

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

**505 KAR 1:410. Isolation and protective custody.**

RELATES TO: KRS 15A.065, 15A.0652, 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 procedures for isolation and protective custody in juvenile detention centers and youth development centers.

**Section 1. Isolation.**

(1) Isolation shall only apply to juveniles in juvenile detention centers and youth development centers.

(2) A juvenile may be placed in isolation if the juvenile constitutes a threat to the safety or security of the facility, staff, or a juvenile.

(3) The following situations may constitute a threat to the safety or security of the facility, staff, or a juvenile and may result in an isolation placement:

- (a) Assault or attempted assault;
- (b) Sexual assault or attempted sexual assault;
- (c) Attempted escape or attempted absent without leave;
- (d) Escape;
- (e) Participating in a riot;
- (f) Planning a riot;
- (g) Possessing dangerous contraband; or
- (h) Causing extensive property damage.

(4) Authorization shall be obtained from the superintendent, youth services program supervisor, administrative duty officer, or shift supervisor prior to placing a juvenile into isolation. If prior authorization cannot be obtained without jeopardizing the safety and security of the facility, staff, or other juveniles, authorization shall be obtained immediately following the safe securing of the juvenile. An isolation placement shall not exceed four (4) hours without further action as stated in subsections (5) through (7) of this section.

(5) Isolation in a detention center.

(a) The superintendent may authorize a juvenile to remain in isolation beyond an initial four (4) hour period, not to exceed twenty-four (24) hours.

(b) An extension of an isolation placement beyond twenty-four (24) hours and up to thirty-six (36) hours shall require the approval of the division director. The division director shall consider whether the juvenile:

- 1. Has regained control of their behavior; and
- 2. Is no longer a threat to the security, safety, or orderly management of the facility.

(c) An extension of an isolation placement beyond thirty-six (36) hours and up to a maximum of forty-eight (48) hours shall require the approval of the division director and the chief of mental health services. For the extension decision, they shall consider:

- 1. Whether the juvenile has regained control of their behavior; and
- 2. Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and

3. The mental health issues of the juvenile.
- (d) If a highly assaultive juvenile requires isolation for more than forty-eight (48) hours, an extension of an isolation placement beyond forty-eight (48) hours shall require the approval of the respective division director and the chief of mental health services. Any extension made shall be reviewed every twenty-four (24) hours and shall not exceed five (5) days. For the extension decision, they shall consider:
1. Whether the juvenile has regained control of their behavior; and
  2. Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and
  3. The mental health issues of the juvenile.
- (6) Isolation in youth development centers and group homes.
- (a) The superintendent may authorize a juvenile to remain in isolation beyond an initial four (4) hour period, not to exceed twenty-four (24) hours.
- (b) An extension of an isolation placement beyond twenty-four (24) hours and up to thirty-six (36) hours shall require the approval of the facilities regional administrator. For the extension decision, the FRA shall consider whether the juvenile:
1. Has regained control of their behavior; and
  2. Is no longer a threat to the security, safety, or orderly management of the facility.
  3. An extension of an isolation placement beyond thirty-six (36) hours and up to a maximum of forty-eight (48) hours shall require the approval of the respective division director and the regional psychologist. For the extension decision, they shall consider:
    - a. Whether the juvenile has regained control of their behavior; and
    - b. Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and
    - c. The mental health issues of the juvenile.
- (c) If a highly assaultive juvenile requires isolation for more than forty-eight (48) hours, an extension of an isolation placement beyond forty-eight (48) hours shall require the approval of the respective division director, the regional psychologist, and the chief of mental health services. Any extension made shall be reviewed every twenty-four (24) hours and shall not exceed five (5) days. For the extension decision, they shall consider:
1. Whether the juvenile has regained control of their behavior; and
  2. Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and
  3. The mental health issues of the juvenile.
- (7) The nurse shift program supervisor or on call nurse designee shall be notified as soon as feasible to determine if there are contra-indications for the juvenile being placed in isolation.
- (a) The facility nurse or health trained staff shall assess a juvenile placed in isolation as soon as it is safe to do so, as dictated by the director of medical services.
- (b) Injuries, bruises, scratches, and other observations shall be noted by a minimum of two (2) staff. The nurse or designee shall document the date, time, and results of the assessment.
- (8) Isolation may be used if requested by a juvenile and staff concur that the placement is in the best interest of the juvenile.
- (9) An assessment of a juvenile in isolation shall not be required to occur within the deadlines established in subsections (5) – (7) of this section, if the deadline falls within the normal sleep time for the facility. A delayed assessment shall occur within two hours of the normal awake time for the facility.
- (10) A juvenile in isolation shall be visited at least once a day by the superintendent or designee, medical or medically trained staff, and clinical or social work staff or designee.

A juvenile may request a visit from clergy or other religious representative. All interactions with the juvenile during placement on isolation shall be documented.

(11) The regional psychologist or designee shall conduct interviews and assessments for disturbances in mental status, including, for example, depression; suicidal ideation; impaired thought processes, cognition or memory; agitation; paranoia; self-injurious behavior; evidence of bruises or other signs of trauma; and whether the juvenile's behavior has escalated beyond the staff's ability to control the juvenile by counseling or disciplinary measures.

(12) If a juvenile exhibits deterioration in mental status while in isolation, the regional psychologist shall be contacted to determine the most appropriate action based on the treatment needs of the juvenile.

(13) If a juvenile's problem behavior lasts twenty-four (24) hours and there appears to be a need for continued intervention, qualified health personnel shall assess the juvenile daily.

(14) The juvenile in isolation shall be afforded living conditions and privileges approximating those available to the general population, including modified access to recreation and educational and treatment services taking into consideration the juvenile's safety needs.

(15) The juvenile shall be responsible for the daily cleaning of their living area in isolation.

(16) Release from isolation may occur based on the juvenile's behavior and state of mind.

#### Section 2. Isolation of Suicidal Juveniles.

(1) Isolation shall not be used as a suicide precaution.

(2) A juvenile who is suicidal may only be placed in isolation if the juvenile presents an immediate assault risk to staff or other juveniles as evidenced by physical actions and other less restrictive interventions have failed or are not appropriate. All other suicide protocols shall be followed.

#### Section 3. Protective Custody.

(1) A juvenile requiring protection from others may be placed in protective custody until alternative permanent housing is found within the facility or the juvenile is transferred to another facility.

(2) The superintendent or designee may order immediate placement in protective custody or isolation if it is necessary to protect the juvenile from harm. This action shall be reviewed every twenty-four hours of placement by the superintendent or designee. Separation from the general population beyond twenty-four (24) hours shall require approval by the superintendent and treatment director and shall consider any mental health issues of the juvenile. The chief of mental health services and regional psychologist shall be consulted. The action shall be reviewed by the treatment team within seventy-two (72) hours.

(3) The youth development center treatment team may develop a special management plan to assure the safety of and continuous services and programming for the juvenile.

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