



Kentucky Department of Juvenile Justice Regional Juvenile Detention Centers

Legislative Oversight and Investigations Committee

July 14, 2023



Objectives

- Identify causes of incidents (Jefferson and Adair)
- Evaluate
 - Department of Juvenile Justice's (DJJ) evolution since consent decree
 - Effectiveness of DJJ's oversight
 - Sufficiency of DJJ's internal reporting/investigation (KRS 620.030)
 - Timeliness of DJJ work orders
 - Mental health status of juvenile offenders
 - Adequacy of DJJ's juvenile offender booking system
 - Adequacy of DJJ's incident reporting process (templates)
 - Superintendent and staff concerns
 - Disciplinary actions related to investigations of special incidents
 - Types of incidents

Causes of incidents at Jefferson Regional Juvenile Detention Center (JRJDC)



- August 27, 2022: two fires started, one youth escaped
- Primarily due to inappropriate facility
 - Breakdown of supervision
 - Staffing challenges

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JRJDC Incidents Recommendations



DJJ should continue to ensure that JRJDC policies and procedures are updated so the new management team can address staffing, supervision, and building security concerns. (pg. 54)

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Incidents At Adair Regional Juvenile Detention Center (ARJDC)



- November 11, 2022: riot occurred after 35 youths were released from cells
 - Physical assaults
 - Sexual assaults
 - Property damage

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November 11, 2022 ARJDC riot causes



- Multiple sprinkler incidents occurred prior to riot, leading to wet floors
- Gang members transferred from JRJDC on November 9 were not separated
 - Decision made on November 8
- Inmate booking system did not contain information that could have identified gang affiliation

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ARJDC Riot Recommendations

- Adair Regional Juvenile Detention Center should continue to work with local and state law enforcement to receive training related to gangs and how to minimize the effects of gang affiliations. (pg. 59)
- Adair Detention Center staff should be required to use fields in the booking system to document tattoos and photographs. (pg. 59)
- The cabinet should request that the Internal Investigations Branch conduct a broader investigation, to include the incidents leading up to the November 11, 2022 riot. (pg. 59)

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DJJ's evolution since consent decree

- 1995 consent decree
- HB 117, 1996 created DJJ
- HB 144, 2002 required youth to have access to an ombudsman
- SB 162, 2023 created the Office of Detention, Division of Transportation, Division of Compliance

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DJJ expenditures

- DJJ initially grouped expenditures in four categories
 - Detention services
 - Program management
 - Program operations
 - Support services
- Detention expenditures were collapsed into program operations, resulting in three categories.
- Detention center expenditures are disaggregated by unit codes.
- During 2023 Regular Session, a separate Office of Detention was created.

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DJJ Appropriation Recommendation

The Justice and Public Safety Cabinet should create a separate appropriation allotment for the Office of Detention, as well as separate expenditure functions for each juvenile detention center. (pg. 36)

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Effectiveness of DJJ's oversight

- DJJ facilitates external audits
 - American Correctional Association (ACA) – 30 mandatory standards
 - Prison Rape Elimination Act (PREA) – 43 mandatory standards
- DJJ conducts annual monitoring of RJDCs.
 - Primary purpose is to prepare RJDCs for ACA and PREA audits.
 - Limited scope does not routinely identify other issues that could disrupt operations
 - Lack of automation

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DJJ Oversight Recommendations

- DJJ should implement an automated system for the Division of Compliance to better track and analyze ACA and PREA noncompliance data. The system should input, store, and track data for initial analysis. The system should sort, extract, and aggregate data for secondary analysis to make real-time corrective actions and policy decisions. (pg. 48)
- The Division of Compliance should broaden its oversight to more than preparing the detention centers for ACA and PREA audits. It should continue to conduct unannounced visits and expand the scope of its audits to other issues that could disrupt operations at the detention centers. (pg. 48)

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Sufficiency of DJJ's internal reporting/investigation (KRS 620.030)

- KRS 620.030: Anyone who has cause to believe a child is dependent, neglected, or abused (DNA) must report.
- DJJ reports possible DNA to Cabinet for Health and Family Services (CHFS) during intake.
- Internal Investigations Branch (IIB) investigates alleged neglect and abuse of offenders under DJJ's custody.
- Memorandum of Understanding (MOU) between Department for Community Based Services and the Justice and Public Safety Cabinet
 - IIB investigates allegations of abuse and neglect, but MOU does not directly state responsibility for "dependency."
 - Cabinet believes a youth under DJJ's custody cannot be dependent.
 - KRS 600.020(20) defines a dependent child
 - Kentucky Court of Justice's definition is consistent with KRS 600.020 (20).

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Internal Reporting/Investigation Recommendations

- Justice and Public Safety Cabinet and DJJ officials should revisit language in DJJ policies, the Memorandum of Understanding, and 500 KAR 13:020 to ensure neglect, abuse, dependency, and special incidents are used consistently and in line with KRS 620.030. (pg. 64)
- Officials should review KRS 15A.065(4)(a) to consider proposing language that more clearly annotates the duties and responsibilities of the ombudsman. (pg. 64)
- Cabinet and DJJ officials should make available to CHFS the "may investigate" incidents, which appear to fall under "dependency." (pg. 64)
- Cabinet and DJJ officials should develop more of a formal policy related to the interaction between the DJJ ombudsman and IIB. (pg. 64)

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Internal Reporting/Investigation Recommendations

- Cabinet and DJJ officials should break out the reporting duty of DJJ employees from the Code of Ethics to develop a separate policy. (pg. 64)
- Cabinet and DJJ officials should update webpages to create more of a presence for the DJJ ombudsman. (pg. 65)
- The Cabinet should use Column Case Management (CCM) for storage and analysis of referrals and investigations conducted by the Office of the Ombudsman. (pg. 65)

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Internal Reporting/Investigation Legislative Consideration

- The legislature may wish to consider clarifying the term "dependent child" in KRS 600.020 (20) and amending KRS 620.020 to include the term "dependency." (pg. 65)

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Timeliness of DJJ work orders

- Work order data was provided as scanned paper forms.
 - Adair, Fayette, and Jefferson did not have 2020 data
 - Significant variation in number of work orders between facilities and across years
- 2,311 orders (86%) completed in a week
- Only 9% of orders indicated a priority level

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DJJ Work Orders Recommendations

- Detention facilities should ensure that maintenance work order forms are completed to their full extent to include a priority level. (pg. 70)
- DJJ officials should automate the process by which maintenance work request documents are processed. (pg. 70)

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Mental health status of juvenile offenders



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- Two screeners used in intake
 - Victimization and Sexual/Physical Aggression Screener (VSPA-S)
 - Massachusetts Youth Screening Instrument (MAYSI)
 - Boyd, Fayette, McCracken provided 2018 to 2022 screeners.
 - Physical aggression and violence worse than sexually aggressive behavior and victimization.
 - Angry-Irritable behavior was the most common MAYSI result.

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Mental health legislation



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- SB 162, 2023: adequate contracts for timely access to treatment
 - DJJ currently has agreements to provide mental health treatment.
 - HB 3, 2023: juveniles be assessed by a mental health professional
 - Private hospitals have denied treatment in the past.
 - South Carolina is constructing a psychiatric hospital.

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Mental Health Recommendations

- DJJ should continue to expand current contracts to meet the requirements regarding mental health treatment in SB 162 and HB 3 (2023 Regular Session). (pg. 79)
- DJJ should contact South Carolina executive and legislative officials to obtain additional information on the proposed psychiatric facility for juvenile offenders. It should prepare an analysis of whether a similar hospital is suitable for Kentucky, then present the results to the legislature for consideration. (pg. 79)

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Adequacy of DJJ's juvenile offender booking system

- System was not designed to record transfers
- Does not allow reporting of data across detention centers
- Lack of required fields
 - For example, gang related IDs

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DJJ's juvenile offender booking system replacement

- Justice and Public Safety Cabinet is expanding the Kentucky Offender Management System (KOMS) contract.
- DJJ officials have not been involved with the decision or the modification process.
 - DJJ had requests to track incident and grievance data.
 - There were requests for multiple picture uploads, which would help for gang affiliation identification.

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Offender Booking System Recommendations

- Justice and Public Safety Cabinet officials should continue to include DJJ officials in discussions regarding the expanded scope of work for the Kentucky Offender Management System. Officials should continue to familiarize themselves with DJJ's "wish list" and schema from its current offender booking system. (pg. 85)
- Cabinet officials should include required fields for incident and grievance reporting in the new system, as well as the ability for multiple picture uploads and other required data fields for noting tattoos, possible gang affiliations, etc. (pg. 85)

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Adequacy of DJJ's incident reporting process (templates)

- DJJ policy 715 requires consistent process across all RJDCs to document incidents.
- Isolation/Incident Report (IIR) template needs improvement.
 - Report shows potential solutions.
 - Figures 3.O, 3.P, 3.R (pg. 90-91)
- Lack of automation

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Incident Reporting Process (templates) Recommendations

- DJJ should develop an automated system to track critical information regarding each incident. (pg. 92)
- DJJ should reevaluate DJJ 715 and DJJ 321 for consistency, then update its Incident/Isolation Report form in anticipation of automation. (pg. 92)

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Superintendent and staff concerns

- Reviewed 82 grievances, 101 exit interviews, and 364 monthly superintendent reports
- Grievances: pay, scheduling, diversity (race, sexuality, mental health), conflict
 - Two grievances do not appear to have been reviewed
- Exit interviews: left for better job

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Monthly superintendent report concerns

- Monthly reports rely heavily on text boxes.
- Six categories combine subjects.
- Understaffing was the most common concern
 - Direct-line staffing in nearly a quarter
 - Other staffing in about a third

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Staff And Superintendent Concerns Recommendations

- DJJ should ensure that every grievance is reviewed at least once. If the grievance could not be completed, staff should reach out to the individual or document why it was not reviewed. (pg. 108)
- As DJJ increases staffing at detention centers, it should monitor shift changes and mandatory overtime. This can be used to determine if the number of staff or if employees are suffering from difficult schedules. (pg. 108)
- DJJ should monitor grievances and exit interviews that detail poor interactions between staff. If there are patterns of poor interactions, then DJJ should determine if training or other interventions are needed. (pg. 109)
- DJJ should monitor the number of nonhazardous employees assigned to cover hazardous roles and determine if this affects retention. If this practice continues, DJJ should determine if nonhazardous employees need additional training. (Pg. 109)
- DJJ should automate its superintendent monthly report template to ensure consistent and accurate completion and revise the form to reduce open text boxes and eliminate double-subject fields. (Pg. 109)

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Disciplinary actions related to investigations of special incidents

- From 2018 to 2022, there were 113 reports requiring disciplinary action for 93 employees
 - 75% involved a youth worker
 - 12% involved a social service worker
 - 56% had an IIB investigation
 - 34 IIB investigations for excessive force
 - Resulted in suspensions (40%), reprimands (22%), and dismissals (14%)

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Disciplinary Action Recommendations

- Department of Juvenile Justice officials should ensure that employees in the social worker or similar classifications receive adequate training related to additional duties they may be requested to perform, such as searching and supervising juvenile offenders. (pg. 124)
- Department of Juvenile Justice officials should evaluate the policies and subjects cited in the discipline reports for additional training; more specifically for DJJ 104, DJJ 102, DJJ 713, and DJJ 110. (pg. 124)

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Types of incidents

- Analyzed 5,195 incident reports from 2018 to 2022
- Scanned documents
 - Missing pages, filled by hand, out of order
 - Many questions were incomplete
- Unlikely these were previously analyzed or could be analyzed in the future

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Types of incidents

- Multiple incidents per youth
- Use of isolation was common
- Injuries were uncommon
- “Other” and “Use of isolation” commonly used
- Violent events most common in youth rooms and dayrooms
- Aikido was the most common restraint technique

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Types of Incidents Recommendation

As DJJ updates its Isolation/Incident Report form, it should ensure that data from selected fields are consistently entered, tracked, and analyzed to identify areas of concern that need to be addressed programmatically and through training. (pg. 128)

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Agency Response

- Agreed with 25 recommendations and legislative consideration
- Partially agreed with 4 recommendations
- Disagreed with 1 recommendation
 - Justice and Public Safety Cabinet and Department of Juvenile Justice officials should make available to CHFS the "may investigate" incidents, which appear to fall under "dependency."
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