



Date: December 6, 2021
To: Interim Joint Committee on Judiciary
From: Vicki Reed, Commissioner, Kentucky Department of Juvenile Justice
Re: Requested information from the October 7, 2021 committee meeting & follow-up questions

In response to information requested during the October 7, 2021 Interim Joint Committee on Judiciary and the follow-up request for information from Sen. Westerfield on October 20, 2021, the Kentucky Department of Juvenile Justice (DJJ) is providing the following. The Kentucky Juvenile Code, KRS Chapters 600 to 645, guides the DJJ in its operations. One of the primary statutes guiding the DJJ is KRS 635.010(2)(e), which states that “KRS Chapter 635 shall be interpreted to promote the best interests of the child through providing treatment and sanctions to reduce recidivism and assist in making the child a productive citizen by involving the family, as appropriate, and by advancing the principles of personal responsibility, accountability, and reformation, while maintaining public safety, and seeking restitution and reparation”. In addition, the DJJ is also required to maintain compliance with standards developed by the American Correctional Association (the “ACA”). See KRS 199.011(5). The DJJ is further governed by certain Federal laws applicable to juvenile justice, such as the Prison Rape Elimination Act (“PREA”), found at 42 U.S.C Section 15601.

- **How many instances of excessive force are permissible before an employee is fired?**

DJJ is committed to the care and safety of all the youth in the custody of the Commonwealth. When a child is in DJJ’s care, they must be kept safe at all times, and this is DJJ’s first responsibility. Commissioner Reed firmly believes that one case of mistreatment is one too many and will hold leadership and staff accountable for providing safe care for children under DJJ authority. The best way to address juvenile justice issues is to never have a child in the system in the first place, but until that day comes, Commissioner Reed will not tolerate a single case of abuse. Any injury of a child is unacceptable and requires investigation. Sometimes those investigations result in disciplinary action, which are not taken lightly.

Each instance of a policy violation by an employee requires a fact-specific inquiry to determine the appropriate level of discipline. The level of discipline can range from a written reprimand, suspension, demotion, and/or termination. In some cases, an employee can be fired for a single instance of excessive force.

DJJ utilizes a practice of progressive discipline which involves graduated steps for dealing with problems related to an employee’s conduct or performance that violates policy. See the regulations 101 KAR 1:335 and 101 KAR 1:345. However, some violations of policy result in dismissal even without a prior history of discipline. In cases where excessive force is substantiated, factors in determining the appropriate level of discipline include whether the initiation of the restraint was justified and whether or not the appropriate restraint technique was used.

- **Are instances of “tapping out” recorded in personnel files or incident reports? Doesn’t this indicate a pattern of problematic conduct? Is there a “tapping out” policy?**

“Tapping out” is when one youth worker takes the place of another while a restraint is attempted or in use. DJJ does not have a standalone “tapping out” policy, although there are numerous DJJ policies governing the use of restraints. “Tapping out” can be a useful tool and is employed in situations ranging from a fatigued youth worker needing a respite to introducing a youth worker who has fostered a positive relationship with the youth. The practice of “tapping out” is utilized for the safety of youth and staff, to reduce the severity of restraints, to reduce the potential for injuries, and to increase the safety of youth and staff.

Every restraint requires an incident report which documents the restraint. However, it is not necessarily recorded in an employee’s personnel file. Documentation is placed in an employee’s personnel file in accordance with Kentucky Personnel Cabinet statutes, policies, and regulations. KRS 18A.020.

- **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?**

Yes, and in this specific example, the employee was fired after review of the Internal Investigations Branch (IIB) report.

- **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?**

No, this is not accurate. DJJ leadership is continuously evaluating the use of restraints and isolation with the goal of using both as little as possible and only as a last resort when other interventions fail.

Further, there is a wide range of programming offered to youth for their physical, mental, and educational wellbeing, above and beyond what is required by Kentucky statute and American Correctional Association standards. Most, if not all, of this programming occurs outside of the youth’s living unit. In addition, youth in the custody of the DJJ receive a common school education pursuant to KRS 635.110. Under KRS Chapter 600.010(2)(e), DJJ provides treatment to rehabilitate youth and to reduce recidivism and assist in making the child a productive citizen.

- **Are any juveniles kept entirely in cells and not included in any programming or treatment or behavioral care? If so, how many?**

No youth are kept entirely in cells, and no youth are prohibited from participating in programming, treatment, or behavioral healthcare. During isolation, youth are closely monitored and every attempt is made to continue delivery of services.

DJJ policy provides that isolation shall never be used as a punishment or disciplinary action, and a youth shall not be isolated longer than necessary. Policy further provides that a youth should not

be placed in isolation unless the youth is a threat to the safety, security, and orderly management of the facility, or a threat to their own safety.

- **Do you dispute the “116 incidents in 3 years” (2/18-5/21) statistic reported by the HL? If so, why?**

DJJ calculates 90 substantiated IIB reports during this three-year period from February 2018 through May 2021. DJJ provided a copy of the substantiated reports to the media outlet in response to an open records request. All documents were provided in accordance with Kentucky’s open records law.

- **How many cases are reviewed by IIB on a monthly or annual basis? How many ultimately result in termination?**

On average, IIB has reviewed 130 complaints or allegations related to DJJ annually. Pursuant to the regulation **500 KAR 13:020 (copy attached)**, IIB is required to receive and investigate certain incidents that are required to be reported by DJJ employees.

From 2018 through April 2021, DJJ has issued Notices of Intent to Dismiss to 38 employees following a substantiated investigative report regarding the employee from IIB. KRS 18A.095 requires DJJ to provide a Notice of Intent to Dismiss and the opportunity for a pre-termination hearing prior to dismissing most employees. Of the 38 employees that were issued Notices of Intent to Dismiss following a substantiated investigate report, eight resigned prior to the completion of the dismissal process and one employee’s dismissal was overturned after an evidentiary hearing conducted by the Personnel Board. The remaining 29 were dismissed.

- **How often are Aikido maneuvers utilized on average on an annual basis statewide? Are there other styles of control and restraint similar to Aikido that are used? If so, what are they? How often are they used? Is there a policy on which is preferred? If so, why?**

DJJ policy provides that staff may only use approved controlling techniques utilizing no more than the absolute amount of force necessary to diffuse a confrontational situation. Currently, Aikido is the only technique that is approved by DJJ for use in restraints; however, DJJ is researching new and improved training techniques to roll-out to staff in the near future.

In 2019, DJJ facilities averaged 0.587 restraints per day. In 2020, DJJ facilities averaged 0.848 restraints per day. From January through September 2021, DJJ facilities averaged 0.635 restraints per day.

- **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? Was this response followed in each case mentioned in the HL reporting?**

Generally, if an employee uses a technique other than Aikido during a restraint, such behavior is substantiated as excessive force by IIB and is subject to discipline. The level of discipline imposed is based on a fact-specific inquiry into the circumstances. Leadership determines the appropriate level of discipline by reviewing the incident reports, video of the restraint, the employee’s history of any prior discipline, and the employee’s written response to a request for discipline. The

discipline can range from requirement for staff to complete more training, written reprimand, suspension, demotion, and/or dismissal.

The same review and disciplinary process is followed any time an IIB investigation determines an allegation of excessive force is substantiated.

- **Is there a written policy against using racial slurs in the department? Please provide a copy of this written policy.**

Department of Juvenile Justice Policy 102 IV.I. states that “[s]taff shall not discriminate against any youth, other staff, or prospective staff on the basis of religion, race, sex, age, disability, national origin, color, sexual orientation, gender identity, genetic information, political affiliation, or veteran’s status.”

Department of Juvenile Justice Policy 104 IV.F. states that “[l]oud, abusive, or profane language and boisterous and unprofessional conduct shall not be tolerated.”

Department of Juvenile Justice Policy IV.T. states that “[a]ll persons are prohibited from engaging in unwelcome written, verbal, or physical conduct that either degrades, shows hostility or aversion towards a youth on the basis of race, color, national origin, age, sex, religion, disability, gender identity, sexual orientation, or genetic information.”

Department of Juvenile Justice Policy 115 IV.H.4. regarding use of internet and email at work prohibits “[u]sing resources to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws, whether through language, frequency, or size of messages. This shall include statements, language, images, E-mail signatures, or other materials that are reasonably likely to be perceived as offensive or disparaging of others on the basis of religion, race, sex, age, disability, national origin, color, sexual orientation, gender identity, genetic information, or veteran’s status.”

Department of Juvenile Justice Policy 201.I. states that “[t]he Department shall provide services to youth without discrimination as to race, color, sex, disability, age, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.”

Department of Juvenile Justice Policy 205.IV.B. states that “[y]outh shall not be subject to and shall be free from discrimination. It shall be prohibited to discriminate based on a youth’s race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status in making administrative decisions and in providing access to programs.”

Department of Juvenile Justice Policy 301.I. states that “[r]esidential programs shall not discriminate on the basis of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.”

Copies of these policies are attached for your consideration.

- **What is the consequence for using racial slurs?**

DJJ does not condone racial slurs and any staff who use a racial slur or inappropriate, derogatory language are subject to disciplinary action up to and including dismissal.

- **What is the Department's policy for informing parents and guardians of incidents on campus?**

DJJ Policy 321.IV.N. provides that parents shall be notified as soon as practicable from the occurrence of a youth AWOL, death, serious injury, serious illness, sexual assault, or suicide attempt.

DJJ Policy 309 provides that the residential youth counselor shall communicate with a youth's parent or legal guardian approximately once within every 14 days.

- **State agencies have ombudsman offices, communities have confidential crime stoppers reporting, what are available to children in custody wanting to raise an alarm without fear of reprisal?**

DJJ youth have a right under DJJ Policy to report violations, and leadership encourages youth to report any issues or concerns they witness or experience. In particular, **DJJ Policy 205 IV.CC. (copy attached)** states as follows:

Youth shall have the right to report any problems or complaints without fear of reprisal. There shall be a written grievance procedure, which shall be explained and posted in living and program areas, which allows for at least one (1) level of appeal.

Additionally, youth have access to legal representation which provides them with a safe avenue to voice any issues or concerns they may have while in custody.

The reporting system installed within DJJ encourages honesty by staff relating to any issues or concerns they witness or experience. DJJ policy requires staff to cooperate with IIB investigations and be truthful in correspondence and interactions with investigators as well as in the completion of any type of work-related written documentation. Violators of the aforementioned policies may be subject to discipline.

Within the last few years, DJJ has demoted an employee and prosecuted the discipline through the Personnel Board as a consequence for the employee making a threat to youth over filing grievances. DJJ also transferred the employee on an involuntary basis to a position outside of residential facilities. **A copy of the written opinion from that case is attached.**

At DJJ Group Homes, Juvenile Detention Centers, and Youth Development Centers, all youth are provided with an internal grievance process for complaints. **DJJ Policies 706 and 331 (copies attached)**.

- Each facility is required to make available grievance documentation that is easily accessible to the youth, and each facility provides lockboxes for the submission of a grievance. DJJ Polices 706 IV.H. and 331 IV.H.
- After a youth submits a grievance, the grievance officer has three work days to investigate the issue and present a written response to the youth. DJJ Polices 706 IV.P.6. and 331 IV.Q.6.

- If the youth is dissatisfied with this resolution, the youth may appeal the grievance to the facility Superintendent. DJJ Policy 706 IV.Q.1 and 331 IV.R.1.
- The facility Superintendent's final resolution of the appeal, the grievance, and all appropriate attachments are forwarded to the DJJ Ombudsman located at DJJ Central Office for review.
- DJJ processes numerous youth grievances every year on a wide variety of topics.

Moreover, DJJ youth have a direct method to contact IIB through a hotline phone number. DJJ Policy 140 IV.A.2. states that "[a] toll-free number, or in a Youth Development and Treatment Centers telephones programmed to dial direct to the IIB and maintained in good working order, shall be accessible to youth and staff for use in the reporting of special incidents." DJJ employees are trained to give unimpeded access to youth for the hotline.

- The regulation **500 KAR 13:020 (copy attached)** provides the process IIB uses to respond to reports and complaints received from youth. Under the regulation, a "special incident" is defined as "an act in which the health or welfare of a youth is harmed or threatened with harm by an offender". 500 KAR 13:020 Section 1(8). This includes use of excessive force against a youth and engaging in any sexual activity with a youth. 500 KAR 13:020 Section 1(8) (a), (b), and (c).
- IIB is required to investigate allegations of certain special incidents, including allegations of excessive force or sexual activity. 500 KAR 13:020 Section 3(1). IIB may investigate other types of allegations, if requested by the Commissioner of DJJ. 500 KAR 13:020 Section 3(3). The Commissioner requests IIB investigations on a somewhat regular basis regarding incidents that fall outside the scope of the definition of a "special incident" under the regulation.
- Upon completion of an investigation, IIB sends an investigative report to the Commissioner's Office. The report is reviewed and distributed to the supervisors for the relevant employees. The supervisors are to submit a Major Corrective Action Request for discipline against an employee when IIB substantiates a policy violation.

In addition, Department of Public Advocacy (DPA) attorneys represent most DJJ youth. **DJJ Policy 121 (copy attached)** provides that "[y]outh shall have uncensored, confidential contact by telephone, in writing, or in person with their legal representative." DJJ works with the DPA to make sure that youth have access to legal representation. In addition, DJJ executive staff meets with attorneys from the DPA approximately once a month to discuss any issues that need to be resolved. Occasionally, youth will report issues or complaints through their DPA attorney instead of using the DJJ grievance or hotline process.

- **What is the consequence for staffers that leave a facility unattended? How many times have riots or staff abandoning students happened at facilities statewide in the last five years? How many times in the last 10 years? Has this happened since the October 7th Judiciary meeting?**

Any staff leaving a facility during a shift would be subject to disciplinary action up to and including dismissal. The level of discipline imposed would be based on a fact-specific inquiry into the circumstances. In addition, abandonment during a shift could result in a referral for possible criminal prosecution.

The current executive leadership of DJJ are only aware of two IIB-substantiated incidents referred to as riots that have taken place during their tenure. Both took place at McCracken County Regional Juvenile Detention Centers on May 26, 2020 and June 13, 2020. Similarly, the current executive staff is not aware of any circumstances in which a facility has been completely abandoned. While there have been rare occurrences in which an individual staff member has unexpectedly quit in the middle of a work shift, an entire shift or workforce has never abandoned their posts.

- **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 training on riot scenarios? Were there staff trained? Are there any staff on DJJ as of the date of this letter that are not trained on riot scenarios? If so, how many? The story reported that children were left behind in each of the riots in Paducah. Are they ok? Were they hurt?**

All Youth Workers are trained on riot scenarios as part of the Youth Worker Academy which must be completed by the newly hired employee prior to directly interacting with any youth unsupervised. All Youth Workers must complete a mandatory course titled, “Disturbance Management – Hostage and Riots.” The training is designed to provide Youth Workers with an understanding of the applicable DJJ policies related to emergencies, including riot and hostage situations.

DJJ employees that do not work directly with youth do not attend the Youth Worker Academy and, therefore, do not receive training on riots.

In the specific case referenced, there were no reported injuries to youth or staff.

- **Is there a written protocol for which law enforcement agency should respond in such a situation? If so, please provide a copy of this written policy. In the riots in McCracken County, why did Paducah PD respond to the first incident and KSP respond to the second?**

DJJ policy requires staff to call 911 in emergency situations. DJJ policy does not direct which specific law enforcement agency should respond in such a situation. The responsibility of which law enforcement agency responds to an emergency is at the sole discretion of the dispatch center.

- **Has the conduct involving the observation of nude female juveniles resulted in criminal charges or referrals to the proper prosecutor’s office? 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. You testified on 10/7/21 that this did not happen, however, these acts were “substantiated” by the Department. Please reconcile this.**

Per DJJ policy, when a youth is in suicide precautions the door to the bathroom and shower area should remain slightly ajar so that the supervising youth worker, which must be of the same gender as the youth, can listen and make sure that the youth is not engaging in self-harm.

The IIB investigation found that the male youth workers in each incident did not watch the youth while they (both females) were nude and showering. The male youth workers received disciplinary action because they should not have been outside the door since they were of opposite gender of the youth.

Review of the surveillance video confirms these findings.

- **How many DJJ staff who have called in a bomb threat have been subsequently promoted?**

The only incident matching this description that current executive staff in the Commissioner’s Office at DJJ is aware of occurred a decade ago when a former employee received a ten-day suspension for phoning in a bomb threat to a Youth Development Center. Personnel records demonstrate that this former employee was promoted in 2002, but none of the current members of the executive staff in the Commissioner’s Office at DJJ is aware of the context or specifics surrounding these events from ten years ago.

- **What is the department's time limit on isolation of youth?**

With regard to Regional Juvenile Detention Centers, **DJJ Policy 717 (copy attached)** provides that an isolation placement generally should not exceed four hours. If staff seek to extend an isolation placement beyond four hours, then authorization from the facility superintendent must be obtained.

With regard to Youth Development Centers, **DJJ Policy 323 (copy attached)** provides substantially similar limitations on the time that a youth may be placed in isolation.

- **Do you dispute the length of time reported in one case where a child was held for 43 hours? If not, why was the child held in isolation for 43 hours?**

Multiple employees were dismissed from DJJ as a result of this incident as they did not follow the current policy which went into effect on April 5, 2019 limiting the length of time youth may be placed in isolation.

- **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?**

DJJ contracts with the University of Kentucky Healthcare for medical services from the Chief of Mental Health Services pursuant to KRS 605.110(1)(b). After a referral is submitted by DJJ staff, a youth is visited by a medical professional for consultation, and the medical professional utilizes discretion and judgment with regard to the appropriate prescription medication necessary, if any. These decisions are frequently reviewed as the youth continue to receive medical care while at a DJJ facility pursuant to the applicable medical policies.

DJJ does not routinely alter a youth's prescription. Any changes would only occur after assessment by a medical professional.

DJJ contracts with Diamond Pharmacy to fill prescription orders. **Attached, please find a copy of a spreadsheet from Diamond Pharmacy.** The spreadsheet contains information regarding the date prescriptions were filled, the name of the medications prescribed, the quantity of medication dispensed, and the prescribing doctor. Please note that the names of the youth have been redacted from the spreadsheet to comply with confidentiality protections that are contained within Kentucky's Juvenile Code.

- **What is the staff-youth ratio at each facility today? What are your plans to bring that ratio up to ideal levels?**

Refer to Regulation 28 C.F.R. Section 115.313(c) for the goals set for staff-to-resident ratios in juvenile facilities. Please note that Day Treatment programs are not included in this information, because youth do not reside at Day Treatment programs.

As of October 20, 2021, the staff-to-youth ratios are listed for the following facilities:

- Fayette Regional Juvenile Detention Center

- 4.5 on first shift
 - 4.5 on second shift
 - 5.4 on third shift
- Boyd Regional Juvenile Detention Center
 - 4.3 on first shift
 - 4.3 on second shift
 - 6.5 on third shift
- Woodsbend Youth Development Center
 - 3.6 on first shift
 - 2.5 on second shift
 - 6 on third shift
- Ashland Group Home, Frankfort Group Home, and Frenchburg Group Home
 - 2.5 on each shift
- McCracken Regional Juvenile Detention Center
 - 11 on first shift
 - 7.3 on second shift
 - 5.5 on third shift
- Warren Regional Juvenile Detention Center
 - 2.5 on day shift
 - 2.0 on night shift
- Mayfield Youth Development Center
 - 1.1 on first and second shift
 - 1.7 on third shift
- Green River Youth Development Center
 - 1.7 on first and second shift
 - 3.3 on third shift
- Breathitt Regional Juvenile Detention Center
 - 4.7 on first shift
 - 3.8 on second shift
 - 4.7 on third shift
- Campbell Regional Juvenile Detention Center
 - 5.3 on first and second shift
 - 8 on third shift
- Jefferson Regional Juvenile Detention Center
 - 3.7 on first and second shift
 - 5 on third shift
- Burnside Group Home
 - 1.3 on first shift
 - 1 on second shift
 - 2 on third shift
- Jackson Group Home
 - 1.6 on first, second, and third shifts
- London Group Home
 - 4 on first shift
 - 2 on second and third shifts
- Middlesboro Group Home
 - 1 on first, second, and third shifts
- Adair Youth Development Center / Regional Juvenile Detention Center

- 4.4 on first, second, and third shifts
- Lake Cumberland Youth Development Center
 - 2.5 on first and second shifts
 - 3.7 on third shift
- Morehead Youth Development Center
 - 1.3 on first, second, and third shifts
- Northern Kentucky Youth Development Center
 - 3.5 on first, second, and third shifts

DJJ remains committed to the recruitment and retention of staff and is actively working with the Personnel Cabinet to hire new staff for a variety of open positions. For the past several years, DJJ has attempted to reduce staff vacancy rates by implementing several new incentives, one of which was changing the designation for Youth Workers from non-hazardous retirement to hazardous duty retirement.

In an effort to adhere to the required staff-to-youth ratios and comply with the American Correctional Association and Prison Rape Elimination Act standards, DJJ is working to increase its workforce to ensure the safety of youth in the state's custody.

Due to current enrollment delays at the Youth Worker Academy, DJJ has updated its policy to allow newly hired employees to begin receiving on-the-job training while waiting for a slot to become available. During this time, new employees are not allowed to supervise youth alone, pass medication to youth, conduct wellness checks or participate in any form of restraint. Staff are solely assisting with laundry, cleaning, security checks of the facility's exterior, completion of required online trainings, meal preparation and shadowing more experienced employees. In order to bolster personnel, DJJ will need to be able to offer competitive salaries to youth workers. Recruiting and retention efforts continue to be a priority for the department.

- **How soon are staff supposed to respond to requests for medical care?**

Staff should respond as soon as possible to a request for medical care. Emergency medical issues necessitate an immediate response.

- **Are staff permitted to hear the children's calls to people outside the facility? Are there time limits on calls to people outside the facility? How are these limits enforced?**

Similar to adult institutions, staff monitor youth's phone calls and/or video conferences. However, youth have confidential communications with their legal representatives pursuant to DJJ Policy 121.

DJJ Policy 205 IV.BB. provides that each youth shall be provided access to the phone to make and receive personal calls, within the limits of the orderly operation of the facility, in order to maintain community and family ties. It is common in many states and localities for youth to be limited to two or three calls per week; however, generally in DJJ detention facilities, youth are allowed to call free of charge to their parents on a daily basis.

The time limits for phone calls are explained to youth during intake and orientation upon arrival at DJJ facilities.

- **Are all staff charged with the responsibility to intervene in physical attacks between juveniles? If not, who is supposed to and who isn't?**

Currently, all newly-hired staff receive extensive mandatory training in handling critical incidents and are required to receive additional training on an annual basis. Training is focused on topics aimed to heighten the safety and security for youth within DJJ, such as first aid, verbal and non-verbal de-escalation techniques, Prison Rape Elimination Act (PREA), department policies and procedures and Aikido Control Techniques. Facility staff undergo 120 hours of training in the youth worker academy as set forth by the American Correctional Association standards, as well as 40 hours annually.

All Youth Workers who are employed to work directly with the youth at Regional Juvenile Detention Centers, Youth Development Centers, and Group Homes are charged with the responsibility to intervene in physical attacks between juveniles. These employees are certified in the physical restraint training during the Youth Worker Academy, and they are required to complete continuing educational reviews of the training.

Per DJJ Policy 505, Youth Workers are required to complete a minimum of one hour of review of physical restraint training per month for a total of twelve hours review annually.

DJJ employees, including cooks, fiscal and human resources employees, are not charged with the responsibility to intervene in physical attacks between juveniles.

- **Is there a written policy for when Internal Investigations Branch is to be notified of incidents? How are incidents reported/transmitted to the Branch on a monthly basis? Does the IIB provide a report on its investigations to any agency or entity? If so, please provide a copy of its most recent report.**

DJJ Policy 140 requires employees to report any special incident. DJJ Policy 100 IV.ZZ defines the term "special incident" as "an act in which the health or welfare of a youth is harmed or threatened with harm by a staff person." Under DJJ Policy 140, a DJJ employee that has knowledge of a special incident is required to report it to the facility Superintendent. In turn, the facility Superintendent is required to make an immediate report of the special incident to IIB. DJJ Policy 140 IV.A.4.

In addition, DJJ youth and staff have a direct method to contact IIB through a hotline phone number. DJJ Policy 140 IV.A.2. states that "[a] toll-free number, or in a Youth Development and Treatment Centers telephones programmed to dial direct to the IIB and maintained in good working order, shall be accessible to youth and staff for use in the reporting of special incidents." DJJ employees are trained to give unimpeded access to youth for the hotline.

IIB is located within the Justice & Public Safety Cabinet. It is a separate, independent investigating agency comprised of former members of law enforcement, and it provides outside accountability.

Typically, incidents are reported to IIB via hotline in real-time. The applicable policy provides for superintendents to make an immediate report of a special incident to IIB. DJJ employees are obligated to report any corrupt, unethical behavior or policy violation that may affect either a youth or the integrity of the organization. They also have an obligation to report violations, including any act in which the "health or welfare of a youth is harmed or threatened with harm by a staff person."

In circumstances in which IIB determines that an investigation is necessary or appropriate pursuant to the regulation 500 KAR 13:020 Section 3, an investigative report is prepared. Upon completion, the investigative report is provided to the Commissioner of DJJ. In addition, IIB will forward certain substantiated investigations to both the Department for Community Based Services and the local prosecutor, pursuant to the relevant regulation. The types of cases that IIB forwards to the Department of Community Based Services and the local prosecutor include cases that involve excessive force or sexual contact. The cases are forwarded to the Department of Community Based Services for possible inclusion in the TWIST database, and the local prosecutor exercises discretion with regard to pursuing a criminal case.

- **Is there any oversight to make certain that incidents are properly and completely reported, including photos or other evidence of injuries?**

Under DJJ Policy 206, facility Superintendents, the Division of Program Services, and Facilities Regional Administrators are charged with the responsibility of monitoring the reporting of incidents to IIB.

In Regional Juvenile Detention Centers, DJJ Policy 715 IV.H. requires Superintendents to archive videos of incidents that involve physical restraint, property damage, staff misconduct, or any other incidents deemed necessary for future reviews. Similarly, DJJ Policy 150 IV.B.4. requires that videos of incidents that involve physical restraint, property damage, staff misconduct, or other incidents deemed necessary shall be archived for future reviews. This Policy applies to all Youth Development Centers and Group Homes.

Generally, when a special incident occurs, one of the first steps is to make sure that the video is archived. This is necessary, because videos are only saved on a DJJ server for a certain amount of time before being overwritten. Likewise, relevant evidence of a special incident is to be preserved, including incident reports, witness statements, medical documentation, and any pictures.

- **Has the Department considered partnership with local police agencies for interventions when staffing is low or matchups are inadequate?**

Working with youth in a residential setting is a particularized skill, and it necessitates going through a lengthy Youth Worker Academy pursuant to both DJJ policy and Kentucky regulations. As such, it appears that it may not be feasible to request law enforcement officers to undertake such training and do additional work at DJJ facilities beyond current job duties.