

COMMONWEALTH OF KENTUCKY  
STATE SENATE



SENATOR WHITNEY H. WESTERFIELD

October 20, 2021

Commissioner Vicki Reed  
Department of Juvenile Justice  
1025 Capital Center Drive  
Frankfort, Kentucky 40601

Dear Commissioner Reed:

Thank you for responding to several of my questions during the Interim Judiciary Committee meeting on October 7. As promised, I have several others to which I would like to have responses. Below I have included my full list, including the questions I posed during the meeting. Feel free to elaborate on the responses you have already put on the record during the October 7<sup>th</sup> meeting. I respectfully request that you provide responses to these questions **no later than November 10<sup>th</sup>, 2021**, to allow time for your answers to be distributed to the Interim Judiciary Committee members in advance of the November Judiciary meeting scheduled for November 17<sup>th</sup>.

Thank you for your time and prompt attention to this important discussion about the Department. If you have questions about any of this please do not hesitate to reach out to me directly.

Sincerely,

Whitney H. Westerfield  
State Senator, 3rd District

Cc: Hon. Kerry Harvey, Secretary, Justice and Public Safety Cabinet  
Hon. Ed Massey, Chairman, House Judiciary Committee  
Hon. Roberta Kiser, Committee Staff Administrator, Judiciary Committee

1. How many instances of excessive force are permissible before an employee is fired?
2. Are instances of “tapping out” recorded in personnel files or incident reports?
3. Doesn’t this indicate a pattern of problematic conduct?
4. Is there a “tapping out” policy?
5. A supervisor notes in one case described an employee’s decision making as “horrible” and “haphazard.” Are these notes something that upper management ever reviews and/or approves?
6. A former employee was quoted as saying “all we are doing is quite literally keeping them in a cell and praying for the best...”
  1. Is this accurate?
  2. If not, why not?
7. Are any juveniles kept entirely in cells and not included in any programming or treatment or behavioral healthcare?
  1. If so, how many?
8. Do you dispute the “116 incidents in 3 years” (2/18 — 5/21) statistic reported by the HL?
  1. If so, why?
9. How many cases are reviewed by the Internal Investigations Branch on a monthly or annual basis?
10. How many ultimately result in termination?
11. How often are Aikido maneuvers utilized on average on an annual basis statewide?
12. Are there other styles of control and restraint similar to Aikido that are used?
  1. If so, what are they?
  2. How often are they used?
  3. Is there a policy on which is preferred?
  4. If so, why?
13. What is the department response to the staff’s use of excessive force other than Aikido or other conduct outside of standard department policies and practices?
14. Was this response followed in each case mentioned in the HL reporting?
15. Is there a written policy against using racial slurs in the department?
  1. Please provide a copy of this written policy.
16. What is the consequence for using racial slurs?
17. What is the Department’s policy for informing parents and guardians of incidents on campus?
  1. Please provide a copy of this written policy.
18. State agencies have ombudsman offices, communities have confidential crime stoppers reporting, what options are available to children in custody wanting to raise an alarm without fear of reprisal?
19. What is the consequence for staffers that leave a facility unattended?
20. One of the staffers in McCracken was quoted as saying she “did not know what she was doing, nor did other staff know what to do.” Are staffers trained on riot scenarios?
  1. Were these staffers trained?
  2. Are there any staff on DJJ as of the date of this letter that are not trained on riot scenarios?
    1. If so, how many?
21. The story reported that children were left behind in each of the riots in Paducah. Are they ok? Were they hurt?
22. How many times have riots or staff abandoning students happened at facilities statewide in the last five years?
  1. How many times in the last 10 years?
  2. Has this happened since the October 7<sup>th</sup> Judiciary meeting?
23. Is there a written protocol for which law enforcement agency should respond in such a situation?
  1. If so, please provide a copy of this written policy.
24. In the riots in McCracken County, why did Paducah PD respond to the first incident and KSP respond to the second?
25. Has the conduct involving the observation of nude female juveniles resulted in criminal charges or referrals to the proper prosecutor’s office?

1. Isn't this conduct, in addition to being a violation of agency policy, a criminal act?
  1. Voyeurism (A Misdemeanor): 531.090
  2. Promoting a sexual performance by a minor (A-C felony): 531.320
2. You testified on 10/7/21 that this did not happen, however these acts were "substantiated" by the Department. Please reconcile this.
26. How many DJJ staff who have called in a bomb threat have been subsequently promoted?
27. What is the department's time limit on isolation of youth?
28. Do you dispute the length of time reported in one case where a child was held for 43 hours?
  1. If not, why was a child held in isolation for 43 hours?
29. What determines whether psychotropic medication is used with a child in DJJ care or custody?
  1. How often is this decision reviewed?
  2. What psychotropic medications are currently used by children in DJJ facilities and programs?
  3. How many children are currently being treated with psychotropic medication?
  4. How many children are not currently being so treated?
  5. How many kids were already diagnosed with a condition requiring such medication before they entered the facility?
  6. How many only started once they entered the facility?
  7. Are they used in all facilities?
30. What is the staff-youth ratio at each facility today?
31. What are your plans to bring that ratio up to ideal levels?
32. How soon are staff supposed to respond to requests for medical care?
33. Are staff permitted to hear the children's calls to people outside the facility?
34. Are there time limits on calls to people outside the facility?
35. How are these limits enforced?
36. Are all staff charged with the responsibility to intervene in physical attacks between juveniles?
  1. If not, who is supposed to and who isn't?
37. Is there a written policy for when the Internal Investigations Branch is to be notified of incidents?
38. How are incidents reported/transmitted to the Branch on a monthly and annual basis?
39. Does the IIB provide a report on its investigations to any agency or entity?
  1. If so, please provide a copy of its most recent report.
40. Is there any oversight to make certain that incidents are properly and completely reported, including photos or other evidence of injuries?
41. Has the Department considered partnering with local police agencies for interventions when staffing is low or matchups are inadequate?