



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

REFERENCES:

CHAPTER: Day Treatment Services

AUTHORITY: KRS 15A.065

SUBJECT: Definitions

POLICY NUMBER: 1000

TOTAL PAGES: 7

EFFECTIVE DATE: 4/05/2019

APPROVAL: Carey D. Cockerell

, COMMISSIONER

I. POLICY

The following definitions shall apply to the Department of Juvenile Justice (DJJ) Policy and Procedures Manual Chapters 1001-1033.

II. APPLICABILITY

This policy shall apply to all DJJ staff.

III. DEFINITIONS

- A. "Absent Without Leave (AWOL)" means a student committed to the Department that leaves an approved placement without advanced approval from the supervising authority or is absent from an approved community setting for more than three (3) hours without notification.
- B. "Aftercare" means a continuum of planned supervision, schedules, activities, and services coordinated for or provided to a student who has been released from a Department of Juvenile Justice level 2 or higher program, and that is being integrated into a local community setting.
- C. "Aggressive Behavior" means behavior or acting out that could lead to the infliction of harm or injury to self, others, or property.
- D. "Caregiver" means a guardian or other person exercising custodial control or supervision of a student.
- E. "Chain of Custody" means documented accountability for the custody of evidence from the moment in which it reaches the staff's custody until the moment in which it is presented in court, transferred, or destroyed.

POLICY NUMBER DJJ 1000	EFFECTIVE DATE: 4/05/2019	PAGE NUMBER 2 of 7
---	--	-------------------------------------

- F. “Child Find” means a component of the Individuals with Disabilities Education Improvement Act (IDEA) 2004 that requires states and local education agencies to identify, locate, and evaluate all children with disabilities residing in the state, regardless of the severity of their disability, and who are in need of special education and related services. Reference 34 CFR§ 300:111.
- G. “Chronic Program Disruption” means a pattern of behavior that threatens the safety and security of the facility, self, or others where less restrictive responses have failed to modify the behavior.
- H. “Cognitive-Behavioral Therapy” means utilizing treatment techniques emphasizing the role of thoughts, feelings, and behaviors in a person’s functioning and well-being, helping students recognize their problematic thoughts, feelings, and behaviors and learn alternative ways to cope and prevent relapse.
- I. “Consequence” means suspension of privileges or behavioral penalty issued due to a negative behavior that is being displayed, or an infraction of the rules within the facility’s standard operating procedures.
- J. “Contraband” is defined by KRS 520.010 (1) and includes tobacco, lighters, matches, pins, needles, sewing equipment, aerosol cans, toxic cosmetics (such as nail polish remover), modeling glue, cleaning fluids, paints, razors, tools, ropes, chains, extremely toxic house plants, broken articles, drug paraphernalia, as defined in KRS 218A.500, and any other item used to subvert security measures, assist in an escape event, or as indicated by the facility Standard Operating Procedures.
- K. “Dangerous Contraband” is defined by KRS 520.010 (3) and means contraband which is capable of endangering the safety or security of a facility or persons therein, including dangerous instruments or deadly weapons as defined in KRS 500.080, saws, files, and similar metal cutting instruments, any controlled substance, any quantity of an alcoholic beverage, and any quantity of marijuana.
- L. “Dangerous Instrument” is defined by KRS 500.080 (3).
- M. “Day Treatment” means a community based treatment program for students in need of intensive therapeutic supports outside of a residential or hospital setting. The program offers a range of services including education, clinical assessment, rehabilitation activities, and individual, family, and group therapy, as well as other interventions.
- N. “Deadly Weapon” is defined by KRS 500.080 (4).
- O. “Designated Grievance Officer” means a facility staff person trained by the Departmental Ombudsman assigned to process student grievances.

POLICY NUMBER DJJ 1000	EFFECTIVE DATE: 4/05/2019	PAGE NUMBER 3 of 7
---	--	-------------------------------------

- P. “Discipline” means a process to assist the student in learning socially acceptable behaviors through the use of natural and logical consequences.
- Q. “Drug Screen” means a preliminary screening of a urine specimen for the presence of selected categories of drugs.
- R. “Drug Test” means processing a urine specimen for confirmation of the presence of drugs.
- S. “Exonerated” means the incident occurred, but the accused’s actions were justified or proper.
- T. “Graduated responses” are a continuum of incentives and sanctions to address the student’s conduct.
- U. “Incident” means an unusual event or occurrence in which a student’s behaviors compromise the health, safety, or security of students or staff including:
1. Use of isolation;
 2. AWOL or escape;
 3. Assault by student on student;
 4. Assault by student on staff;
 5. Major property destruction;
 6. Possession of contraband;
 7. Death of a student;
 8. Major injury;
 9. Suicide attempt;
 10. Use of restraint;
 11. The taking of hostages;
 12. Medication error;
 13. Rioting or attempting to incite a riot;
 14. Self-harming behavior; or
 15. Other.
- V. “Individual Client Record” means the electronic case file, sometimes referred to as “juvenile offender records index (JORI)” and hard case file of an individual student by which information and documentation is maintained.
- W. “Individual Education Program” is defined by KRS 158.281(2).
- X. “Individual Learning Plan” means a document usually developed on-line for each student in middle and high school that focuses on career

POLICY NUMBER DJJ 1000	EFFECTIVE DATE: 4/05/2019	PAGE NUMBER 4 of 7
---	--	-------------------------------------

exploration, assessment of skills and interests, reflection on work related experiences, and the creation of an education plan that includes personal goals and exploration of college and post-secondary opportunities.

- Y. “Individual Learning Plan Addendum (ILPA)” means an educational action plan recorded in Infinite Campus that addresses the changed educational needs of a student based upon entry into or exit from an alternative education program. Alternative education programs are required to complete an ILPA in Infinite Campus for any student enrolled as a long term placement, as defined by their local board policy.
- Z. “Individual Treatment Plan” means a written document that takes into consideration the severity of the current offense, the risk and need factors identified in the student’s needs assessment, and any additional assessments which identify the treatment goals to be pursued, specifies the roles of the participants in carrying out the plan, and specifies a timetable for completion of the plan.
- AA. “Leisure time” means structured free time in which student’s are given the opportunity to engage in constructive activities.
- BB. “Level system” means a three (3) tiered system to provide a structured system for measuring progression toward treatment goals.
- CC. “Major Rule Violation” means Absent Without Leave, physical or sexual assault or threat of physical or sexual assault, major property destruction, possession of contraband, positive drug test, and chronic program disruption.
- DD. “Natural Supports” means personal associations and relationships typically developed in the community that enhance the quality and security of life for people, including, but not limited to, family relationships; friendships reflecting the diversity of the neighborhood and the community; association with fellow students or employees in regular classrooms and work places; and associations developed through participation in clubs, organizations, and other civic activities.
- EE. “Non-Governmental Funds” means funds maintained in the student activity fund account and the special account.
- FF. “Not Substantiated” means there is insufficient evidence to determine if an incident occurred or if the accused was involved in the incident.
- GG. “One-to-One Supervision” means an individual staff member is assigned to directly supervise no more than one (1) student. The staff shall stay within very close proximity, if needed, for safety reasons.
- HH. “Orientation Treatment Plan” means a written document outlining short term objectives and expectations and any problems that require immediate attention.

POLICY NUMBER DJJ 1000	EFFECTIVE DATE: 4/05/2019	PAGE NUMBER 5 of 7
---	--	-------------------------------------

- II. “Pat-down Search” means a running of the hands over the clothed body of an inmate, detainee, resident, or student by an employee to determine whether the individual possesses contraband.
- JJ. “Physical Restraint” means a set of techniques used to physically manage an out of control juvenile.
- KK. “Psychiatrist” is defined by KRS 504.060 (8).
- LL. “Reasonable Suspicion” means a less stringent standard than probable cause requiring the authority acting to be able to point to specific and articulable facts that, taken together with rational inferences from those facts, reasonably warrant a belief that an individual may be in possession of contraband.
- MM. “Sexual abuse” means:
 1. The behavior described by KRS 510.110(1)(d) and 510.120(1)(b); or
 2. As established in 28 C.F.R. § 115.6.
 - a. Sexual abuse of an inmate, detainee, or student by another inmate, detainee, or student; and
 - b. Sexual abuse of an inmate, detainee, or student by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or student by another inmate, detainee, or student includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- ii. Contact between the mouth and the penis, vulva, or anus;
- iii. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- iv. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or student by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or student:

- i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- ii. Contact between the mouth and the penis, vulva, or anus;

POLICY NUMBER DJJ 1000	EFFECTIVE DATE: 4/05/2019	PAGE NUMBER 6 of 7
---	--	-------------------------------------

- iii. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - iv. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - v. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - vi. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (i)-(v) of this section;
 - vii. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or student, and
 - viii. Voyeurism by a staff member, contractor, or volunteer.
- NN. “Substantiated” means that an incident occurred by an admission of the person responsible or by a preponderance of the evidence.
- OO. “Technical Education” means classes following the guidelines of the Department of Career and Technical Education.
- PP. “Time Out” means the temporary removal of a student from general programming in order for the student to be given a chance to regain control of their behavior.
- QQ. “Treatment Team” means Department of Juvenile Justice staff, student, parent or care-giver, education staff, school district administrator, and other supporters who work collaboratively to assist and aide student in achieving goals.
- RR. “Unfounded” means the charges are false or the employee was not involved in the incident.
- SS. “Vocational Education” means soft-skills courses, including resume building, interviewing, and working relations, which contribute to the development of a successful employee.
- TT. “Work Release” means approved day leave for a student to participate in employment.
- UU. “Youth Activity Fund Account” means owned by the current student population and is comprised of individual and group funds earned

POLICY NUMBER DJJ 1000	EFFECTIVE DATE: 4/05/2019	PAGE NUMBER 7 of 7
---	--	-------------------------------------

through allowance and work experience as well as funds collected through work projects, sales of articles produced by student, and private donations.

- VV. “Youth Activity Funds” means a sub-ledger of the student activity fund account and is comprised of donations, profit from work projects, vending machine commissions and shall solely be used for the group social and recreational pursuits of the student.
- WW. “Youth Counselor” means the Department of Juvenile Justice staff who is responsible for coordinating treatment within a day treatment, group home, youth development center, or detention facility.