

1 AN ACT relating to juvenile justice and making an appropriation therefor.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. The Office of the Auditor of Public Accounts shall contract with a
4 third party to perform a full performance review of the preadjudication facilities operated
5 by, and the programs administered by, the Department of Juvenile Justice within the
6 Justice and Public Safety Cabinet. The Office of the Auditor of Public Accounts shall be
7 the engaged party under the contract and shall contract with an entity that has experience
8 in reviewing the performance of state agencies offering juvenile detention facilities and
9 programs.

10 Notwithstanding any law to the contrary, the Office of the Auditor of Public
11 Accounts shall be solely responsible for procuring the contract through competitive
12 bidding. The Office of the Auditor of Public Accounts shall not contract with any entity
13 that accredits Kentucky's preadjudication juvenile detention facilities or programs, or
14 Kentucky's postadjudication juvenile detention facilities or programs.

15 The contract shall provide that the audit results shall be reported to the Legislative
16 Research Commission, and any materials related to the audit shall be provided to the
17 Legislative Research Commission. An initial preliminary report of the results of the
18 performance review shall be submitted to the Legislative Research Commission by
19 October 15, 2023.

20 ➔Section 2. The contracted entity under Section 1 of this Act shall have the
21 authority provided under KRS 43.080. Employees of the Department of Juvenile Justice
22 shall be allowed to participate in interviews outside the presence of any supervisor,
23 official, or counsel representing the department or the Justice and Public Safety Cabinet.
24 The work papers of the contracted entity shall be confidential and shall not be subject to
25 subpoena, or to review or production under KRS 61.870 to KRS 61.884, the Kentucky
26 Open Records Act.

27 ➔Section 3. The scope of the performance review shall include, but not be limited

1 to:

2 (1) Interviews with front-line employees;

3 (2) Interviews with local law enforcement agencies in the area of the detention
4 facility;

5 (3) Review of adopted staffing procedures, and the compliance or noncompliance
6 with the adopted procedures on-site;

7 (4) Review of incident reporting procedures and incident reports;

8 (5) Receipt, review, and actions taken by the Department of Juvenile Justice
9 related to complaints and concerns from employees;

10 (6) Review of all monthly reports; and

11 (7) Review of all complaints and exit interview forms.

12 ➔Section 4. There is hereby appropriated General Fund moneys in the amount of
13 \$500,000 in fiscal year 2022-2023 to the Auditor of Public Accounts budget unit to fund
14 the performance review directed under Section 1 of this Act. Notwithstanding KRS
15 45.229, any portion of these funds not expended shall not lapse and shall carry forward
16 for expenditure in fiscal year 2023-2024.