

Department Of Juvenile Justice Response To Initial Finding Sheets

On June 1, 2023, Legislative Oversight and Investigations Committee staff provided the Department of Juvenile Justice (DJJ) with finding sheets that represented initial findings from their study. The finding sheets would form the basis of Chapter 3. DJJ staff were asked to respond to each area and recommendation from the finding sheets. Their responses are summarized in this document.

Agency Response to Finding Sheet 1: Why Was The Department of Juvenile Justice Created And How Much Does It Spend On An Annual Basis?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.1: 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.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: The Office of Detention funding falls into the currently established allotment 523B, under appropriation 523J. Expenses for Office of Detention will be specifically tracked in SFY24 under Function code JBZO. Each division, branch, and section within the Office of Detention is identified by a specific Unit code. The unit codes effectively capture each facility location. Management Budgets will be established for each unit under the function. The function and units will be utilized for tracking purposes across both General and Restricted funds utilized by the Office of Detention.

JPSC partially agrees with this recommendation, and concurs that costs should be specifically captured for the Office of Detention, as well as for each facility. The newly established Chart of Accounts put in place to implement the reorganization and explained above will accomplish this task.

Agency Response to Finding Sheet 2: How Useful Are Required External Audits For Identifying Factors That Could Lead To Disturbances And Riots?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: DJJ is committed to meeting compliance of all external auditing entities

required as well as compliance with all internal monitoring reviews. Additional staffing (and possibly funding) within the Compliance Division will be required to provide the additional oversight that is needed to ensure the ability to adequately meet agency compliance as required within ACA, PREA Standards, DJJ regulations and policies and best practices.

Agency Response to Recommendation 3.2: The Department of Juvenile Justice should develop and fully implement an automated system for the newly created Division of Compliance to better track and analyze ACA and PREA noncompliance data. The focus of the system should be on inputting, storing, and tracking data for initial analysis. The automated system should also be able to sort, extract, and aggregate data for secondary analysis in order to make real-time corrective actions and policy decisions.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: DJJ is currently exploring options for the development of an automated electronic system that will meet the recommendations for the Compliance Division to better track and analyze ACA and PREA non-compliance data. The focus of the new system will be on inputting, storing, and tracking data for initial analysis and will be able to sort, extract and aggregate data to assist in making real-time corrective action recommendations and policy decisions. DJJ is currently exploring the possibility of internal development. If an internal development is not an option or sustainable, DJJ will need to contract for the services needed. Additional funding may be required.

Agency Response to Recommendation 3.3: The newly created Division of Compliance should broaden its oversight to more than just preparing the regional juvenile detention centers for American Correctional Association (ACA) and Prison Rape Elimination Act (PREA) audits. More specifically, not only should the division continue to conduct unannounced visits, it should also expand the scope of its audits to other issues that could disrupt operations at the regional juvenile detention centers. For example, understanding staff and morale issues, consistently reviewing the findings of IIB and ombudsman reports to identify additional training needs, could identify issues outside of the ACA and PREA audits that need to be addressed.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: The Compliance Division will continue to provide oversight and monitoring for external ACA and PREA audits as well as expanding oversight to all DJJ facilities. The Compliance Division will continue to conduct unannounced visits as well as expand the scope of the internal audits to include a monthly review of IIB and Ombudsman reports to identify additional training needs for staff as well as additional areas of concern identified and make recommendations for corrective actions as needed. The Compliance Division will continue to conduct staff and offender surveys during unannounced visits and will

incorporate survey questions regarding staff issues and morale. A data tracking component for staff and offender surveys will be added to the new electronic system as it is developed. In addition, each facility will have an employee designated to ensure that all ACA, PREA and other standards, regulations and policies are being followed, and that the Compliance Division has the information they need in a timely fashion and that their recommendations are implemented by the facility.

Agency Response to Finding Sheet 3: What Were The Causes Of The Fire And Escape That Occurred At The Jefferson Regional Juvenile Detention Center On August 27, 2022?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: The second paragraph under “Louisville Metro You Detention Center Closure” on Page 2 should read:

“As part of the MOA, the Commonwealth agreed to renovate a portion of the Rice-Audubon Youth Development Center at the Audubon campus to accept detained youth “on or before January 1, 2020.” Prior to opening its doors on January 1, 2020, DJJ expended \$49,134 to renovate a portion of the Audubon YDC building. However, after the doors opened, JRJDC needed additional security and other upgrades and repairs in the amount of \$284,391.”

The last paragraph under “Louisville Metro Youth Detention Center Closure” on Page 4 should note that Louisville Metro ceased paying any money to assist with the operation of the facility after July 1, 2020

Regarding the impact of COVID-19 on staffing (Page 5), it is important to note that there was a significant reduction in the number of youth being referred by courts to juvenile detention early in the pandemic. This resulted in lower-than-average number of youths being held in detention facilities overall. As the COVID-19 pandemic eased and courts began operating at normal levels, the number of youths detained at JRJDC began to climb. As a result of these court actions, DJJ began to raise the capacity. However, available staffing and facility conditions were not able to meet the increased number of youths. As a result, DJJ closed the Westport Group Home in order to move staff to the detention center, as well as using the non-teacher staff at the Louisville Day Treatment Center to help with staffing shortages at JRJDC in the spring of 2020.

Furthermore, the last paragraph on Page 5 under “Staffing Challenges” should note that DJJ was unable to *consistently* meet ratios required by PREA due to fluctuating youth and staff numbers.

Agency Response to Recommendation 3.4: 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.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: DJJ was historically limited in its ability to prevent disturbances from occurring and to respond effectively when they did occur because of a combination of outdated policies and statutes, including lack of access to non-lethal defensive equipment, inadequate training, and flaws in the aging physical facilities. Comprehensive changes to DJJ policies, procedures, and regulations were necessary to provide staff with the protective equipment and to adequately respond when violent incidents occur. The review of policies and procedures for all juvenile justice facilities began at the first of the year, with the initial focus being the operation of the detention centers.

Furthermore, significant staffing shortages impact the ability to adequately respond to incidents. Recruiting and retaining adequate staff is a top priority, and there have been several significant investments in DJJ detention staff salaries.

- 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, seeing that previous efforts had not solved the problem with staffing at DJJ, starting salaries for DJJ Youth Workers were raised to \$44,616.16.
- On February 23, 2023, Gov. Beshear raised the starting salaries to \$50,000. At the request of the administration, the General Assembly appropriated \$3.2 million to sustain previous DJJ salary increases.
- In the 2023 session, the General Assembly also appropriated \$4.8 million to increase the salaries for all DJJ workers. These increases are scheduled for July 1, 2023 in lieu of the 6% raise for state employees.
- At the request of the administration, the General Assembly appropriated \$9.7 million for 146 additional DJJ detention staff.

Two years ago, the starting pay in DJJ detention facilities was only \$30,000. Today, it is \$50,000. As a result of these efforts, staffing is improving. However, based on a review of personnel needs, more employees are needed in each detention center to ensure the safety of youth and staff. DJJ is competing for competent and qualified employees in a tight labor market. In particular, detention facilities in Campbell County and Jefferson County continue to struggle to recruit and retain staff in a strong local economy and amidst higher local wages. Well-trained, properly equipped staff in adequate numbers is a necessary predicate to the safe, orderly operation of detention facilities.

For the first time in Kentucky’s juvenile justice system, a Director of Security position and an Executive Director of the Office of Detention were created. The Director of Security was hired on 01/01/23 to provide assessments and recommendations concerning security for DJJ facilities. The administration proposed a reorganization of DJJ to align management by function rather than geography, and this was codified by the General Assembly in SB 162. The reorganization primarily separates the detention centers from the other DJJ facilities and programming. This necessary change better enables management to focus on the particular needs of detention centers, emphasizing safety and security. The new Executive Director of the Office of Detention was hired on 05/06/23 to oversee the detention facilities. The newly created Office of Detention is providing increased supervision and support to the staff.

DJJ is enhancing its emergency response capability. DJJ is working closely with the Kentucky Department of Corrections (DOC) to develop Emergency Response Teams for the facilities (ERT). Criteria, training, and incentives are being developed so each detention facility and youth development center will have an ERT that will undergo monthly drills. DJJ is developing MOUs with local law enforcement concerning emergency responses as mandated by SB 162.

Agency Response to Finding Sheet 4: What Caused The Riot At The Adair Regional Juvenile Detention Center On November 11, 2022?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: On Page 1 under “Offender Local Gang Affiliation” in paragraph 3, there is mention of a media report indicating that the State Fire Marshal ordered the juveniles to be moved from JRJDC. The referenced media report was erroneous. The State Fire Marshal was not involved in this decision. The decision was based on a finding by DJJ facilities staff that certain fire safety mechanisms were not operative and that this created a safety concern. Based on this advice from DJJ facilities staff, leadership decided to relocate the youth.

It should be noted that the recognition of gang affiliations does not mean the facility has the ability to separate youth to the extent desired. In addition to gangs, prosecutors often have “keep away” orders to separate codefendants and if there is not adequate staff to open other pods, youth may have to be kept on the same unit and plans put in place to minimize interactions (i.e. only some youth out of rooms in day area at a time.)

Following several incidents, including the ones explored in this Finding, and upon Gov. Beshear’s directive, DJJ initiated significant changes to the structure of the detention system to increase security and operations for both youth at staff. 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.

DJJ was historically limited in its ability to prevent disturbances from occurring and to respond effectively when they do occur because of a combination of outdated policies and statutes, including lack of access to non-lethal defensive equipment, inadequate training, and flaws in the aging physical facilities. Significant staffing shortages also impact the ability to adequately respond to incidents. Because of the changing environment and due to a more aggressive juvenile population, comprehensive changes to DJJ policies, procedures, and regulations were necessary to provide staff with the protective equipment to adequately respond when violent incidents occur. In December 2022, leadership decided to utilize non-lethal defensive equipment for the safety and security of youth and staff. DJJ made necessary regulatory changes to allow for their use, and recognizing the utility of such equipment, the General Assembly made statutory changes to mandate the use of defensive equipment in DJJ facilities.

For the first time in Kentucky's juvenile justice system, a Director of Security position and an Executive Director of the Office of Detention were created. The Director of Security was hired on 01/01/23 to provide assessments and recommendations on security for DJJ's facilities. The administration and DJJ requested a reorganization of DJJ to align management by function rather than geography, and this was codified by the General Assembly in SB 162. The reorganization primarily separates the detention centers from the other DJJ facilities and programming. This necessary change better enables management to focus on the particular needs of detention centers, emphasizing safety and security. The new Executive Director of the Office of Detention was hired on 05/06/23 to oversee the detention facilities. The newly created Office of Detention is providing increased supervision and support to the staff.

DJJ is enhancing its emergency response capability. DJJ is working closely with the Kentucky Department of Corrections (DOC) to develop Emergency Response Teams for the facilities (ERT). Criteria, training, and incentives are being developed so each detention facility and youth development center will have an ERT that will undergo monthly drills. DJJ is developing MOUs with local law enforcement concerning emergency responses as mandated by SB 162.

IIB did not find it necessary to specifically mention the audio recording in its justification.

Agency Response to Recommendation 3.5: 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 in a detention setting.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: DJJ agrees on the importance of staff being well-trained on gang presence and activity that impacts its facilities, both pre- and post-adjudication. On 12/19/22, the Kentucky Department of Corrections (DOC) provided a general training to all DJJ facility superintendents at the detention centers and the youth development centers on Security Threat Groups (STGs). On 03/06/23, Adair County Juvenile Detention Center staff received training

from DJJ and Louisville Metro Police Department on gang affiliations with specific reference to Louisville-based gang activities.

Recently, DJJ superintendents selected STG Coordinators in each facility. On 03/21/23, STG Coordinators received training on how to identify STG membership, affiliations, and characteristics within facilities, along with STG data collection. DJJ collaborated with DOC and law enforcement on this training.

Agency Response to Recommendation 3.6: Adair Regional Juvenile Detention Center staff should be required to use appropriate fields in the offender booking system to document tattoo descriptions and photographs.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: DJJ agrees on the necessity of quality data and updated booking systems, particularly as it pertains to gang presence and activity that impacts its facilities, both pre- and post-adjudication.

The safety, security, and well-being of youth and staff depends on accurate and timely data. Strong data is necessary to the forward-looking management of DJJ. 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 to J-KOMS.
- This process will take several phases to fully implement, but the project is on track with Phase 1 modules purchased. Phase 4 will finalize the project and is expected to be complete in early 2025.
- The need for efficient data operations was recognized by the General Assembly in SB 162.

Additionally, on 12/19/22, the Kentucky Department of Corrections (DOC) provided a general training to all DJJ facility superintendents at the detention centers and the youth development centers on Security Threat Groups (STGs). On 03/06/23, Adair County Juvenile Detention Center staff received training from DJJ and Louisville Metro Police Department on gang affiliations with specific reference to Louisville-based gang activities.

Recently, DJJ superintendents selected STG Coordinators in each facility. On 03/21/23, STG Coordinators received training on how to identify STG membership, affiliations, and characteristics within facilities, along with STG data collection. DJJ collaborated with DOC and law enforcement on this training.

Agency Response to Recommendation 3.7: The Justice and Public Safety Cabinet should request that the Internal Investigations Branch conduct a broader investigation, to include the incidents leading up to the November 11, 2022 riot.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: JPSC will request the Compliance Division conduct an investigation into the events leading up to November 11, 2022.

Agency Response to Finding Sheet 5: How Does The Department of Juvenile Justice Ensure Allegations Of Dependency, Neglect, And Abuse Are Reported And Investigated?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: During intake, or any other time while the youth is in detention, if the staff at a detention facility receives information that a youth may be dependent, neglected or abused they will make a referral to DCBS. Once detained or committed to DJJ, both the staff and the juveniles have access to the IIB hotline to make referrals regarding any alleged mistreatment of the youth while in detention. In addition, IIB also receives calls directly from superintendents and facility employees regarding alleged incidents. IIB refers the intakes it receives which are youth grievances (i.e., did not get required snacks or phone calls) to the DJJ Ombudsman or facility grievance officers. It also refers some instances in the “may investigate” category to DJJ if IIB chooses not to investigate, but chooses to investigate most of them.

All cases initiated from an intake, are submitted to DCBS from either the “shall investigate” or “may investigate” category. All force and sexual activity investigations initiated trigger a written notification to the County Attorney and law enforcement. At the conclusion of the investigation, all reports, regardless of findings, are forwarded to DCBS.

In addition, as JPSC and IIB understand the statute, if a youth is in the custody of DJJ, whether through detention or commitment, then the child is not dependent because DJJ is the proper custodian and they are in its custody.

Also, while not specifically named, the Internal Investigations Branch (IIB) is the entity that carries out the statutory requirements of KRS 15A.020(3)(c)2.

JPSC does not agree that its interpretation is inconsistent with statute.

Agency Response to Recommendation 3.8: Justice and Public Safety Cabinet and Department of Juvenile Justice officials should revisit language in DJJ policies, the Memorandum of Agreement, and 500 KAR 13:020 to ensure the terms neglect, abuse, dependency, and special incidents are used consistently and are in line with KRS 620.030.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No response provided*

Agency Response to Recommendation 3.9: Officials should review KRS 15A.065(4)(a) to consider proposing language that more clearly annotates the duties and responsibilities of the ombudsman.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No response provided*

Agency Response to Recommendation 3.10: 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.”

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: See above explanation. CHFS is already provided all investigated findings. Also, it is the understanding of DJJ and JPSC that if the youth is in the custody of DJJ, they cannot be dependent.

Agency Response to Recommendation 3.11: Justice and Public Safety Cabinet and Department of Juvenile Justice officials should develop more of a formal policy related to the interaction between the DJJ ombudsman and IIB.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.12: Justice and Public Safety Cabinet and Department of Juvenile Justice officials should break out the reporting duty of DJJ employees from the Code of Ethics to develop a separate policy, given the importance of KRS 620.030 reporting.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.13: Justice and Public Safety Cabinet and Department of Juvenile Justice officials should update its webpages to create more of a presence for the statutorily created DJJ ombudsman.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.14: The Justice and Public Safety Cabinet should use Column Case Management (CCM) for storage and analysis of referrals and investigations conducted by the Office of the Ombudsman.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: The Ombudsman Reports for intakes referred by IIB are already kept in the Column case Management System. The Ombudsman keeps the other reports of his investigations and can produce them when requested. DJJ does not need to purchase an additional software system for these reports.

Agency Response to Matter for Legislative Consideration #3.1: 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.”

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Finding Sheet 6: Do Regional Juvenile Detention Centers Receive, Process, And Track Work Orders In A Timely Manner?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: For clarification, Boyd initially had a unit of less secure beds for Alternative to Detention youth. There was a door from the outside that went into that unit from which you could not access the rest of the building.

However, the Department of Public Advocacy filed court action on the ground that non-secure should not be a part of a detention center, so the unit was not able to continue to house youth. That space is now used by DJJ community workers and other DJJ staff. This reduced the total bed capacity to 30.

Agency Response to Recommendation 3.15: Department of Juvenile Justice detention facilities should ensure that maintenance work order request forms are completed to their full extent to include an indication of priority level.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.16: Department of Juvenile Justice officials should automate the process by which maintenance work order request documents are processed.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: J KOMS has an “Issue and Project Tracking” module that will act as a work order system for maintenance requests.

Agency Response to Finding Sheet 7: How Has The Mental Health Status Of Juvenile Offenders Evolved Over Time?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: It should be noted that DJJ detention staff must handle a wide variety of youth and situations due to the nature of detention, and staff must triage the 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 almost limited because: youth may not be guilty of the offense for which detained; youth and parents have the right to refuse treatment, and parents must give informed consent; the duration of detention is unpredictable and often not long enough for effective services; and not all youth need treatment services.

Agency Response to Recommendation 3.17: The Department of Juvenile Justice should continue to expand current contracts to meet the requirements regarding mental health treatment in SB 162 and HB 3 (2023 Regular Session).

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: DJJ released an RFP for institutional mental health treatment at detention centers on 05/15/23. This will close on 06/12/23. 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. The RFP incorporates references to the need and commitment to place such youth.

It may be impossible to fully meet the goals of the referenced legislation because private treatment facilities often will not admit, or will prematurely discharge, severely mentally ill youth who are aggressive or violent.

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, as required by the referenced bills.

DJJ seeks to improve mental health services and access to mental health professionals within detention facilities. DJJ is exploring contracting with a private group to provide mental health services.

Agency Response to Recommendation 3.18: The Department of Juvenile Justice should contact South Carolina executive and legislative officials to obtain additional information on the proposed psychiatric facility for juvenile offenders. And, it should prepare an analysis of whether a similar hospital is suitable for Kentucky, then present the results to the legislature for consideration.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: As noted herein and in previous testimony from JPSC and DJJ leadership, providing appropriate care for severely mentally ill youth involved in the juvenile justice system is a complex problem that must be addressed. Effective treatment options might benefit mentally ill juveniles not currently involved in the juvenile justice system as well. JPSC and DJJ stand ready to work with all stakeholders and to explore every option to find an effective and timely solution to this critical issue, recognizing that others have greater expertise in effective treatment of those suffering from severe mental illness.

Agency Response to Finding Sheet 8: Does The Juvenile Offender Booking System Provide The Data Needed To Operate Regional Juvenile Detention Centers In A Safe, Effective And Efficient Manner?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: JPSC and DJJ leadership have reported to oversight committees on several occasions that DJJ's data system is outdated and inadequate to support proper management of the department. As with other issues, this shortcoming went unaddressed for many years. As this report notes, the last major redesign of the system was undertaken nearly a decade and a half ago. Both DJJ's circumstances and available technology have changed dramatically since then and the current system has been obsolete for years. This was recognized by the previous administration and considerable resources were devoted to acquiring the KOMS system for DJJ approximately six years ago. Inexplicably, that effort was abandoned and nothing put in its place. JPSC and DJJ leadership explored the advantages of KOMS and jointly decided that it offered the best solution under the circumstances. Once KOMS is fully deployed, DJJ will have the sophisticated system needed for proactive management. KOMS is a proven product that will evolve as needs change. Significant expertise concerning its use and capabilities already exists at DJJ's sister agency, the Department of Corrections, which will assist in deployment of the new system.

To reiterate information provided in this Finding, the safety, security, and well-being of youth and staff depends on accurate and timely data. Strong data is necessary to the forward-looking management of DJJ. 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 to J-KOMS.
- This process will take several phases to fully implement, but the project is on track with Phase 1 modules purchased. Phase 4 will finalize the project and is expected to be complete in early 2025.
- The need for efficient data operations was recognized by the General Assembly in SB 162.

Agency Response to Recommendation 3.19: Justice and Public Safety Cabinet officials should continue to include appropriate DJJ officials in discussions regarding the expanded scope of work for the Kentucky Offender Management System (KOMS). Officials should also continue to familiarize themselves with DJJ's "wish list" and schema from its current offender booking system.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.20: Justice and Public Safety 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.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Finding Sheet 9: Does The Incident Reporting Process Ensure That Incidents Between Department of Juvenile Justice Staff And Juvenile Offenders Are Promptly And Adequately Identified, Reported, Investigated, And Tracked?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.21: The Department of Juvenile Justice should develop an automated system to track critical information regarding each incident.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: The current text boxes within the IIR do lack detail and specificity to allow for an inclusive narrative description of the incident. The intent is for the author to fully describe the situation related to the incident. Staff currently receive incident report training that addresses the incident report guidelines at the academy. DJJ does agree that additional incident report writing training is needed and will explore best options to facilitate the training at the facility level. The training will include specific guidance regarding what information should be included in the text boxes. DJJ is reviewing the current incident report format to determine where revisions are needed.

JKOMS will include Incident Report Tracking in the Phase I purchase. Incident Report Tracking (IRT) is:

- A fully integrated and automated incident reporting system for all disciplines
- Includes recording of all types of incidents (including GIS map coordinates), categorization, capturing details and recording staff and offenders involved
- Once initiated, the incident report is automatically routed for review and approval through multiple levels

The reporting function may require some level of customization but ultimately it will be able to accommodate the need.

The development of an electronic reporting system will provide the additional oversight to assist in the review of incident report analysis for trends and patterns.

However, there is limited access to computers in the facilities, so computer access will have to be addressed as we move to automation.

Agency Response to Recommendation 3.22: The Department of Juvenile Justice should reevaluate the DJJ 715 and DJJ 321 for consistency, then update its incident/isolation report form in anticipation of automation.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: DJJ is already reviewing the policies and regulations are being promulgated to ensure standardization of policies, procedures, and practices throughout the Department.

Agency Response to Finding Sheet 10: What Staff And Superintendent Concerns Exist At The Regional Juvenile Detention Centers, And What Impact Do Their Concerns Have On The Regional Juvenile Detention Centers?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: There have been important steps taken regarding several of the general trends identified in this finding which ultimately affect recruitment, retention, morale, and grievances.

As with any large public agency, DJJ employee concerns are widely varied and all must be treated appropriately. Although DJJ has spent the better part of the last year addressing numerous issues that have arisen over many years, inadequate staffing has been the single most important challenge. Without a well trained staff, adequate in number, efforts to address the myriad of challenges facing any agency tasked with the care of troubled juveniles are almost certain to be frustrated.

Inadequate staffing has been a primary cause of employee dissatisfaction and has undoubtedly contributed to unhealthy turnover rates. The staffing crisis at DJJ and its primary cause has been long recognized and was publicly reported at least as early as 2017. Three years ago, the starting pay for a front line security worker in a DJJ detention facility was approximately \$30,000 annually. The compensation package was wholly and obviously inadequate to attract adequate staff. As outlined below, the administration has taken a number of steps to address this fundamental issue upon which the success of so many efforts rest. The General Assembly has supported those efforts, most recently by passing SB162. While an adequate compensation package is not the only component in attracting an adequate staff and maintaining good morale among existing employees, it is necessary. Starting pay for DJJ correctional officers now stands at approximately \$50,000 annually as a result of the steps outlined below. Staffing levels at DJJ detention centers has improved and there is increased interest in these jobs. As every local labor market is different, progress is not uniform. Campbell and Jefferson are particularly challenging and will likely remain so.

Recruitment and retention of staff is not a static issue, nor one that can be “solved”. Labor markets are fluid and DJJ is but one of thousands competing for staff. Kentucky is experiencing an explosion in job creation and every new economic development success brings a new competitor for labor. The administration and the General Assembly must be committed to working collaboratively to maintain a compensation package that is competitive as market forces change the employment landscape. Otherwise, the gains we have made could be quickly lost.

In addition to compensation enhancements, DJJ has better trained and equipped its correctional officers to meet the challenges presented by a more aggressive juvenile population. Anecdotal reports indicate that these changes have been positively embraced by most detention center correctional officers.

Badly needed improvements to aging facilities should further improve conditions for staff. The administration and the General Assembly worked collaboratively to provide resources to make a number of improvements to DJJ facilities designed to make them safer for both juveniles and staff.

Regarding issues of security, at Gov. Beshear's directive DJJ initiated significant changes to the structure of the detention system to increase security and operations for both youth at staff. 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.

DJJ was historically limited in its ability to prevent disturbances from occurring and to respond effectively when they do occur due to a combination of outdated policies and statutes, including lack of access to non-lethal defensive equipment, inadequate training, and flaws in the aging physical facilities. Significant staffing shortages also impact the ability to adequately respond to incidents. Because of the changing environment and due to a more aggressive juvenile population, comprehensive changes to DJJ policies, procedures, and regulations were necessary to provide staff with the protective equipment to adequately respond when violent incidents occur. In December 2022, leadership decided to utilize non-lethal defensive equipment for the safety and security of youth and staff. DJJ made necessary regulatory changes to allow for their use, and recognizing the utility of such equipment, the Governor signed into law statutory changes enacted by the General Assembly to mandate the use of defensive equipment in DJJ facilities.

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. The Director of Security was hired on 01/01/23 to provide assessments and recommendations on security for DJJ's facilities. The administration requested a reorganization of DJJ to align management by function rather than geography, and this was codified by the General Assembly in SB 162. The reorganization primarily separates the detention centers from the other DJJ facilities and programming. This necessary change better enables management to focus on the particular needs of detention centers, emphasizing safety and security. The new Executive Director of the Office of Detention was hired on 05/06/23 to oversee the detention facilities. The newly created Office of Detention is providing increased supervision and support to the staff.

DJJ also created the Compliance Branch on 01/16/23 to conduct unannounced facility inspections and staff interview to ensure best practices are identified and followed. As part of the reorganization request, which was included in SB 162, the branch became the Compliance Division on 03/27/23.

DJJ is enhancing and expanding its emergency response. DJJ is working closely with the Kentucky Department of Corrections (DOC) to establish Emergency Response Teams (ERT) at DJJ facilities. Criteria, training, and incentives are being developed so each detention facility and youth development center will have an ERT that will undergo monthly drills. DJJ is developing MOUs with local law enforcement concerning emergency responses as mandated by SB 162.

With respect to issues of compensation, the administration and DJJ have made recruiting and retaining adequate staff to secure juvenile facilities a top priority, and there have been several significant investments in DJJ detention staff salaries.

- 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, recognizing that previous efforts had not solved the staffing problem, starting salaries for DJJ Youth Workers were raised to \$44,616.16. This was funded by redirecting existing resources.
- On February 23, 2023, Gov. Beshear raised the starting salaries to \$50,000. At the request of the administration, the General Assembly appropriated \$3.2 million to sustain previous DJJ salary increases.
- In the 2023 session, the General Assembly also appropriated \$4.8 million to increase the salaries for all DJJ workers. These increases are scheduled for July 1, 2023 in lieu of the 6% raise for state employees.
- At the request of the administration, the General Assembly appropriated \$9.7 million for 146 additional DJJ detention staff.

Two years ago, the starting pay in DJJ detention facilities was only \$30,000. Today, it is \$50,000. As a result of these efforts, DJJ has seen an increase in staffing. However, based on a review of personnel needs, more employees are needed in each detention center to ensure the safety of offenders and staff. DJJ is competing for competent and qualified employees in a tight labor market. In particular, detention facilities in Campbell County and Jefferson County continue to struggle to recruit and retain staff in a strong local economy and amidst higher local wages. Well-trained, properly equipped staff in adequate numbers is a necessary predicate to the safe, orderly operation of detention facilities.

Agency Response to Recommendation 3.23: The Department of Juvenile Justice should ensure that every grievance is reviewed at least once. If the initial grievance could not be completed, staff should reach out to the individual to be sure they are aware of the process. If the grievance is still not usable, the grievance packet should include a short statement.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.24: As the Department of Justice increases staffing at detention centers, it should monitor the amount of shift changes and mandatory overtime needed at the regional juvenile detention center. This can be used to determine if the number of staff at regional juvenile detention centers are sufficient or if employees are suffering from difficult schedules to cover needs.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: The DJJ detention staffing is being evaluated using the nationally accepted National Institute of Corrections staffing model. This will also assure the correct staff to juvenile ratios as dictated by PREA standards.

Agency Response to Recommendation 3.25: Department of Juvenile Justice should monitor grievances and exit interviews that detail poor interactions between staff. If there are patterns of poor interactions, such as a regional juvenile detention center having multiple interactions that demonstrate a lack of respect for an individual's demographics, then DJJ should determine if training or other interventions are needed to improve relationships at the regional juvenile detention center.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: Exit interviews are excellent management tools and should include a face-to-face meeting in addition to a questionnaire, if possible.

Agency Response to Recommendation 3.26: Department of Juvenile Justice should monitor the number of nonhazardous employees that are assigned to cover hazardous roles and determine if this affects retention of these role. If DJJ decides to continue with this practice, it should determine if nonhazardous employees need additional training to cover hazardous roles and new employees should be informed, they may need to cover these roles.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.27: Department of Juvenile Justice should automate its superintendent monthly report template to ensure consistent and accurate completion. Prior to automation, DJJ officials should revise the current form to ensure the reduction of open text boxes, as well as elimination of double-subject input fields.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Finding Sheet 11: How Often Were Regional Juvenile Detention Center Staff Involved In Incidents Requiring Disciplinary Actions From 2018 Thorough 2022?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.28: Department of Juvenile Justice officials should ensure that 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.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Recommendation 3.29: 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.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*

Agency Response to Finding Sheet 12: What Types Of Incidents Occur At Regional Juvenile Detention Centers?

- Agree with finding
- Partially agree with finding
- Disagree with finding

Agency Comments: Electronic reporting in the DJJ KOMS system will be beneficial and will be included.

Agency Response to Recommendation 3.30: As Department of Juvenile Justice updates its Isolation/Incident Report (IIR) 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.

- Agree with recommendation
- Partially agree with recommendation
- Disagree with recommendation

Agency Comments: *No comments provided*