

**JUSTICE AND PUBLIC SAFETY CABINET**  
**Department of Juvenile Justice**  
**(Amended After Comments)**

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

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

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305(5), 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 incorporates by reference policies and procedures concerning detention services for~~[into regulatory form materials used by]~~ the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

Section 1. Incorporation by Reference.

(1) The "Department of Juvenile Justice Policy and Procedures Manual: Detention Services", May 12/January 13, 2023~~[July 10, 2018]~~, is incorporated by reference and includes the following:

- 700 Definitions (Amended 01/13/23~~[03/30/18]~~)
- 700.1 Detention Services Delivery System (Amended 01/13/23~~[Added 03/30/18]~~)
- 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~~[07/10/18]~~)
- 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~~[03/30/18]~~)
- 708 Classification of Juveniles for Housing and Program Assignment (Amended 01/13/23~~[03/30/18]~~)
- 709 Security and Control (Amended 03/30/18)
- 710 Shift and Log Reports (Amended 03/30/18)
- 711 Transportation of Juveniles (Amended 01/13/23~~[03/30/18]~~)
- 712 Escape/AWOL (Amended 01/13/23~~[03/30/18]~~)
- 713 Restraints (Amended 05/12/23~~[01/13/23]~~~~[07/10/18]~~)

- 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 ~~01/13/23~~~~[03/30/18]~~)
- 718 Disciplinary Review (Amended 07/10/18)
- 720 Programs and Services (Amended 03/30/18)
- 720.1 Library Services (Amended ~~01/13/23~~~~[03/30/18]~~)
- 720.2 Recreation and Structured Activities (Amended ~~01/13/23~~~~[03/30/18]~~)
- 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~~~~[03/30/18]~~)
- 731 Complaint Investigations of Secure Juvenile Detention Centers and Juvenile Holding Facilities (Amended 03/30/18)

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

*VICKI REED, Commissioner*

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FILED WITH LRC: May 12, 2023 at 3:45 p.m.

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## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person: Amy Barker**

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This regulation incorporates by reference the policies and procedures concerning health and safety governing the operations of the Department of Juvenile Justice (DJJ).

**(b) The necessity of this administrative regulation:**

This regulation meets statutory requirements in KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095 and 640.120.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

The authorizing statutes permit the cabinet and the department to implement practices or procedures to ensure the safe and efficient operation of the department and its juvenile facilities.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

The regulation and material incorporated by reference provide direction and information to DJJ employees, juveniles, and their families concerning policies and procedures that govern operation of the department.

**(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 allows the staff to use additional safety measures to protect themselves and control unruly juveniles.

**(b) The necessity of the amendment to this administrative regulation:**

The amendment meets the requirements of authorizing statutes and updates practices for the department regarding disruptive and dangerous behavior of juveniles.

**(c) How the amendment conforms to the content of the authorizing statutes:**

The authorizing statutes permit the cabinet and the department to implement or amend practices or procedures to ensure the safe and efficient operation of the department.

**(d) How the amendment will assist in the effective administration of the statutes:**

The amendment provides staff with additional means to control juveniles before they injure themselves, other juveniles, or staff.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

This affects approximately 301 employees of DJJ, 200 juveniles, and their families.

**(4) 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:**

Staff, juveniles, and their families will have to follow the changes made in the policies and procedures. They will have to change their actions to comply with the operational changes made by this amendment. Staff will be trained on the use of chemical agents and energy conductive devices as well.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

An exact cost is unknown, but devices including tasers and pepper spray, shields, riot control suits and helmets, camera equipped vehicle partitions, and other items will be acquired to assist with control at some DJJ facilities at an approximate cost of \$1,478,969.82. Training costs will also be incurred for each staff member who is authorized to use tasers or pepper spray. These costs are for the amendment of both administrative regulations being filed.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

The operational changes will assist in the effective and orderly management of the department.

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

**(a) Initially:**

An exact cost is unknown, but devices including tasers and pepper spray, shields, riot control suits and helmets, camera equipped vehicle partitions, and other items will be acquired to assist with control at some DJJ facilities at an approximate cost of \$1,478,969.82. Training costs will also be incurred for each staff member who is authorized to use tasers or pepper spray. These costs are for the amendment of both administrative regulations being filed.

**(b) On a continuing basis:**

An exact cost is unknown, but devices like pepper spray will be reacquired as they are used or expire. Training costs will continue to be incurred for new staff authorized to use pepper spray or tasers. The tasers, cars with camera equipped security partitions, and other equipment will need to be replaced on an intermittent basis.

**(6) 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.

**(7) 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 anticipated, but is not yet fully calculated.

**(8) 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.

**(9) 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 NOTE

**(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?**

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**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 15A.065(1), 15A.067, 15A.160, 200.115, 605.150, 635.095, 635.100(7), 640.120, 645.250

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?**

The amendment to this regulation will not create any revenue.

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?**

The amendment to this regulation will not create any revenue.

**(c) How much will it cost to administer this program for the first year?**

An exact cost is unknown, but devices including tasers and pepper spray, shields, riot control suits and helmets, camera equipped vehicle partitions, and other items will be acquired to assist with control at some DJJ facilities at an approximate cost of \$1,478,969.82. Training costs will also be incurred for each staff member who is authorized to use tasers or pepper spray. These costs are for the amendment of both administrative regulations being filed.

**(d) How much will it cost to administer this program for subsequent years?**

An exact cost is unknown, but devices like pepper spray will be reacquired as they are used or expire. Training costs will continue to be incurred for new staff authorized to use pepper spray or tasers. The tasers, cars with camera equipped security partitions, and other equipment will need to be replaced on an intermittent basis.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Revenues (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.**

**(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?**

Cost savings are not anticipated.

**(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?**

Cost savings are not anticipated.

**(c) How much will it cost the regulated entities for the first year?**

An exact cost is unknown, but devices including tasers and pepper spray, shields, riot control suits and helmets, camera equipped vehicle partitions, and other items will be acquired to assist with control at some DJJ facilities at an approximate cost of \$1,478,969.82. Training costs will also be incurred for each staff member who is authorized to use tasers or pepper spray. These costs are for the amendment of both administrative regulations being filed.

**(d) How much will it cost the regulated entities for subsequent years?**

An exact cost is unknown, but devices like pepper spray will be reacquired as they are used or expire. Training costs will continue to be incurred for new staff authorized to use pepper spray or tasers. The tasers, cars with camera equipped security partitions, and other equipment will need to be replaced on an intermittent basis.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Cost Savings (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(5) Explain whether this administrative regulation will have a major economic impact, as defined below.**

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] A major economic impact is anticipated.