150, 635.095 and 640.120 authorize the Justice and Public Safety
13 Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the
14 proper administration of the cabinet and its programs. This administrative regulation incorporates
15 by reference policies and procedures concerning detention services for the Department of Juvenile
16 Justice in the implementation of a statewide juvenile services program.

17 Section 1. Incorporation by Reference.

18 (1) The "Department of Juvenile Justice Policy and Procedures Manual: Detention
19 Services", June 13, 2023, is incorporated by reference and includes the following:

700	Definitions (Amended 06/13/23)
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20

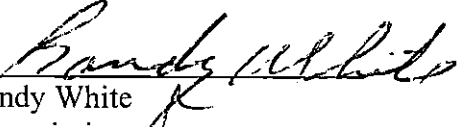
700.1	Detention Services Delivery System (Amended 06/13/23)
701	Criteria for Admissions (Amended 03/30/18)
702	Intake, Reception and Orientation (Amended 07/10/18)
703	Detention Risk Assessment (Amended 03/30/18)
704	Alternatives to Secure Detention (Amended 01/13/23)
704.1	Supervision of Juveniles in Alternative to Secure Detention Programs (Amended 03/30/18)
704.2	Revocation of Juveniles in Alternative to Secure Detention Programs (Amended 03/30/18)
704.3	Juvenile Justice and Delinquency Prevention Act (Added 03/30/18)
705	Individual Client Records (Amended 03/30/18)
705.2	Progress Notes (Amended 03/30/18)
706	Grievance Procedure (Amended 03/30/18)
707	Bed Capacities and Staffing of Juvenile Detention Centers (Amended 01/13/23)
708	Classification of Juveniles for Housing and Program Assignment (Amended 01/13/23)
709	Security and Control (Amended 03/30/18)
710	Shift and Log Reports (Amended 03/30/18)
712	Escape/AWOL (Amended 06/13/23)
714	Searches (Amended 03/30/18)
715	Incident Reports (Amended 03/30/18)
716	Behavior Management (Amended 03/30/18)
[717]	Discipline and Special Behavior Management (Amended 06/13/23)]

718	Disciplinary Review (Amended 07/10/18)
720	Programs and Services (Amended 03/30/18)
720.1	Library Services (Amended 01/13/23)
720.2	Recreation and Structured Activities (Amended 01/13/23)
720.3	Religious Programs (Amended 03/30/18)
720.4	Juveniles Work Details (Amended 03/30/18)
720.5	Social Services (Amended 07/10/18)
720.6	Family and Community Contact (Amended 07/10/18)
725	Educational Programming and Assessment (Amended 07/10/18)
725.1	Instructional Staffing (Amended 03/30/18)
725.2	Education Records (Amended 07/10/18)
726	Leaves (Amended 03/30/18)
729	Release From Detention (Amended 03/30/18)
730	Inspections of Secure Juvenile Detention Facilities (Amended 01/13/23)
731	Complaint Investigations of Secure Juvenile Detention Centers and Juvenile Holding Facilities (Amended 03/30/18)

1 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
2 law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive,
3 Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday,
4 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Juvenile Justice Web
5 site at <https://djj.ky.gov/About/20DJJ/Pages/Refilings.aspx>.

505 KAR 1:140E. Department of Juvenile Justice Policies and Procedures Manual: detention services.

Approved: 9/25/25


Randy White
Commissioner
Department of Juvenile Justice

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this emergency administrative regulation amendment shall be held Tuesday, November 25, 2025, 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, 2025. 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, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

505 KAR 001:140E

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

Phone: (502) 564-8216

Email: Justice.RegContact@ky.gov

Subject Headings: Children and Minors, Juvenile Detention and Justice, Justice and Public Safety

(1) Provide a brief summary of:

(a) What this administrative regulation does: The emergency regulation amendment establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

(b) The necessity of this administrative regulation: The emergency regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in isolation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This emergency administrative regulation removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure new, additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in isolation.

(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 emergency administrative regulation amendment removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and ensures safeguards to protect the health, safety, and welfare of juveniles placed in isolation.

(b) The necessity of the amendment to this administrative regulation: The emergency regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in isolation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper

administration of the cabinet and its programs. This emergency administrative regulation removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and ensures safeguards to protect the health, safety, and welfare of juveniles placed in isolation.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and ensures additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in isolation.

(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 emergency administrative regulation will affect the juveniles in the care or custody of the Department of Juvenile Justice, which is currently approximately 400, and approximately merit employees of the Department of Juvenile Justice, which is currently approximately 1,300.

(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: Juveniles in the care or custody of the Department of Juvenile Justice will have added protection due to the increased safeguards put in place through the emergency administrative regulation amendment. Department of Juvenile Justice staff and employees will be required to implement the newly established procedures that govern the operations of the Department of Juvenile Justice.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): It will not cost the entities identified in question (3) anything to implement the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance with the amendment, Department of Juvenile Justice staff and employees will be better able to protect the health, safety and welfare of juveniles placed in isolation, which will result in better health, safety, and welfare outcomes to those youth in the care or custody of the Department of Juvenile Justice.

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

(a) Initially: There will be no additional initial costs to the administrative body to implement this emergency administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

(b) On a continuing basis: There will be no additional costs on a continuing basis to the administrative body to implement this emergency administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funding source for implementation and enforcement of this emergency administrative regulation is 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: There will not be an increase in fees or funding necessary to implement this emergency administrative regulation amendment.

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

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

FISCAL IMPACT STATEMENT

505 KAR 001:140E

Contact Person: Nathan Goens, Assistant 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 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

(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 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

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

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

1. Expenditures:

For the first year: There will be no additional expenditures to implement this emergency administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

For subsequent years: There will be no additional expenditures to implement this emergency administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

2. Revenues:

For the first year: The emergency administrative regulation amendment will not generate revenue.

For subsequent years: The emergency administrative regulation amendment will 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): None

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

1. Expenditures:

For the first year: No affected local entities have been identified.

For subsequent years: No affected local entities have been identified.

2. Revenues:

For the first year: No affected local entities have been identified.

For subsequent years: No affected local entities have been identified.

3. Cost Savings:

For the first year: No affected local entities have been identified.

For subsequent years: No affected local entities have been identified.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Juveniles in the care or custody of the Department of Juvenile Justice will be affected by this emergency administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.

For subsequent years: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.

2. Revenues:

For the first year: The emergency administrative regulation amendment will not generate revenue.

For subsequent years: The emergency administrative regulation amendment will 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: A fiscal impact to implement this emergency administrative regulation amendment is not anticipated as the Department of Juvenile Justice will use existing resources, staff and employees to implement changes.

(b) Methodology and resources used to reach this conclusion: Because the Department of Juvenile Justice will use existing resources, staff, and employees to implement this emergency administrative regulation, the Department of Juvenile Justice concluded there will be no fiscal impact.

(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 by KRS 13A.010(13): An overall negative or adverse major economic impact is not anticipated.

(b) The methodology and resources used to reach this conclusion: The emergency

administrative regulation amendment amends an existing administrative regulation. The administrative regulation was reviewed, and an overall negative or adverse major economic impact was not identified as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

505 KAR 1:140E

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

The DJJ Policy and Procedure 717. Discipline and Special Behavior Management has been deleted in its entirety.



U.S. Department of Justice

Civil Rights Division

*Assistant Attorney General
950 Pennsylvania Ave. NW - RFK
Washington, DC 20530*

May 15, 2024

The Honorable Andy Beshear
Office of the Governor
700 Capital Avenue
Suite 100
Frankfurt, Kentucky 40601

Re: Investigation of Kentucky Department of Juvenile Justice

Dear Governor Beshear:

I write to inform you that the United States Department of Justice is commencing an investigation of conditions in the following juvenile justice facilities operated by the Kentucky Department of Juvenile Justice (DJJ): (1) Adair Regional Juvenile Detention Center; (2) Adair Youth Development Center; (3) Boyd Regional Juvenile Detention Center; (4) Breathitt Regional Juvenile Detention Center; (5) Campbell Regional Juvenile Detention Center; (6) Fayette Regional Juvenile Detention Center; (7) Jefferson Regional Juvenile Detention Center; (8) McCracken Regional Juvenile Detention Center; and (9) Warren Regional Juvenile Detention Center. The Department will conduct this investigation under the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, and the Violent Crime Control and Law Enforcement Act of 1994, 34 U.S.C. § 12601.

During this investigation, the Department will determine whether Kentucky engages in a pattern or practice of violating children's rights under the United States Constitution or federal law. Specifically, we will investigate whether Kentucky provides children confined in its facilities reasonable protection from excessive use of chemical force, physical and sexual abuse by staff and other children, and prolonged isolation. The investigation will also examine whether Kentucky provides adequate mental health care. Finally, the investigation will determine whether Kentucky provides special education and related services to children with disabilities required by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400–1482.

We have not reached any conclusions about the subject matter of the investigation. During the investigation, we will consider all relevant information, including the efforts Kentucky has taken to ensure compliance with the Constitution and federal law. We invite the Commonwealth to cooperate with our investigation and can assure you that we will seek to minimize any potential disruption our investigation may have on DJJ's operations.

If we conclude that there are no systemic violations, we will notify you that we are closing the investigation. If we conclude that there are systemic violations, we will inform you of our findings and attempt to work with the Commonwealth to remedy those violations. In our many years of civil rights enforcement, the good faith efforts of State, County, and local

jurisdictions to work with us have routinely enabled us to resolve our claims without resort to contested litigation.

Our Special Litigation Section and attorneys from United States Attorney's Offices for the Eastern and Western Districts of Kentucky will be handling this investigation. They will contact your office to discuss the next steps. Steven H. Rosenbaum, the Chief of the Special Litigation Section, may be reached at (202) 616-3244.

Sincerely,



Kristen Clarke
Assistant Attorney General

cc: Russell Coleman
Attorney General
Kentucky

Travis Mayo
General Counsel
Office of the Kentucky Governor

Randy White
Commissioner
Kentucky Department of Juvenile Justice

Tonya Burton
Superintendent
Adair Regional Juvenile Detention Center
Adair Youth Development Center

Hope Smith
Superintendent
Boyd Regional Juvenile Detention Center

Jason Little
Superintendent
Breathitt Regional Juvenile Detention Center

Tom Milburn
Superintendent
Campbell Regional Juvenile Detention Center

Joe Caskey
Superintendent
Fayette Regional Juvenile Detention Center

Donty Lear
Superintendent
Jefferson Regional Juvenile Detention Center

Felicia Weatherspoon-Howe
Superintendent
McCracken Regional Juvenile Detention Center

Kevin Foster
Superintendent
Warren Regional Juvenile Detention Center

Paul McCaffrey
First Assistant United States Attorney
United States Attorney's Office
Eastern District of Kentucky

Michael Bennett
United States Attorney
United States Attorney's Office
Western District of Kentucky



PRESS RELEASE

Justice Department Announces Civil Rights Investigation into Conditions at Kentucky Youth Detention Centers

Wednesday, May 15, 2024

For Immediate Release

Office of Public Affairs



Kristen Clarke

ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

The Justice Department announced today that it has opened a statewide investigation into the conditions at eight youth detention centers and one youth development center run by the Kentucky Department of Juvenile Justice.

The investigation will examine whether Kentucky protects children confined in these facilities from harm caused by excessive force by staff, prolonged and punitive isolation and inadequate protection from violence and sexual abuse. The investigation will also examine whether Kentucky provides adequate mental health services and required special education and related services to children with disabilities.

“Confinement in the juvenile justice system should help children avoid future contact with law enforcement and mature into law-abiding, productive members of society. Too often, juvenile justice facilities break our children, exposing them to dangerous and traumatic conditions,” said Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division. “We are launching this investigation to ensure that children in Kentucky youth detention facilities are safe from harm, receive adequate mental health care and get appropriate special education services. All children held in the custody of the state deserve safe and humane conditions that can bring about true rehabilitation and reform.”

“The U.S. Attorney’s Office for the Western District of Kentucky stands ready to protect the rights of all children in Kentucky, including those who end up in juvenile detention,” said U.S. Attorney Mike Bennett for the Western District of Kentucky. “We look forward to partnering with the Civil Rights Division and our colleagues in the Eastern District to conduct a fair and thorough investigation of these allegations.”

This investigation focuses on detention centers, which primarily hold children awaiting a court hearing. Nationally, detention centers admit nearly 200,000 children every year, holding approximately 16,000 youth on any given night. The average length of stay for a child in detention is 27 days. Research shows that even far shorter stays can have profound and potentially lifelong negative consequences for children.

The department has not reached any conclusions regarding the allegations in this matter. The investigation will be conducted under the Civil Rights of Institutionalized Persons Act and the Violent Crime Control and Law Enforcement Act. Both statutes give the department the authority to investigate systemic violations of the rights of young people in juvenile justice facilities.

The Civil Rights Division’s Special Litigation Section is conducting this investigation jointly with the U.S. Attorneys’ Offices for the Western and Eastern Districts of Kentucky. Individuals with relevant information are encouraged to contact the department via phone at (888).392-8241 or by email at Kentucky.Kids@usdoj.gov.

The division recently secured a settlement agreement involving the South Carolina Department of Juvenile Justice's Broad River Road Complex, the state's only long-term post-adjudication facility for children, and is currently investigating conditions at five post-adjudication facilities for children in Texas. Additional information about the Civil Rights Division's work protecting children's rights in the juvenile justice system is available on its website at www.justice.gov/crt/rights-juveniles.

Updated February 6, 2025

Topic

CIVIL RIGHTS

Components

[Civil Rights Division](#) [Civil Rights - Special Litigation Section](#) [USAO - Kentucky, Western](#)

Press Release Number: 24-610

Related Content

PRESS RELEASE

Former California Police Officer Sentenced to Five Consecutive Life Sentences for Sexually Assaulting Four Women He Encountered While On Duty

J. DeShawn Torrence, 41, a former Sanger, California, police officer, was sentenced today to five consecutive life sentences for sexually assaulting four women whom he encountered during the course of...

September 22, 2025

PRESS RELEASE

Justice Department Announces Settlement with Kansas City Kansas Community College to Enforce the Employment Rights of Servicemember

The Justice Department announced it has reached a settlement with the Kansas City Kansas Community College (KCKCC) to enforce the rights guaranteed to Kansas Army National Guard Major Stephen W...

September 22, 2025

PRESS RELEASE

Justice Department Investigates Austin, Texas for Racially Discriminatory Employment Practices

Today, the Justice Department's Civil Rights Division launched an investigation into the City of Austin, Texas, to determine whether it engages in employment practices that discriminate based on race, sex...

September 18, 2025

	DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:140 3-JDF-3C-02, 03, 04, 05, 06, 07, 08, 09, 11; 3E-01, 02, 03, 04, 05
CHAPTER: Detention Services		AUTHORITY: KRS 15A.065
SUBJECT: Discipline and Special Behavior Management		
POLICY NUMBER: DJJ 717		
TOTAL PAGES: 7		
EFFECTIVE DATE: September 21, 2023		
APPROVAL: Vicki Reed, COMMISSIONER		

I. POLICY

Discipline shall be administered to create a learning experience for the juvenile and shall not be administered to degrade or humiliate a juvenile. Alternatives shall be provided for out-of-control juveniles who require special behavior management. Special behavior management programs shall be individualized. Corporal punishment, the use of mechanical restraints, abuse, assault, personal property damage, harassment, the denial of meals or snacks, and the interference with daily functions of living, such as eating, or sleeping shall be prohibited as punitive consequences.

II. APPLICABILITY

This policy shall apply to all juvenile detention centers.

III. DEFINITIONS

Refer to DJJPP 700.

IV. PROCEDURES

- A. Each juvenile detention center shall develop a written set of disciplinary rules within the center's Standard Operating Procedures. The rules shall govern juvenile major and minor rule violations and provide consequences commensurate with the seriousness of the misbehavior. The center's Standard Operating Procedure shall be approved by the Facilities Regional Administrator and reviewed annually. Juveniles shall be informed upon admission to the facility of the rules and possible consequences. The rules and possible consequences shall be included in the resident handbook for staff and juveniles to review and posted in an area of public access. Juveniles shall be required to sign an acknowledgement verifying receipt of the resident handbook.
- B. The Superintendent shall be responsible for ensuring that all personnel who work with juveniles receive sufficient training regarding rules of conduct, the rationale for the rules, and the consequences available.

POLICY NUMBER DJJ 717	EFFECTIVE DATE 09/21/23	PAGE NUMBER 2 of 7
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- C. Restraints shall not be used as a punitive consequence.
- D. An individual program plan shall be developed for a juvenile with serious behavior problems. The Superintendent or designee may order immediate placement in a special program if it is necessary to protect the juvenile or others from harm. This action shall be reviewed within 72 hours by the Superintendent or designee.
- E. The following are examples of acceptable disciplinary interventions or consequences:
 - 1. Redirect:

Verbally redirecting the juvenile toward a more positive alternative behavior and reinforcing positive expectations for the juvenile.
 - 2. Informal Reprimand:

A verbal reprimand may be used in response to minor rule infractions without further disciplinary action. The reprimand shall communicate what the offense was and the expectation, with the understanding that, if repeated, disciplinary action may be initiated.
 - 3. Forfeit of Privilege or Privilege Suspension:

The forfeiture of privileges or privilege suspension may occur as a result of a minor rule infraction for misuse or mistreatment of these privileges, or as a disciplinary action in response to a major rule infraction.
 - 4. Activity Suspension:

Staff may exclude a juvenile from participating in an activity or activities for a period of time depending upon circumstances.
 - 5. Time-Out:

A time-out period may be used for minor misbehavior for a specified time not to exceed one hour. Prior to going into time-out, the reason shall be explained to the juvenile and an opportunity provided for the juvenile to explain the behavior. Staff shall make contact with the juvenile at least every 15 minutes. These contacts shall be documented. The juvenile shall participate in determining the end of the time-out.
 - 6. Room Restriction:

Room restriction may be used for juveniles who require removal from the regular program because of excessive program disruption, physical disruption, or rule infractions. Prior to going into room restriction the reason shall be explained to the juvenile and an opportunity provided for the juvenile to explain the behavior. Staff shall make contact with the juvenile at least every 15 minutes. These contacts shall be

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documented. An observation sheet shall be posted on the juvenile's door. Room restriction shall not exceed twenty-four (24) hours.

7. Unit Lockdown:

A unit may be on lockdown status for the safety and orderly maintenance of the facility. All juveniles on a living unit may be placed on room restriction status.

8. Facility Lockdown:

The facility may be on a lockdown status for the safety and orderly maintenance of the facility. Juveniles in all living units in the detention center may be placed on room restriction status.

9. Isolation:

- a. The following situations may constitute a threat to safety or security of the facility, staff, or youth and may result in an isolation placement for de-escalation:
 - i. Assault or attempted assault;
 - ii. Sexual assault or attempted sexual assault;
 - iii. Attempted escape or attempted absent without leave (AWOL);
 - iv. Escape;
 - v. AWOL;
 - vi. Riot;
 - vii. Plotting a riot;
 - viii. Dangerous contraband;
 - ix. Extensive property damage; or
 - x. Chronic program disruption.
- b. Authorization shall be obtained from the Superintendent, Youth Services Program Supervisor (YSPS), Administrative Duty Officer (ADO), or shift supervisor prior to placing a youth into isolation. If prior authorization cannot be obtained without jeopardizing safety and security, authorization shall be obtained immediately following the safe securing of the youth. An isolation placement shall not exceed four (4) hours.
- c. The Superintendent may authorize a youth to remain in isolation beyond an initial four (4) hour period, not exceed twenty-four (24) hours.
- d. An extension of an isolation placement beyond twenty-four (24) hours and up to thirty-six (36) hours shall require the approval of the Facilities Regional Administrator (FRA).

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- e. An extension of an isolation placement beyond thirty-six (36) and up to a maximum time for an isolation placement shall not exceed (48) hours and shall require the approval of the respective Division Director and the Chief of Mental Health Services.
- f. Special instances may occur where highly assaultive juveniles may require isolation for more than forty-eight (48) hours. The respective Division Director shall be the authority for extending isolation beyond forty-eight (48) hours. The Superintendent, the Assistant Superintendent, or Youth Service Program Supervisor (YSPS) shall contact the Director for approval of an extension. The Director shall consult with the Chief of Mental Health Services about an extension past forty-eight (48) hours.
- g. The purpose for any extension beyond four (4) hours shall be documented in the youth's Individual Client Record (ICR).
- h. The nurse shift program supervisor or on call nurse designee shall be notified as soon as feasible to determine if there are contraindications for the youth being placed in isolation.
 - i. The facility nurse or health trained staff shall as soon as feasible conduct an assessment of a youth placed in isolation or as soon as it is safe to do so, as dictated by the Director of Medical Services.
 - ii. Injuries, bruises, or scratches, and observations shall be noted by a minimum of two (2) staff. The nurse or designee shall document the date, time, and results of the assessment.
- i. Isolation may be utilized if requested by a juvenile and staff concur that the placement is in the best interest of the juvenile.
- j. The time periods in which action is necessitated by this policy shall be tolled during the times that youth are scheduled to sleep at the detention center.

F. Protocol for Isolation

- 1. A Superintendent, YSPS, or YWS, when on duty at the facility, shall visit each youth in isolation each day. The visit shall be documented in the observation log.
- 2. The Regional Psychologist or designee shall conduct interviews and assessment for disturbances in mental status for example, depression; suicidal ideation; impaired thought processes, cognition or memory; agitation; paranoia; self-injurious behavior; evidence of bruises or other signs of trauma, when the juvenile's behavior has escalated beyond the staff's ability to control the juvenile by counseling or disciplinary measures.

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3. If a juvenile exhibits deterioration in mental status while in isolation, the Regional Psychologist shall be contacted to determine the most appropriate action based on the treatment needs of the youth.
4. The juvenile shall receive a daily visit from the facility nurse or health trained staff, unless medical attention is needed more frequently.
5. If a juvenile's problem behavior lasts twenty-four (24) hours and there appears to be a need for continued intervention, qualified health personnel shall assess the youth daily. Any treatment provided shall be documented in the youth's Medical Record.
6. Isolation shall not be used for protective custody. If protective custody is required, youth shall be moved to a safe location within the facility or DJJ.
7. The juvenile in isolation shall be afforded living conditions and privileges approximating those available to the general population including modified access to recreation, educational, and treatment services taking into consideration the juvenile's safety needs.
8. The juvenile shall be responsible for the daily cleaning of their living area while in isolation.
9. Staff shall monitor the juvenile in intervals, not to exceed fifteen (15) minutes, for the juvenile's compliance with the plan for release criteria. These checks shall involve direct visual contact with the juvenile and the time between checks shall be random. These checks shall be documented in the observation log.
10. Behavioral observation and problems with the juvenile shall be noted in the observation log and the supervisor shall be notified of any medical or behavioral health issues that would warrant immediate attention for follow up. The observations shall include comments regarding the juvenile's attitude and outlook.
11. Staff interactions with the juvenile shall be documented on a log. Staff shall record the name and title of the individual who authorized the confinement, name and title for persons visiting the juvenile, record of time checks, the person authorizing release from confinement, and the time of release.
12. Release from Isolation may occur based upon the juvenile's behavior and state of mind.
13. Juveniles in isolation shall be visited at least once a day by personnel from clinical, administrative, social work, religious, or medical units. All interactions with the juvenile during placement on isolation shall be documented.

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14. When a youth is placed in isolation, documentation of the isolation event shall be completed as follows:

- a. The documentation shall include:
 - i. The reason for the isolation;
 - ii. The duration of the isolation;
 - iii. The reason for the duration of the isolation;
 - iv. The name and title of the staff person authorizing isolation and the time the approval was received; and
 - v. The staff authorizing release and the time of release.
- b. The isolation packet shall include:
 - i. The incident report;
 - ii. The isolation room checklist;
 - iii. The medical checklist;
 - iv. The observation log and addendum;
 - v. The plan for release; and
 - vi. The professional/administrative reviews.
- c. The isolation packet shall be reviewed by the Superintendent or designee;
- d. The isolation packet shall be placed in the youth's hard case file. A notation of the incident shall be made in the electronic record, including the date and time of release; and
- e. A copy of the isolation packet shall be sent, via electronic transfer, to the FRA and the Regional Division Director, upon request.

15. In the absence of the Regional Psychologist, a designated LBHP shall be responsible for fulfilling isolation protocol.

16. Each facility shall track the number of isolations, length of isolation, and reason for each isolation and be included on the Regional Directors monthly report.

G. Protocol for Suicidal Youth and Isolation

See DJJPP 405.4.

H. Juveniles requiring protection from others may be placed in protective custody until alternative permanent housing is found within the facility or as a result of a transfer. The facility shall develop a protective custody plan to assure safety and continuous services and programming. Continued placement on protective custody status after 72 hours shall require approval from the FRA.

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I. Transfer to a High-Security Detention Center

A youth originally placed in a low-security detention center may be transferred to a high-security detention center based on the youth's behavior as indicated in KRS 605.095.

J. Formal Charges

The Superintendent may refer juveniles committing acts of a criminal nature for prosecution.

K. Forfeit of privilege or privilege suspension, activity suspension, room restriction, or isolation shall be documented for inclusion in the juvenile's record.

V. MONITORING MECHANISM

The Superintendent and Facilities Regional Administrator shall be responsible for monitoring these activities. The Quality Assurance Branch shall conduct annual program audits.