

JUSTICE AND PUBLIC SAFETY CABINET

Department of Juvenile Justice (New Administrative Regulation)

505 KAR 1:230. Facility capacity, staffing, and population count.

RELATES TO: KRS 15A.065, 15A.0652, 15A.067, 200.080-200.120, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.0652, 15A.160, 605.150, 635.095, 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 15A.160, 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 requirements for a maximum capacity to be established for each department facility, staffing, and a daily population count to be made.

Section 1. Bed Capacity.

- (1) A facility shall not exceed the maximum capacity established by the State Fire Marshal.
- (2) The department shall establish and maintain recommended maximum bed capacities at each facility.
- (3) The Commissioner or designee may waive the recommended capacity maximum of a juvenile facility established in subsection (2) of this section, if it is determined that a waiver does not seriously affect the security, supervision of juveniles, programs, or the safe, healthful, or efficient operation of the facility.

Section 2. Required Staffing Levels for Juvenile Facilities.

- (1) Each juvenile facility shall have adequate staff to provide reasonable security to the juveniles and ensure their wellbeing.
- (2) A juvenile or group of juveniles shall not be given control or authority over other juveniles.
- (3) At least one (1) same sex staff member of the juvenile population shall be on duty at all times.
- (4) In an emergency, the superintendent may use other approved physical management certified DJJ staff to fulfill required youth worker staff coverage on a shift-by-shift basis.

Section 3. Daily Census.

- (1) A facility operated by or contracted with the department shall conduct a daily census of the juveniles in its custody.
- (2) A facility shall report any other information regarding the juvenile population in the daily census that the Commissioner or designee direct.

VICKI REED, Commissioner

APPROVED BY AGENCY: May 15, 2023

FILED WITH LRC: May 15, 2023 at noon

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2023, 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 was received by that date, the hearing may be cancelled. 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 through July 31, 2023. 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: Amy Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.