

STATEMENT OF EMERGENCY
505 KAR 1:410E

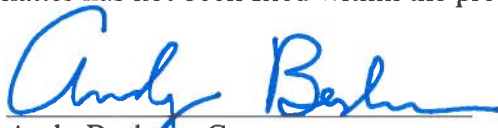
(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1. to meet an imminent threat to public health, safety, or welfare. KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities across the Commonwealth of Kentucky. While juveniles are in DJJ's custody, the DJJ is responsible for the health and safety of those juveniles. This requires protecting the juveniles from themselves and each other, sometimes by using restrictive housing and protective custody in instances where a juvenile poses a serious assault risk to other juveniles and staff. Restrictive housing and protective custody placements may occur any day due to the changing population and needs of the juveniles in DJJ's custody. The United States Department of Justice recommended that DJJ make changes to its regulations and policies governing the use of restrictive housing and protective custody placements, and DJJ determined that more frequent medical and mental health evaluations, as well real time process review by persons with higher levels of governmental authority, are necessary to protect the health and safety of juveniles in such placements. This administrative regulation is being filed on an emergency basis to ensure these additional safeguards will protect the next child placed in restrictive housing and protective custody.

(2) An ordinary administrative regulation is not sufficient because an ordinary regulation could not become effective before additional juveniles will be placed in restrictive housing and protective custody with less monitoring and less scrutiny than the amount DJJ now believes is appropriate.

(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because the new evaluation timelines and levels of scrutiny are the new standards DJJ believes is appropriate to safeguard juveniles in the DJJ's custody going forward.

(4) The companion ordinary administrative regulation is identical to this emergency regulation.

(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.


Andy Beshear, Governor
Commonwealth of Kentucky


Keith Jackson, Secretary
Justice and Public Safety Cabinet


Randy White, Commissioner
Department of Juvenile Justice

STATEMENT OF EMERGENCY

505 KAR 1:140E

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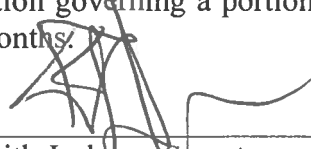
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