

JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Amendment)

505 KAR 1:010. Definitions.

RELATES TO: KRS 15A.065, 15A.067, 15A.305, 200.080-200.120, Chapters 600-645, 500 KAR 13:020

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.305, 158.281, 200.115, 197.045, 605.035, 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 defines terms used in 505 KAR Chapter 1.

Section 1. Definitions.

- (1) "Absent without leave" or "AWOL" means a juvenile who is absent without permission from an alternative to detention placement or a DJJ probated or committed public offender or a youthful offender who is absent without permission while on conditions of probation, conditions awaiting placement, or who violates the terms or conditions of supervised placement.
- (2) "ADO" means Administrative Duty Officer.
- (3) "Administrative transfer request" or "ATR" means a request for consideration of change in placement for any juvenile in out-of-home placement.
- (4) "Aftercare" means a continuum of planned supervision, schedules, activities, and services coordinated for or provided to a juvenile who has been released from a group home or private child care provider and who is being integrated into a local community setting.
- (5) "Aggressive behavior" means behavior or acting out that could lead to the infliction of harm or injury to self, others, or property.
- (6) "Alternative to Secure Detention Program" or "ATD" means any resource that provides a less restrictive environment than secure detention, such as emergency shelter care, a court resource home, a day reporting center, or home detention.
- (7) "Anniversary date" means the date sentenced, by which eligibility for meritorious good time shall be reviewed.
- (8) "Career and technical education" means education or training in skilled trades, applied sciences, modern technologies, and career preparation offered or approved by the department.
- (9) "Caregiver" means a guardian or other person exercising custodial control or supervision of a juvenile.
- (10) "Case management" means a collaborative process to coordinate services and supervision for the family unit. Components of case management include assessment, case planning, resource linkage, monitoring, documentation, advocacy, promoting family strengths, and engaging the family.
- (11) "Case plan" means a written document that builds a plan for supervision and services that targets the risk and need factors identified in the juvenile's Criminogenic Needs Questionnaire and Risk and Criminogenic Needs Assessment and involves the juvenile, family, service providers, and natural supports. The plan shall include the goals to be pursued, the specific roles of the participants in carrying out the plan, and the specific timetable for completion of the plan.

- (12) "Cavity search" means a manual or instrument inspection of a person's anal, vaginal or other body cavity by trained medical personnel.
- (13) "Chain of custody" means documented accountability for the custody of evidence from the moment it reaches the staff's custody until the moment it is presented in court, transferred, or destroyed.
- (14) "Chemical agent" means non-lethal gases including Chlorobenzalmalononitrile (CS) gas and Oleoresin Capsicum (OC) gas, spray, and pepper ball delivery methods; and hexachloroethane (HC) smoke and similar chemicals used to control individuals or crowds. This does not include chloroacetophenone or hydrogen cyanide (CN) (chemical mace), which is not authorized for use within DJJ or for training.
- (15) "Child Find" means a component of the Individuals with Disabilities Education Improvement Act 2004 that requires states and local education agencies to identify, locate, and evaluate all children with disabilities residing in the state, regardless of the severity of their disability, who are in need of special education and related services as described by 34 C.F.R. §300.111.
- (16) "Chronic program disruption" means a pattern of behavior that threatens the safety and security of the facility, self, or others where less restrictive responses have failed to modify the behavior.
- (17) "Classification" means a process to determine the risks, needs, and requirements of a juvenile.
- (18) "Classification placement" means the out-of-home placement of a committed juvenile as determined by the department's Classification Branch Placement Services.
- (19) "Cognitive behavioral therapy" means using treatment techniques emphasizing the role of thoughts, feelings, and behaviors in a person's functioning and well-being, helping a juvenile recognize their problematic thoughts, feelings, and behaviors and learn alternative ways to cope and prevent relapse.
- (20) "Commissioner" means the commissioner of the department.
- (21) "Commissioner's warrant" means a document issued by the department directing that a juvenile be taken into custody.
- (22) "Commitment" means an order by a court ordering a juvenile to the care, custody, and treatment of an agency or private or state institution maintained for such purpose.
- (23) "Community Juvenile Justice Partnership Grant Program" means the grant program utilizing state general funds for a local community to support the development of a prevention program.
- (24) "Comprehensive plan" means the plan developed and adopted by the council, and approved by the commissioner, that directs the development and funding of programs and initiatives of the council for a designated period of time.
- (25) "Conductive energy device" means a device that functions by applying electrical impulses to the receiver, causing involuntary muscle contractions and temporary immobilization.
- (26) "Consequence" means suspension of privileges or behavioral penalty issued due to a negative behavior that is being displayed or an infraction of the facility's rules.
- (27) "Contraband" is defined by KRS 520.010(1) and includes tobacco, lighters, matches, pins, needles, sewing equipment, aerosol cans, toxic cosmetics (such as nail polish remover), modeling glue, cleaning fluids, paints, razors, tools, ropes, chains, extremely toxic house plants, broken articles, vaping articles or supplies, inappropriate photos or depictions (such as nudity, sexual content, or gang signs or symbols), drug paraphernalia as defined by KRS 218A.500, and any other item used to subvert security measures, assist in an escape event, or items identified in writing by the facility or program to the juvenile.
- (28) "Council" means the local juvenile delinquency prevention council whose members are appointed by the Commissioner of the Department of Juvenile Justice.

- (29) "Criminogenic Needs Questionnaire" or "Needs-Q" means a tool that identifies dynamic or changeable risk factors, called criminogenic needs, that contribute to the juvenile's likelihood of reoffending which are to be utilized in case planning allowing for the targeting of treatment interventions for the juvenile and family in order to reduce recidivism.
- (30) "Critical incident" means a sudden, unexpected occurrence that puts a person's safety at risk. This incident falls outside of the range of a day-to-day operations. If it goes unaddressed, a critical incident may lead to injury or death.
- (31) "Dangerous contraband" is defined by KRS 520.010(3) and means contraband that is capable of endangering the safety or security of a facility or persons therein, including saws, files, and similar metal cutting instruments, any controlled substance, any quantity of an alcoholic beverage, any quantity of marijuana, THC delta-8, or THC delta-9, dangerous instruments, and deadly weapons as defined by KRS 500.080. The definition shall not include the parts of the human body portion of the definition of dangerous instrument.
- (32) "Dangerous instrument" is defined by KRS 500.080(3).
- (33) "Day release" means both escorted and unescorted leave into the community of less than twenty-four (24) hours duration from placement.
- (34) "Day treatment" means a community-based treatment program for a juvenile whose behavior precludes participation in a regular school.
- (35) "Deadly weapon" is defined by KRS 500.080(4).
- (36) "Department" or "DJJ" means the Department of Juvenile Justice.
- (37) "DCBS" means Department of Community Based Services.
- (38) "Detention facility" is defined by KRS 520.010(4).
- (39) "Detention Alternative Coordinator" or "DAC" means a person employed by the Department of Juvenile Justice that is responsible for the development of alternatives to secure detention programs, screening of juveniles to determine who is appropriate for non-secure detention, and oversight of the juveniles placed in these programs.
- (40) "Detention risk assessment instrument" means the scoring instrument used by the Department of Juvenile Justice to determine whether a juvenile should be placed in secure, non-secure, or home detention care.
- (41) "Discrimination" means an abridgement of rights based upon a person's race, color, religion, national origin, sex, age, disability, sexual orientation, gender identity, genetic information, or veteran status.
- (42) "Discharge planning conference" means a meeting of the treatment team to finalize the aftercare plan and facilitate the transition of the juvenile to a lower level placement.
- (43) "Discipline" means a process to assist the juvenile in learning socially acceptable behaviors through the use of natural and logical consequences.
- (44) "Disciplinary review" means a non-judicial administrative procedure to determine if grounds exist to support discipline for a major rule violation.
- (45) "Disciplinary Review Committee" means staff designated to conduct a disciplinary review.
- (46) "Drug screen" means a preliminary screening of a urine specimen for the presence of selected categories of drugs.
- (47) "Drug test" means processing a urine specimen for confirmation of the presence of drugs.
- (48) "Educational good time" means a sentence credit for a youthful offender for an educational accomplishment pursuant to KRS 197.045(1)(a)(2) and (3) and approved pursuant to 505 KAR 1:260.
- (49) "Electronic monitoring" means a supervision tool that provides electronic information about the juvenile's presence at, or absence from, his or her residence or other location.

- (50) "Emergency ATR" or "E-ATR" means an electronic request for transfer that is executed through supervisory channels, without committee review, and subsequently supported with written documentation.
- (51) "Emergency furlough" means a furlough that may be granted as a result of a crisis or urgent situation.
- (52) "Escape" is defined by KRS 520.010(5).
- (53) "Escorted day leave" means the authorized absence of a juvenile from the detention facility into the community for a period of less than 24-hours under direct escort and supervision of the detention center staff.
- (54) "Facility" means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals as established in 28 C.F.R. § 115.5.
- (55) "Facility restriction" means restricting a juvenile to the confines of the facility or program grounds.
- (56) "Family Accountability, Intervention, and Response Team" or "FAIR Team" means the team described in KRS 605.035(1).
- (57) "Family engagement" means working with the juvenile's family or caregiver as a partner with the Department of Juvenile Justice in the juvenile's treatment throughout the continuum of care.
- (58) "Fixed restraint" means the restraining of an individual to a bed or any stationary object and is commonly referred to as "four/five-point restraint".
- (59) "Furlough" means an approved, unescorted leave of absence granted to a juvenile extending beyond a twenty-four (24) hour period from placement.
- (60) "FRA" means Facilities Regional Administrator.
- (61) "Grievance" means a written statement in which a complaint or dissatisfaction is documented and filed in the department grievance process.
- (62) "Grievance officer" means a facility staff person trained by the department Ombudsman and assigned to process juvenile grievances.
- (63) "Group home" or "GH" means a residential program emphasizing family-style living in a homelike environment that generally houses eight (8) to ten (10) juveniles.
- (64) "Home detention" means ordered supervision of a juvenile in his or her own home with or without electronic monitoring.
- (65) "Home evaluation" means an evaluation and subsequent report of findings to determine if supervision in a proposed residence is in the best interest of the juvenile and the community.
- (66) "Home state" means the state where the juvenile's legal guardian or custodial agency is located.
- (67) "Human trafficking" is defined by KRS 529.010(7).
- (68) "Immediate family" means:
- (a) Spouse;
 - (b) Children or stepchildren;
 - (c) Parents or stepparents;
 - (d) Grandparents;
 - (e) Siblings or stepsiblings and their spouses; and
 - (f) Aunts and uncles and their spouses.
- (69) "Incident" means an unusual event or occurrence including:
- (a) Use of isolation;
 - (b) AWOL or escape;
 - (c) Assault by juvenile on juvenile;
 - (d) Assault by juvenile on staff;
 - (e) Major property destruction;
 - (f) Possession of contraband;

- (g) Death of a resident;
 - (h) Major injury;
 - (i) Suicide attempt;
 - (j) Use of restraint;
 - (k) Taking of hostages;
 - (l) Medication error;
 - (m) Rioting or attempting to incite a riot;
 - (n) Self-harming behavior; or
 - (o) Other similarly serious occurrence that a DJJ supervisor determines is an incident.
- (70) "Individual client record" or "ICR" means the electronic case file, sometimes referred to as "juvenile offender records index" or "JORI", and hard case file of an individual juvenile by which information and documentation is maintained.
- (71) "Individual Education Program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 707 KAR 1:320.
- (72) "Individual Learning Plan" or "ILP" means a document usually developed online for a student in middle and high school that focuses on career exploration, assessment of skills and interests, reflection on work related experiences, and the creation of an education plan that includes personal goals and exploration of college and post-secondary opportunities.
- (73) "Individual Learning Plan Addendum" or "ILPA" means an educational action plan recorded in Infinite Campus that addresses the changed educational needs of a student based upon entry into or exit from an alternative education program.
- (74) "Individual Program Plan" or "IPP" means a plan for a juvenile who struggles to participate in the normal routine of the facility, including a juvenile who is assaultive, has chronic program disruption, or who presents a danger to themselves.
- (75) "Individual Treatment Plan" or "ITP" means a written document that takes into consideration the severity of the current offense, the risk and need factors identified in the juvenile's needs assessment, and any additional assessments, and identifies the treatment goals to be pursued, specifies the roles of the participants in carrying out the plan, and specifies a timetable for completion of the plan.
- (76) "Intensive room supervision" means constant staff supervision of a juvenile placed in a room with the door open for a period of time.
- (77) "Internal Investigations Branch" or "IIB" means the office within the Justice and Public Safety Cabinet that investigates complaints of abuse or a special incident.
- (78) "Isolation" means the removal of a juvenile from the general population and placement in a room with the door closed due to a threat to the safety or security of the facility, staff, or juvenile.
- (79) "Jail" means county jails and correctional or detention facilities, including correctional facilities defined in KRS 600.020 operated by and under the supervision of any political subdivision.
- (80) "JSW" means Juvenile Service Worker.
- (81) "Juvenile" means:
- (a) Any person probated, committed, or under the supervision of the Department of Juvenile Justice who is subject to the jurisdiction of the juvenile court;
 - (b) Any youthful offender in the custody of the Department of Juvenile Justice prior to final sentencing; and
 - (c) Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail as established in 28 C.F.R. § 115.5.
- (82) "Juvenile holding facility" means a physically secure setting which is an entirely separate facility or portion or wing of a building containing an adult jail, which provides total separation between juvenile and adult facility spatial areas and which is staffed by sufficient certified staff to provide twenty-four (24) hour per day supervision.

- (83) "Juvenile Justice Advisory Board" means the board created by KRS 15A.065.
- (84) "Juvenile sexual offender" is defined by KRS 635.505(2) and includes a juvenile adjudicated for an offense involving sex or of a sexual nature as determined by the sending state or who may be required to register as a sex offender in the sending or receiving state.
- (85) "Lateral transfer" means the transfer of a juvenile from one placement to another within the same placement level.
- (86) "Least restrictive alternative" is defined in KRS 600.020(38).
- (87) "Legal guardian" means a parent or other person who is legally responsible for the care and management of the juvenile.
- (88) "Leisure time" means structured free time in which juveniles are given the opportunity to engage in constructive activities such as drawing, writing, reading, or listening to music.
- (89) "Level 4 facility" means a maximum security youth development center as set forth in KRS 15A.0652.
- (90) "Level of Placement Continuum" means the movement of a juvenile within placement levels.
- (91) "Level system" means a three (3) tiered system to provide a structured system for measuring progression toward treatment goals.
- (92) "Local community" means the area represented by the council.
- (93) "Maximum secure facility" means a juvenile residential facility that is physically secure.
- (94) "Mechanical restraint" means a device, including handcuffs, anklet, and waist chains, used by department staff to restrict the free movement of a juvenile.
- (95) "Meritorious good time" means a sentence credit that may be awarded to a youthful offender pursuant to KRS 197.045(1)(b)(2) for good behavior, performing duties of outstanding importance, or exceptional service in connection with facility operations and programs and pursuant to KRS 197.045(1)(b)(3) in emergencies.
- (96) "Natural supports" means personal associations and relationships typically developed in the community that enhance the quality and security of life for people, including, but not limited to, family relationships; friendships reflecting the diversity of the neighborhood and the community; association with fellow students or employees in regular classrooms and work places; and associations developed through participation in clubs, organizations, and other civic activities.
- (97) "Needs assessment" means identifying dynamic or changeable risk factors, called criminogenic needs, that contribute to the juvenile's likelihood of reoffending which are to be utilized in case planning allowing for the targeting of treatment interventions for the juvenile and family or caregiver in order to reduce recidivism.
- (98) "Office of Career and Technical Education" or "OCTE" means an office within the Kentucky Department of Education that addresses career and technical education as a component of the high school curriculum.
- (99) "One-to-one supervision" means an individual staff member is assigned to directly supervise no more than one (1) juvenile with the staff staying within very close proximity to ensure constant supervision and immediate intervention if needed for safety reasons.
- (100) "Open entry-open exit" means allowing a juvenile to enter school and exit school as the student enters and exits DJJ custody rather than during normal school semester or quarter schedules.
- (101) "Orientation Treatment Plan" or "OTP" means a written document outlining short term objectives and expectations and any problems that require immediate attention and will be in effect until an Individual Treatment Plan is written.
- (102) "Out-of-home placement" is defined by KRS 600.020(45).

(103) "Pat-down search" means a running of the hands over the clothed body of a juvenile by an employee to determine if the individual possesses contraband.

(104) "Physical restraint" means a set of techniques used to physically manage an out of control juvenile.

(105) "Physically secure facility" is defined by KRS 600.020(50).

(106) "Plan year" means the period beginning July 1 of the fiscal year for which the commissioner approves a council's comprehensive plan, and ending on June 30 of the fiscal year.

(107) "Public offender" means a juvenile who is accused of an offense under KRS Chapter 527 or a public offense which, if committed by an adult, would be a crime, whether the same is a felony, misdemeanor, or violation, other than an action alleging that a child sixteen (16) years of age or older has committed a motor vehicle offense.

(108) "Program days" means scheduled days for a student's attendance at a day treatment program.

(109) "Reasonable suspicion" means a less stringent standard than probable cause requiring the authority acting to be able to point to specific and articulable facts that, taken together with rational inferences from those facts, reasonably warrant a belief that an individual is in possession of contraband.

(110) "Regional director" means the Department of Juvenile Justice Regional Director for the area in which the council is based.

(111) "Risk assessment" or "Risk and criminogenic needs Assessment" or "RCNA" means a standardized method of data collection that estimates the likelihood that continued delinquent behaviors will occur without intervention and guides intervention planning.

(112) "Room confinement" means a juvenile at a Level 4 facility is placed in a room in a general population unit with the door closed for a period of time not to exceed four (4) hours for the purposes of assisting the juvenile with regaining control of their behavior while avoiding a placement in isolation.

(113) "Room restriction" means temporary removal of a juvenile from the general population to a specified location for behavior management with the door open.

(114) "Runaway" means any child under the juvenile jurisdictional age limit established by their home state who has run away from their residence without consent of the parent, legal guardian, person, or custodial agency entitled to their legal custody.

(115) "Section 504 plan" or "504 plan" means a written statement developed for a student with a disability that includes the provision of regular or special education and related aids and services designed to meet individual educational needs in accordance with the federal regulations issued under 34 C.F.R. sec. 104.33.

(116) "Secure facility" means a facility which is approved for the holding of juveniles and is one which is either staff-secured or locked and which prohibits a juvenile in custody from leaving.

(117) "Secure juvenile detention facility" is defined by KRS 15A.200(4).

(118) "Security staff" means employees primarily responsible for the supervision and control of juveniles in housing units, recreational areas, dining areas, and other program areas of the facility as established in 28 C.F.R. § 115.5.

(119) "Security threat group" or "STG" means a formal or informal ongoing group of juveniles varying in organization and composition that have:

(a) Common characteristics, interests, and goals distinguishing them from other juveniles;

(b) A common name or common identifying signs, colors, or symbols;

(c) Individually or collectively engage in or have engaged in a pattern of continued criminal activity or departmental rule violations; and

- (d) The potential to act in concert to interrupt the safe, secure, and orderly operations of an institution or any other department facility or pose a threat or potential threat to public safety.
- (120) "Sex Offender Registry" means a registration system for adults or youthful offenders who have committed a sex crime and have been tried and sentenced as adults.
- (121) "Sexual abuse" means the behavior described in 28 C.F.R. § 115.6.
- (122) "Sexual offender" is defined by KRS 17.500(9).
- (123) "Shift log" means a written record that documents routine information, emergency situations, and unusual incidents.
- (124) "Special incident" is defined by 500 KAR 13:020.
- (125) "Special Management Plan" means a specific therapeutic intervention for an identified juvenile to work through difficult treatment issues and develop personal behavior management skills without disrupting the treatment culture of the overall program.
- (126) "Specialized programming" means DJJ-operated or, if reasonably available, private child care programs that provide specialized treatment services to identified populations served by the department, which may include sexual offender treatment programs or programs for a juvenile with an identified mental health need such as a juvenile with a severe emotional disability.
- (127) "Staff secure" is defined by KRS 600.020(64).
- (128) "Staff-secure shelter" means 24-hour custodial care for a juvenile in a non department staff secure setting.
- (129) "Status offender" means a juvenile who is accused of committing acts, which if committed by an adult, would not be a crime.
- (a) Status offenses shall include:
1. Beyond the control of school or beyond the control of parents;
 2. Habitual runaway;
 3. Habitual truant; and
 4. Alcohol offenses as provided in KRS 244.085.
- (b) Status offenses shall not include violations of state or local ordinances which may apply to children such as a violation of curfew.
- (130) "Step-down" means transition of a juvenile from a higher placement level to a lower placement level.
- (131) "Step-up" means transition of a juvenile from a lower placement level to a higher placement level.
- (132) "Strip search" means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.
- (133) "Time out" means the temporary removal of a juvenile from general programming in order for the juvenile to be given a chance to regain control of their behavior.
- (134) "Track" means out-of-home timeframes dependent upon type of offense per KRS 15A.0652.
- (135) "Treatment team" means department staff and professionals who work collaboratively to assist and aid the juvenile in achieving goals.
- (136) "Unescorted day leave" means the authorized absence from the detention center into the community for a period of less than 24-hours without escort or supervision, or under escort and supervision of anyone other than the detention center staff, and may be referred to as furlough by the court system.
- (137) "Unfounded" means the charges are false or the employee was not involved in the incident.
- (138) "Unit restriction" means restricting a juvenile to a specific program area.

(139) "Vocational education" means soft-skills courses, including resume building, interviewing, and working relations, which contribute to the development of a successful employee.

(140) "Work detail" means daily work and chore assignments related to housekeeping, maintenance of the facility or its grounds, or personal hygiene needs.

(141) "Work experience program" means an organized work training program offered as a component of the educational or career and technical programming with an emphasis on instruction and evaluation rather than task accomplishment.

(142) "Work release" means approved day leave for a juvenile to participate in employment.

(143) "YDC" means youth development center.

(144) "Youth" means a person who is under the custody, control, or supervision of the Department of Juvenile Justice, as a result of a court order or interstate supervision.

(145) "Youth Activity Fund Account" means the financial account holding money owned by the current juvenile population through individual juvenile funds earned through allowance and work experience and money held for the benefit of the juvenile population obtained through work projects, sales of articles produced by juveniles, and private donations.

(146) "Youth Activity Funds" means a sub-ledger of the youth activity fund account that is comprised of donations, profit from work projects, and vending machine commissions and shall solely be used for benefit of the juveniles including group social and recreational pursuits of the juveniles.

(147) "Youth Counselor" means the department staff who is responsible for coordinating treatment within a day treatment, group home, youth development center, or detention facility.

(148) "Youthful offender" is defined by KRS 600.020(72).

VICKI REED, Commissioner

APPROVED BY AGENCY: May 15, 2023

FILED WITH LRC: May 15, 2023 at 12 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.