



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

REFERENCES:

4-JCF-3A-01

3-JDF-3D-01, 02

3-JCRF-3D-01, 02

1-JDTP-3D-26

1-SJD-3D-01, 02

1-JBC-3D-01, 02

CHAPTER: Administration

AUTHORITY: KRS 15A.065

**SUBJECT: Youth Access to Courts, Attorneys and Law
Enforcement Officials**

POLICY NUMBER: DJJ 121

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APPROVAL: Carey D. Cockerell

, COMMISSIONER

I. POLICY

Youth in a Department of Juvenile Justice (DJJ) operated or contracted program shall have access to legal representation and access to the courts.

II. APPLICABILITY

This policy shall apply to DJJ operated and contracted programs.

III. DEFINITIONS

Refer to Chapter 100.

IV. PROCEDURES

A. Youth shall have uncensored, confidential contact by telephone, in writing, or in person with their legal representative. The youth shall have the right to contact and visit with counsel. Program staff shall assist youth in making confidential contact with attorneys and authorized representatives. Such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.

B. Access to Legal Representation

1. Youth in DJJ operated and contracted programs shall have the right to consult with an attorney of their choice at a time reasonably convenient for all parties concerned, including management of the facility.
2. Upon admission to a youth development center (YDC), group home (GH), or regional juvenile detention center (RJDC) youth shall be informed both verbally and in writing of the method by which they may access a Department of Public Advocacy (DPA) attorney. This information shall

POLICY NUMBER DJJ 121	EFFECTIVE DATE 5/15/2017	PAGE NUMBER 2 of 2
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also be contained in the youth's orientation handbook. Youth shall sign an acknowledgement form indicating receipt of this information.

3. A sign-up system shall be implemented in each YDC for youth who desire to speak with an attorney from DPA.
4. Attorneys shall not be permitted to conduct blanket interviews with youth not signed up for legal consultation.

C. Interviews by Law Enforcement Officials

1. The Superintendent or designee shall notify the Office of Legal Counsel if a youth is to be interviewed by a law enforcement.
2. Youth shall be informed of their right to refuse and have an attorney of their choice present during questioning.
3. There may be exceptional cases involving children who are emotionally disturbed, have an intellectual disability, or who for some other reason may not be able to give a coherent, meaningful statement. The Office of Legal Counsel shall be notified for consultation for those exceptional cases.
4. When the youth does not wish to talk to law enforcement personnel, a staff member shall advise the law enforcement official of the youth's refusal and document the refusal.

V. MONITORING MECHANISM

This policy will be monitored by the Superintendent and the Facilities Regional Administrator on a continual basis.