

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

505 KAR 1:280. Hair and grooming.

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.067, 15A.160, 15A.210, 605.150, 635.095, 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 15A.067, 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. This administrative regulation establishes the requirements for hairstyles and grooming for juvenile detention centers, youth development centers, and group homes.

Section 1. Definitions.

- (1) "Cornrows" means a hairstyle in which the hair is arranged in an intricate pattern of tight rows of braids close to the scalp. For people with tightly curled hair textures, this style is not removable by combing or brushing in a brief period of time.
- (2) "Dreadlocks" means a hairstyle in which the hair is styled into ropelike sections formed by matting, braiding, or twisting that causes the strands of hair to lock together and due to the locking of the hair is not removable by combing or brushing in a brief period of time.
- (3) "Religious exemption" means an approved justification to not be required to conform to a particular grooming standard based upon a sincerely held religious belief.

Section 2. Hairstyles and Grooming.

- (1) Each juvenile shall have hair that is clean and styled in a way that does not obscure the face or make the juvenile hard to identify by staff.
- (2) A juvenile may wear braids, cornrows, or dreadlocks that are neatly groomed.
- (3) A juvenile shall not wear hairstyles that allow hair to fall lower than the eyebrows.
- (4) Hairpins and bobby pins shall be prohibited.
- (5) A juvenile shall not be allowed to cut or style designs into their hair or color hair after admission to the facility.
- (6) Long hair shall be pulled up off the shoulders when on work detail or vocational programming, if safety or sanitation considerations require.
- (7) Hairnets shall be provided for and worn by juveniles that work in food service.
- (8) Wigs and hairpieces shall not be worn unless medically necessary, and if medically necessary, shall require approval from the Director of Medical Services or designee.
- (9) Basic hair care services and culturally sensitive hair care maintenance shall be provided free of charge to the juvenile at least one (1) time a month. Basic hair care services shall include a haircut. Culturally sensitive hair care maintenance shall include basic wash and relaxation, if a licensed professional with expertise in culturally sensitive hair care is readily available. Relaxation shall require parental permission unless the juvenile has attained the age of eighteen (18).
- (10) A juvenile shall be allowed to grow and maintain facial hair not to exceed a length of one-fourth (1/4) inch.
- (11) A juvenile shall be issued culturally sensitive hair maintenance items or general hair care products on a daily basis, including combs and brushes.

Section 3. Licensed Professionals.

(1) Only individuals licensed by the Commonwealth of Kentucky as barbers or cosmetologists shall provide hair care and grooming services to a juvenile. Each contracted barber or cosmetologist shall have a documented pre-service orientation training prior to conducting business at a DJJ residential facility, which shall include training on tool control, control of hazardous materials, and other basic procedures.

(2) Security. All tools, equipment, and chemicals used by the barber or cosmetologist shall be in the control of and maintained by the barber or cosmetologist when conducting business at a DJJ residential facility.

(3) Sanitation. The barber or cosmetologist shall adhere to the sanitation standards set for licensure. Equipment used for hair care services shall be sanitized after each use.

(4) Medical services.

(a) If the barber or cosmetologist observes an open lesion, cut, or wound on the scalp, neck, or facial area, staff shall be notified and the juvenile shall be referred for immediate medical services. If an open lesion, cut, or wound occurs during the barbering process, the supervising DJJ staff shall provide appropriate first aid and the juvenile shall not be provided further barber or cosmetology services until medically cleared.

(b) The facility nurse shall be notified and follow-up with the juvenile for medical consultation regarding the lesion, cut, or wound.

(c) A barber or cosmetologist shall not perform medical therapy on any skin condition.

Section 4. Photograph. If the appearance of a juvenile changes, including a significant change in hairstyle or length or the presence of facial hair, DJJ staff shall obtain an updated photograph of the juvenile to be scanned into the electronic record.

Section 5. Staff Prohibited Acts.

(1) DJJ staff shall not cut, shave, groom, or style the hair or facial hair of a juvenile.

(2) DJJ staff shall not mandate or order that the hair or facial hair of a juvenile be cut, except if:

(a) A medical condition exists and the action is approved by the Director of Medical Services;

(b) The cutting or styling of designs in the hair represent gang identification symbols or inappropriate language or depictions; or

(c) The hair presents a safety or security concern for the facility or its orderly operation and is approved by the Commissioner.

(3) A juvenile may be required by a juvenile's employer or instructor to restrain or cover hair in a manner that complies with health requirements for food service or other jobs or prevents hair entanglement in equipment.

Section 6. Search.

(1) DJJ may search a juvenile's hair for contraband.

(2) Ordinary search procedures may include:

(a) Passing a hand-held metal detector over the inmate's hair and scalp to determine whether any metal objects are present;

(b) Directing a juvenile to turn the juvenile's head upside down and run their fingers vigorously through the hair including facial hair;

(c) Pressing the hair with the thumb and other fingers or squeezing the hair to detect foreign objects; and

(d) Using a body scanner to search for contraband.

(3) For youth development centers and youth detention centers, a juvenile's hair shall be searched:

(a) At intake; and

(b) After return from a trip outside the facility.

VICKI REED, Commissioner

APPROVED BY AGENCY: May 15, 2023

FILED WITH LRC: May 15, 2023 at 3:59 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 22, 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 August 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the requirements for hairstyles and grooming.

(b) The necessity of this administrative regulation:

This administrative regulation meets statutory authorization or requirements in KRS 15A.065(1), 15A.0652, 15A.160, 605.150, 635.095, and 640.120 for administrative regulations.

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

KRS 15A.065(1), 15A.0652, 15A.067, 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.

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

The regulation provides direction and information to department staff and juveniles concerning staff duties and the procedures that govern operations of facilities with juveniles in the custody 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:

This is a new administrative regulation.

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

Not applicable

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

Not applicable

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

Not applicable

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

This affects approximately 632 DJJ employees, 348 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 will be instructed on proper hairstyle and grooming techniques as well as prohibited acts in regard to a juvenile's hair and grooming. Juveniles and their families will be informed of the juvenile's rights in regard to hair and grooming as well as restrictions on particular hairstyles.

(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 of compliance is unknown, but it is not anticipated that this administrative regulation will increase current costs.

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

The administrative regulation will assist in the effective and orderly management of the department and its facilities.

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

(a) Initially:

An exact cost of compliance is unknown, but it is not anticipated that this administrative regulation will increase current costs.

(b) On a continuing basis:

An exact cost of compliance is unknown, but it is not anticipated that this administrative regulation will increase current costs.

(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 funding is not anticipated.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does establish 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, 15A.0652, 15A.160, 15A.305, 200.080-200.120, 605.150, 635.095, 640.120, 645.250, Chapters 600-645

(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?

This administrative 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?

This administrative regulation will not create any revenue.

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

An exact cost of compliance is unknown, but it is not anticipated that this administrative regulation will increase current costs.

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

An exact cost of compliance is unknown, but it is not anticipated that this administrative regulation will increase current costs.

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?

This administrative regulation is not anticipated to generate any cost savings.

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

This administrative regulation is not anticipated to generate any cost savings.

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

An exact cost of compliance is unknown, but it is not anticipated that this administrative regulation will increase current costs.

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

An exact cost of compliance is unknown, but it is not anticipated that this administrative regulation will increase current costs.

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 to the agency for the purchase of equipment and provision of training is not anticipated.