



INTERNAL MANAGEMENT POLICY & PROCEDURE	SECTION NUMBER 14-103	PAGE NUMBER 1 of 4
	CHAPTER & SUBJECT: SEGREGATION: Protective Custody	
Approved By:  Commissioner of the Juvenile Justice Authority		Original Date Issued: 02/22/10
		Current Amendment Effective: 02/22/10
		Replaces Amendment Issued: N/A

POLICY

As part of segregation, each facility shall establish and operate a protective custody program to protect youth who are at risk of harm from others.

DEFINITIONS

Employee: For the purposes of this policy, any person:

- Employed on a full time or part-time basis by the Juvenile Justice Authority (JJA);
- Employed on a temporary appointment to JJA; or
- Employed by an entity under contract to provide services to JJA

Protective Custody (PC): Confinement of a youth in a unit or status separate from the general population for documented reasons related to the personal safety of the youth.

Security Threat Group: A group of youth possessing common characteristics that serve to distinguish them from other youth who have been determined to be acting in concert so as to:

- Pose a threat or potential threat to the safety of youth and employees; or
- The security and orderly operation of the facility.

PROCEDURES

I. Purpose of Protective Custody

A. The purpose of PC is to protect youth from:

1. Threats, assault, or battery by other youth due to his/her offense;
2. Membership in or connection to security threat groups because he/she is a witness to criminal or disciplinary incidents; or
3. Other similar situations involving the threat of harm to the youth.

B. PC shall not be used to threaten or punish a youth.

- C. All available intervention strategies shall be used to assure that the youth is returned to the least restrictive custody setting as soon as possible after the threat has been resolved.

II. Admission to Protective Custody

- A. A youth may request admission to PC using the Protective Custody Request form, Attachment A, Form #14-103-001.
- B. To request admission to PC, a youth:
 - 1. May complete the Protective Custody Request form, Attachment A, Form #14-103-001; and
 - 2. Shall sign and date the form agreeing to PC.
- C. The shift manager may initially approve placement of a youth on PC segregation status.
 - 1. The superintendent or designee shall have final approval over the initial placement of a youth on PC segregation status. (See Section II.B. of IMPP 14-101, Minimum Standards for Operation of Segregation Units or Status.)
- D. A youth shall be admitted to PC when:
 - 1. There is documentation that PC is warranted and no reasonable alternative is available to protect the safety of the youth; or
 - 2. There is reason to believe the youth is in serious and imminent danger.
- E. The lack of a completed Protective Custody Request form shall not prevent a youth from being admitted to PC.

III. Decisions Concerning Protective Custody

- A. All Protective Custody Request forms shall be immediately reviewed by the superintendent or designee.
 - 1. An investigation may be requested by the superintendent to assist in determining the need for PC.
- B. The superintendent or designee shall make the final decision on PC as to:
 - 1. Admission;
 - 2. Denial; or
 - 3. Release.
- C. All PC decisions shall:
 - 1. Be documented on the Protective Custody Request form;
 - 2. Include the reasons justifying the decision and any supporting documentation; and
 - 3. A copy placed in the youth's master file.
- D. The youth shall be promptly informed of the final PC decision by the superintendent or designee.

IV. Release From Protective Custody

- A. To request release from PC, a youth:

1. May use the Protective Custody Request form, Attachment A, Form #14-103-001; and
 2. Shall sign and date the form agreeing to waive PC.
- B. The superintendent or designee may order a youth to be released from PC without receiving a request from the youth.
- C. A youth released from PC may be:
1. Transferred to another facility if applicable;
 2. Returned to general population; or
 3. Placed in another living unit or status suitable to his/her classification.

V. Facility Orders

- A. This IMPP shall serve as the final agency policy statement concerning PC, and no facility order shall be permitted to alter the policy statements described herein.
- B. Facility Orders shall be developed to:
1. Establish a set of procedures to carry out the operation of PC in a manner consistent with this and other relevant IMPPs.
 2. Identify the specific position, title or rank of the individual authorized to act as the superintendent's designee.
 - a. The superintendent shall ensure the following individuals know who is authorized to act as the superintendent's designee:
 - (1) Commissioner;
 - (2) Deputy Commissioner;
 - (3) General Counsel; and
 - (4) Facility staff.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and juveniles and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or juveniles, or an independent duty owed by the Juvenile Justice Authority to employees, juveniles, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.A.R. 123-13-101 *et seq.*
IMPP: 14-101
ACA: 2-CO-4B-04
JCF: 4-JCF-3B-03; 3C-02

ATTACHMENTS

Attachment A: Protective Custody Request, Form #14-103-001, 1 Page.

**KANSAS JUVENILE JUSTICE AUTHORITY
PROTECTIVE CUSTODY REQUEST**

Youth's Name: _____

JJIS Number: _____

DATE/TIME OF REQUEST: _____

TYPE OF REQUEST: *(check one)*

REQUEST FOR ADMISSION TO PROTECTIVE CUSTODY

REQUEST FOR RELEASE FROM PROTECTIVE CUSTODY

REASON FOR REQUEST: _____

I CONSENT to protective custody placement.

I WAIVE protective custody and request release.

Youth's Signature

Date

SUPERINTENDENT'S REVIEW/DECISION

Concur with youth's request for **admission to** protective custody for the following reasons: _____

Concur with youth's request for **release from** protective custody for the following reasons: _____

Protective custody **denied** / **discontinued** *(circle one)* for the following reasons: _____

Superintendent's Name

Signature

Date

Date/Time Youth Released from Segregation: _____

Unit Transferred to: _____

Date/Time Copy Given To Youth: _____

Name of Officer Delivering Results: _____