

Updated from the Kentucky Department of Juvenile Justice

June 5, 2024

Commissioner Randy White

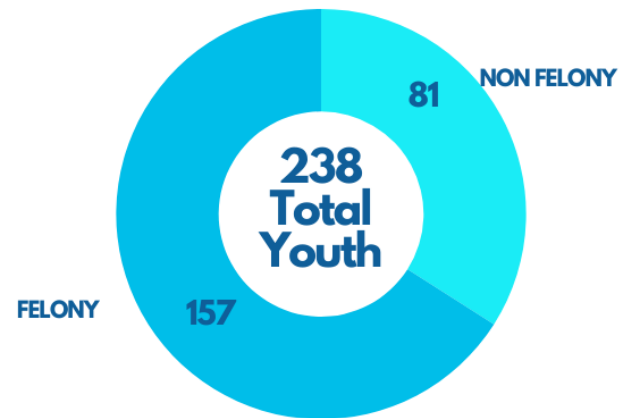
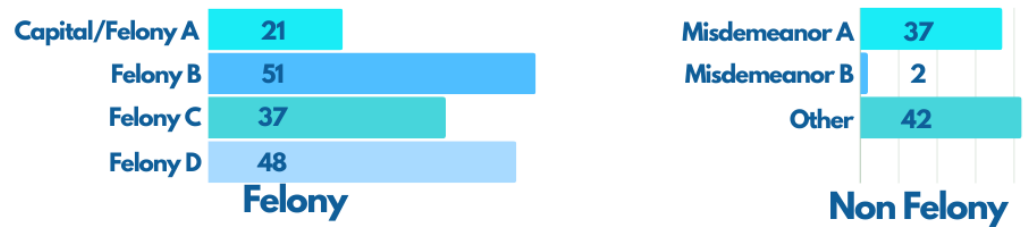
The Department of Juvenile Justice serves as part of the juvenile justice system providing pre-conviction and post-disposition services.

- DJJ operates 27 facilities across Kentucky as of 05/29/2024.
 - 8 secure detention centers with 238 youth.
 - 6 youth development centers with 96 youth.
 - 8 Group Homes with 43 youth.
 - 5 Day Treatment Centers (DJJ operated)
- In 2023, 1,394 youth were placed in an Alternatives to Detention program.

Over the past decade, the juvenile justice detention center population has changed, resulting in a decrease in non-felony charges and an increase in felony charges. This is driven in part by SB 200 implementation in 2014.

Population by Offense

as of 5/29/24



Impacts of Recent Legislation on DJJ Population

- DJJ serves the youth population that is assigned to detention or post-adjudication services by the court.
- 2023 HB 3 requires automatic detention of youth charged with violent crimes. This provision will start 07/01/24 and will have significant impact on the detention population.
- 2024 HB 5 expands the definition of violent crime, enhances penalties for certain existing crimes, and creates new crimes. DJJ expects more youth to be both detention and post-adjudication services and for longer periods as a result.
- 2024 SB 20 requires that youth who use a firearm in the commission of a crime to be charged as adults. This will result in youth serving longer sentences within DJJ and subsequently transferred to DOC custody.

2023 Regular Session: SB 162

- SB 162 codified investments the Beshear administration has made in DJJ since 2022 and provided requested statutory language to continue improvements to staffing and security.
- SB 162 also required that JPSC develop and implement a plan to create a new model of regional detention as soon as practicable while safely segregating males and females and separating violent and nonviolent offenders.

2023 Regular Session: SB 162

- \$3.2 million to maintain salary increases for DJJ youth workers
- \$4.8 million to provide salary increases to other job classifications at DJJ
- \$30 million to bring DOC correctional officers to \$50,000 starting salary
- \$9.7 million for 146 additional DJJ youth workers
- \$200,000 for operating expenses for DJJ youth offender management system
- \$4 million to provide security upgrades within DJJ detention centers
- \$1.5 million for DJJ to establish a diversionary program to identify and provide treatment for any youth identified as suffering from serious mental illness
- \$1.75 million to retain design experts to determine what facility changes are needed to return to the regional model
- \$250,000 for transportation costs for female youth to be used until there is a return to the regional model

2023 Regular Session: HB 3

- HB 3 provided appropriations to reopen the Louisville detention facilities:
 - \$13.4 million to design the first phase of renovating the downtown Louisville Youth Detention Center
 - \$4.5 million to DJJ for the renovation for the Jefferson Regional Juvenile Detention Facility at Lyndon.
- HB 3 also requires automatic detention of youth who are charged with violent crimes starting 07/01/24.

2023 Regular Session: Capacity Issues

- According to AOC data, had the automatic detention provision in HB 3 been in effect in 2022, it would have resulted in the detention of more than 400 additional juveniles compared to existing law.
- SB 162 requires that juveniles be detained at their closest detention center as soon as practicable while safely segregating males and females and separating violent and nonviolent offenders.
 - This would require that high-offender males and low-offender males be housed in the same facility but kept separated from one another.
 - Without the two additional female-only facilities that were requested, the current female-only facility must house both levels, as well.
 - To ensure safety, separation requires not only separate sleeping quarters, but separate programming, schooling, dining, and recreational activities.
 - The legislature did not fund the request for two additional female-only detention facilities. Combined with the additional detainees produced by HB 3, this SB 162 mandate will be extraordinarily difficult to meet.

Initiative to Address Staffing

- In December 2021, Gov. Beshear announced a 10% raise for all security positions at DJJ.
- In July 2022, the enacted budget provided an 8% increase for all state employees, including DJJ.
- In October 2022, Youth Worker starting salaries were increased to \$44,616.16.
- In February 23, 2023, Gov. Beshear raised the starting salaries further to \$50,000.
- In 2023, at the request of the Beshear administration, the General Assembly appropriated:
 - \$3.2 million to sustain previous DJJ salary increases
 - \$30 million to bring the starting salary to \$50,000 for all DOC correctional officers
 - The General Assembly appropriated \$4.8 million to increase the salaries for all DJJ workers.
- Two years ago, the starting pay in Juvenile Detention Centers was only \$30,000. Today, it is \$50,000.

Effect of Salary Increase on Detention Staff



Recruitment and Retention

- In the past year, because of the administration's efforts, we have increased frontline correctional officers by 63%.
- This is the highest number DJJ has employed in recent history, and we are continuing to recruit and retain staff which further secures our facilities.

Security Policies

- At Gov. Beshear's directive, DJJ initiated significant changes to the structure of the detention system to increase security and operations for both staff and youth.
- In December 2022, DJJ opened the first female-only detention center in Campbell County
- In January 2023, DJJ separated male juveniles by security level based on severity of offenses

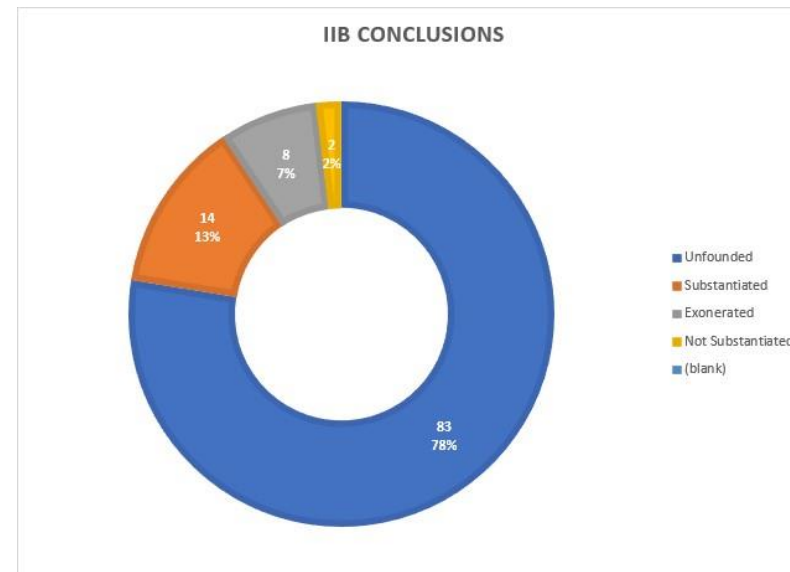
- **Female-Only Facility:**
 - Boyd County Juvenile Detention Center
- **High-Security Facilities:**
 - Adair County Juvenile Detention Center
 - Fayette County Juvenile Detention Center
 - Warren County Juvenile Detention Center
- **Low-Security Facilities:**
 - Campbell County Juvenile Detention Center
 - Breathitt County Juvenile Detention Center
 - Jefferson County Juvenile Detention Center
 - McCracken County Juvenile Detention Center

Training

- On 12/19/22, DOC provided a general training to all DJJ detention and Youth Development Center facility superintendents on Security Threat Groups (STG).
 - On 3/21/23, STG Coordinators received training on how to identify STG membership, affiliations, and characteristics within facilities, along with STG data collections.
 - DJJ collaborated with DOC and law enforcement on this training. DJJ superintendents selected STG Coordinators in each facility
- In June 2023, the DJJ Training Division reviewed and updated the security topics included in its monthly emergency response training for all facilities. The first training went out July 2023 and has continued.
- In March 2024, Troy Pollock was appointed at the Director of Training at DJJ. He brings over 35 years of correctional experience to the position and is the lead on revamping DJJ' [s training curriculum to align with the recent training needs assessment conducted by Eastern Kentucky University.

Defensive Equipment

- All usages of pepper spray are investigated by the Internal Investigations Branch which is independent of DJJ and reports directly to the Secretary of the Justice & Public Safety Cabinet.
 - There have been 107 investigations of pepper spray, of which IIB has concluded that 14 were substantiated misuses. There has been no deployment of tasers.
- OC spray continues to be a safer alternative than physical contact between juveniles and staff, reducing injuries and medical attention.
 - A comparison of staff assaults before and after the use of pepper spray was authorized shows that staff assaults have decreased by about 40%.



Reorganization

- For the first time in Kentucky's juvenile justice system, a Director of Security position and a Director of the Office of Detention were created.
 - DJJ hired as Director of Security on 01/01/23 for DJJ to provide assessments and recommendations on security for DJJ's facilities.
 - James Sweatt was hired as the Director of the Office of Detention on 05/06/23 to oversee the detention facilities. Predisposition facilities face different challenges than post-disposition facilities and should be managed as such.
 - Includes the Division of Transportation.
- DJJ created the Compliance Branch on 01/16/23 to conduct unannounced facility inspections and staff interviews to ensure best practices are identified and followed.
 - The division enhances safety and security throughout DJJ and makes recommendations to leadership for improvement.

Data

- The safety, security, and wellbeing of youth and staff depends on accurate and timely data.
 - DJJ data systems were built for a different time and a different population. Recent events made clear that the data landscape at DJJ is outdated, siloed, and inadequate for current needs.
- On 01/31/23, DJJ was added to the Kentucky Offender Management System (KOMS) Master Agreement. This will eventually upgrade DJJ's offender management system.
 - This process will take several phases to fully implement, but the project is on track to complete module purchases during calendar year 2024.
 - The first phase is scheduled to be completed in June 2024.

Juvenile Kentucky Offender Management System (JKOMS)

- Currently in the process of establishing the JKOMS on COT/DJJ servers and building the Production and Training environments.
- Next major project is the replacement of the DJJ owned and operated Detention Booking System which supports the Juvenile Detention Centers with appropriate the JKOMS modules. The project is currently in the planning phase and has an estimated start date of late June/early July.

Facilities

- Critical improvements have been underway or completed at the Jefferson, Warren, and Breathitt Detention Centers.
- JPSC contracted with the American Correctional Association to inspect facilities and identify necessary improvements. This is different from the regular audits and collaborative work that DJJ has done with ACA over the years.
- Director of Security assessed each detention center and recommended needed improvements.
- SB 162 included \$4 million for security upgrades, which are being used to:
 - Modify cell doors; purchase locks, cameras, control panels, desk and stools; purchase and place perimeter security and water management systems; and upgrade life-safety measures in the facilities, including fire alarm replacements and boiler replacement.

Facilities

- The Jefferson County Youth Center facility project was provided additional funding in 2024 HB 6.
 - A report on the status of the transfer to the commonwealth and the proposed design is due to the legislature on 09/01/24. Completion of design is anticipated for late 2024. The project is estimated to take a minimum of 2 years to construct.
- The Lyndon facility was also provided additional funding in HB 6, and design is almost complete. The project will go out to bid for construction in mid-June. Construction is estimated to take 18-24 months.

Facilities

- DJJ hired design consultants to review the status of each facility and facility components, as well as to make recommendations based on projected population and SB 162 mandates for separation.
- Based on this information, DJJ requested funding for modifications and expansions at Breathitt, Campbell, Fayette, and McCracken to support the male population. These projects were approved and funded in HB6 and are in the early process of design.
- Based on the recommendations from the consultant, Governor Beshear requested funding for two female facilities and one high acuity mental health facility during the 2024 legislative session. These were not funded.
- Through this process DJJ also received updated facility assessments and has prioritized facility repairs and maintenance projects, to be addressed with Maintenance Pool funds from HB 6.

Mental Health

- SB 162 requires DJJ to enter into sufficient contracts to ensure availability of institutional treatment for youth with severe mental illness. DJJ is also required to provide youth in crisis in a DJJ facility access to mental health professionals.
 - The bill includes \$1.5 million for DJJ to establish a diversionary program to identify and provide treatment for any youth identified as suffering from serious mental illness.
- HB 3 requires automatic detention of youth accused of public offenses considered violent felony offenses for up to 48 hours, exclusive of weekends and holidays, pending a detention hearing.
 - Youth detained for these offenses are required to be assessed by a mental health professional
 - Any treatment recommended must be provided by DJJ and may be provided via a contract between JPSC and a behavioral health services organization.
 - Effective date of automatic detention provision is 07/01/2024.

Mental Health Services

- Youth detained in DJJ detention facilities complete initial medical and mental health screenings during the intake process.
 - Results from both screeners are reviewed by trained staff. Additional screening is conducted when areas of need are identified and followed by referral to onsite counseling staff or DJJ's regional psychologists for further evaluation.
- Onsite counseling staff follow-up with youth on an as-needed basis via individual or group counseling.
- DJJ released an RFP for institutional mental health treatment at detention centers on 05/15/23. This closed on 06/12/23 with no responses.
- DJJ is working with the State Interagency Council for Services & Supports to Children to establish the diversionary program to identify and provide treatment for youth suffering from severe mental illness.

Challenges to Mental Health Services in Detention

- Detention staff must handle a wide variety of youth and situations due to the nature of detention, and they must triage immediate needs of youth in custody.
- Mental health and education services are provided to youth in detention. However, because their cases have not concluded, DJJ is limited in the programming it can provide in detention.
- Formal evidence-based treatment is limited in detention:
 - Youth may not be guilty of the offense for which detained
 - Youth and parents have the right to refuse treatment. Parents must give informed consent.
 - Duration of detention is unpredictable and often not long enough for effective services.
 - Not all youth need treatment services.

Continued Need for a High Acuity Mental Health Facility

- Private healthcare organizations are not required to accept DJJ youth, and DJJ has historically faced significant barriers to placement for violent youth with severe mental health issues. Private treatment facilities often will not admit, or will prematurely discharge, severely mentally ill youth who are aggressive or violent.
- Absent any clinical mental health alternative, DJJ detention facilities may be the “custodian of last resort.” However, a child suffering from severe mental illness cannot be adequately treated in a juvenile detention center neither designed nor staffed as a clinical facility.
- This is why, at the direction of Governor Beshear, DJJ and CHFS advocated for a separate mental health facility for high acuity youth in detention.
 - The Governor’s budget included funding for a renovating an existing state-run psychiatric hospital to establish psychiatric services for juveniles with significant health needs. It was also included in SB 242, but it was not funded by the legislature.

2024 Session

- HB 6
 - \$20 million to support medical contract (SFY26)
 - \$2.7 million for vehicles for transportation (SFY25)
 - \$7.8 million for alternatives to detention (25-26 total)
 - \$7 million for evidence-based programming (25-26 total)
- DJJ Requests
 - Two new detention facilities for girls
 - Mental health facility
 - Delayed implementation of 2023 HB 3 automatic detention provision
 - These were included in SB 242 which the House did not make final passage on.