

**JUSTICE AND PUBLIC SAFETY CABINET**  
**Department of Juvenile Justice**  
**(New Administrative Regulation)**

**505 KAR 1:220. Transportation of juveniles.**

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

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.0652, 15A.160, 196.173, 605.080, 605.150, 635.095, 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 15A.160, 15A.210, 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. KRS 15A.305(8)(c) requires that appropriate staff working with detained youth have controlled access to, and are properly trained in the use of, appropriate defensive equipment comparable to that used by the Department of Corrections, including tasers, pepper spray, and shields. This administrative regulation establishes requirements for the transportation of juveniles in the custody of the department.

Section 1.

(1) A juvenile shall be searched before being placed in a vehicle for transport. Cross-gender searches shall only be conducted under exigent circumstances. Otherwise, searches shall be conducted by same gendered staff.

(2) Department staff shall determine if a juvenile may be notified in advance of a pending transportation trip.

(a) The default shall be to not give notice unless consideration of the factors in paragraph (b) of this subsection allow for notice.

(b) Consideration shall be given to:

1. The purpose of or reason for the transport;
2. Classification and behavior of the juvenile;
3. Whether the juvenile's parent or caregiver is being informed or will be present;
4. Safety and security issues, including:
  - a. Timing of the notice; and
  - b. Escape or AWOL risk.

(3) A juvenile in detention or a level 4 youth development center being transported shall be restrained with mechanical restraints and shall be transported in a vehicle with a security screen. Other juveniles may be transported in mechanical restraints if needed. However, juveniles shall not be secured or restrained to any part of the vehicle. A pregnant juvenile shall be restrained in compliance with KRS 196.173.

(4) Staff transporting juveniles may be equipped with chemical agents, conductive energy devices, additional mechanical restraints, and a cell phone.

(5) Seat belts shall be used in a vehicle.

(6) Transporting staff shall not allow a juvenile to visit or contact any person except a parent or caregiver by any means unless authorized in advance by the superintendent or designee.

(7) A juvenile shall not leave the vehicle at any stop unless the transporting staff escorts the juvenile.

(8) In an emergency or a collision, restraints may be removed from the juvenile only if the transportation staff determines that an urgent situation exists requiring removal of the restraints. Any restraints removed shall be limited to those restraints that compromise the health or safety of the juvenile.

(9) If the transportation of a juvenile is expected to extend through a mealtime, a sack lunch shall be prepared and placed in the transport vehicle or provision shall be made to feed the juvenile upon arrival.

(10) DJJ staff transporting a juvenile shall observe the same gender requirements of KRS 605.080.

(49 Ky.R. 2436; eff. 3-5-2024.)

*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](mailto:Justice.RegContact@ky.gov).