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

505 KAR 1:360. Searches.

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, 635.100(7), 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. This administrative regulation establishes search parameters.

Section 1. Routine Searches.
(1) All juveniles and their possessions shall be subject to a routine search at any time. All searches shall be documented.
(2) A routine search of the person may include:
(a) A pat down search;
(b) Scanning with a metal wand;
(c) Scanning with a metal detector; and
(d) Whole body imaging.
(3) Staff shall provide the individual being searched with verbal instructions for the type of search being used.
(4) If possible, searches shall be conducted by same gender staff. Cross-gender searches shall only be conducted under exigent circumstances and shall be documented.
(5) Pat down search. Staff shall have the youth remove shoes, jackets, sweaters, gloves, and hats and staff shall inspect these items. Staff shall visually check the juvenile's hair, ears, nose, mouth, and under tongue.
(6) An incident report shall be completed if contraband is discovered.

Section 2. Strip Search.
(1) Reasonable suspicion that a juvenile may be concealing contraband shall exist prior to the authorization of a strip search.
(2) Authorization shall be required by the superintendent and director of medical services prior to a strip search.
(3) An incident report shall be completed that includes the reasonable suspicion for the strip search.

Section 3. Body Cavity Searches.
(1) Outside medical providers shall be the only individuals authorized to conduct a body cavity search. Reasonable suspicion that a juvenile may be concealing contraband in a body cavity shall exist prior to the authorization of a body cavity search.
(2) Authorization shall be required by the superintendent and director of medical services prior to a body cavity search.
(3) An incident report shall be completed that includes the reasonable suspicion for the body cavity search and the identity of the outside medical provider who conducted the search.

Section 4. Visitors.
(1) All visitors and their possessions shall be subject to search.
(2) If any visitor refuses to submit to a search, the visitor shall be denied entry.
(3) A visitor who leaves the visitation area shall be subject to search upon reentry.

Section 5. Contraband Confiscation and Chain of Custody.

(1) Each facility shall have a sign posted, in a visible location on the grounds of the facility, to advise all persons that it is a violation of Kentucky law to bring weapons, intoxicants, drugs, and other contraband onto the grounds or into the premises.

(2) If contraband is discovered at a facility, staff shall confiscate and place the contraband in a secure location. A chain of custody for the contraband shall be maintained.

Section 6. Whole Body Scanning.

(1) Any juvenile, staff, or visitor that is pregnant, has a disability, requires reasonable accommodation, or is otherwise unable to be scanned shall be searched by other means when entering a facility.

(2) If possible and absent exigent circumstances, body scans of juveniles, staff, and visitors shall be conducted by an operator of the same sex.

(3) The images generated by the system may only be viewed by the operator unless the person scanned is believed to be in possession of contraband or the operator observes anything unusual about the scan, then the image may be viewed by the facility Superintendent, designated investigative staff as assigned by the Superintendent, and outside law enforcement agencies as appropriate. Something unusual may include a bulge in a location that would not normally have a bulge, an obvious metal object, or other variation from a normal scan that the operator would recognize as out of the ordinary from a clear scan from training.

(4) Staff and visitors who refuse to be scanned without a medical exemption provided in advance may be denied entry into an institution pending further investigation into the refusal.

(5) Juveniles who refuse to be scanned or attempt to manipulate or interrupt the scanning process and remain uncooperative may be issued a disciplinary report.

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.RegsContact@ky.gov.