

505 KAR 2:120. Rules and discipline.

RELATES TO: KRS 15A.210-15A.240

STATUTORY AUTHORITY: KRS 15A.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.210 mandates that the Department of Juvenile Justice issue administrative regulations governing juvenile detention centers and juvenile holding facilities.

Section 1.

(1) All requirements in this administrative regulation shall be applied with consideration for the range of ages and maturity found in a juvenile detention facility in consideration of the juveniles' social-emotional ages, which may vary more than their physical ages.

(2) The facility shall adopt written rules of juvenile conduct which specify acts prohibited within the institution and penalties that may be imposed for various degrees of violation. The written rules shall be reviewed annually and updated if necessary. The use of tobacco products by juveniles shall be prohibited.

(3) A rulebook that contains all chargeable offenses, ranges of penalties and disciplinary procedures shall be posted in a conspicuous and accessible area; a copy shall be made available to each juvenile and staff member, and shall be translated into those languages spoken by significant numbers of juveniles. When a literacy or language problem prevents a juvenile from understanding the rulebook, a staff member or translator shall assist the juvenile in understanding the rules.

(4) All personnel who deal with juveniles shall receive in-service training so that they shall be thoroughly familiar with the rules of juvenile conduct, the sanctions available, and the rationale for the rules.

(5) There shall be written guidelines for informally resolving minor juvenile misbehavior.

(6) The facility shall adopt and enforce written policies and procedures which:

(a) Specify that room restriction for minor misbehavior serves only a "cooling off" purpose, shall be short in time duration, with the time period - fifteen (15) minutes to sixty (60) minutes - specified at the time of assignment;

(b) Require that prior to room restriction, juveniles have the reasons for the restriction explained to them and have an opportunity to explain the behavior leading to the restriction;

(c) Require that employees prepare an incident report where they have a reasonable belief that a juvenile has committed a major violation of facility rules or reportable minor violations. Incident reports prepared by staff members shall include, but are not limited to, the following information:

1. Specific rules violated;
2. A formal statement of the event;
3. An explanation of the event, which should include who was involved, what transpired, and the time and location of occurrence;
4. Unusual juvenile behavior;
5. Staff witnesses;
6. Disposition of any physical evidence;
7. Any immediate action taken, including the use of force;
8. Reporting staff member's signature; and
9. Date and time report is made.

(d) Specify that juveniles placed in confinement status shall be afforded living conditions and privileges approximating those to the general juvenile population. Exceptions shall be justified by substantial evidence;

(e) Provide that the incident report shall be removed from all files of juveniles found not guilty of an alleged rule violation;

- (f) Each facility shall develop a procedure to ensure the youth's due process for appealing disciplinary procedures.
 - (g) Ensure that prior to privilege suspension the juvenile has the reasons for the restriction explained to him, and has an opportunity to explain the behavior leading to the suspension; and
 - (h) Provide that in instances in which a juvenile is alleged to have committed a crime, the case is referred to appropriate law enforcement officials for possible prosecution.
- (7) During room restriction staff shall visibly check the juvenile at least every fifteen (15) minutes, depending on his emotional state.
- (8) When a juvenile has been charged with a major rule violation requiring confinement status for the safety of the juvenile or other juveniles, or to ensure the security of the facility, the youth may be confined for a period of up to twenty-four (24) hours. Confinement status for periods of over twenty-four (24) hours shall be reviewed every twenty-four (24) hours by the administrator or his designee who was not involved in the incident.
- (9) Whenever juveniles are removed from the regular program, they shall be seen by a designated staff member, other than the staff member involved in the removal decision, as soon as possible, but not more than twenty-four (24) hours after removal.
- (10) Juveniles held in confinement status shall be interviewed at least once each day by personnel from administrative, clinical, social work, religious or medical units.
- (11) A log shall be kept stating who authorized the confinement status, persons visiting the juvenile, the person authorizing release from confinement status, and the time of the release.
- (26 Ky.R. 1290; 1551; eff. 2-14-2000; Crt eff. 3-13-2019.)