JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Amended After Comments)

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, 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 facility manager 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 facility manager 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.

(4) 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.

Section 5. 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 facility manager, designated investigative staff as assigned by the facility manager, 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.

(50 Ky.R. 263, 1103; eff. 3-5-2024.)

VICKI REED, Commissioner

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