

1 A CONCURRENT RESOLUTION expressing serious concerns regarding the
2 operations of the Department of Juvenile Justice.

3 WHEREAS, in January 2020, Louisville Metro closed its juvenile detention facility
4 as a result of cutting its budget. Following closure of the Louisville facility, Louisville
5 Metro sent its juvenile offenders to the Jefferson County Regional Detention Center that
6 was operated by the Department of Juvenile Justice near the suburban city of Lyndon
7 under an agreement with Louisville Metro. According to officials of the Justice and
8 Public Safety Cabinet and the Department of Juvenile Justice, the Lyndon facility was not
9 designed or equipped to handle violent juvenile offenders; and

10 WHEREAS, the former supervisor at the Lyndon facility described the environment
11 as very dangerous, the housing of juveniles as being the equivalent to the treatment of
12 animals, and serious injuries to employees. He left his supervisor position because he did
13 not feel safe. Other witnesses asserted there were violations of federally mandated staff-
14 to-youth ratios, creating an environment in which juveniles were able to take over the
15 facility and riot. Whistleblowers urged that the Lyndon facility be closed because of riots,
16 fights, assaults, and sexual activity between juveniles. The Lyndon facility was closed in
17 November 2022, after multiple incidents of rioting, employee injuries, fires started using
18 a contraband lighter smuggled into the facility, and the escape of one juvenile into a
19 nearby residential neighborhood. The juveniles housed in that facility were transferred to
20 other state-operated juvenile justice detention facilities; and

21 WHEREAS, riots disrupted the McCracken Regional Juvenile Detention Center
22 twice in 2 weeks in the summer of 2020, injuring one Department of Juvenile Justice
23 employee and resulting in substantial damage to the facility; and

24 WHEREAS, in August 2022, violence at the Warren Regional Juvenile Detention
25 Center reportedly caused significant damage to the facility when juveniles climbed on
26 sinks and commodes, damaged ceilings, and committed random vandalism; and

27 WHEREAS, there have been reports of gang violence by juvenile offenders in

1 multiple detention facilities, and reports of serious violations of the constitutional and
2 statutory rights of juveniles, causing valuable staff to end their employment and report
3 their concerns to the media. Routine violations of federally mandated staff-to-juvenile
4 ratios endanger both staff and juveniles and expose the Commonwealth to liability; and

5 WHEREAS, both the Interim Joint Committee on Judiciary and the Legislative
6 Oversight and Investigations Committee of the General Assembly heard testimony
7 regarding the conditions of the juvenile justice detention facilities in Kentucky during the
8 2022 Interim. Following the October 13, 2022, meeting of the Legislative Oversight and
9 Investigations Committee, responses to requests made to the Justice and Public Safety
10 Cabinet for additional information and documentation were neither prompt nor complete,
11 leading to promises that subpoenas would have to be served upon the Cabinet to obtain
12 basic information; and

13 WHEREAS, on November 11, 2022, a riot broke out at the Adair Regional Juvenile
14 Detention facility when one juvenile assaulted a staff member, confiscated his facility
15 keys, and released other juveniles from their cells. The staff member sustained life-
16 threatening injuries and was air-lifted to a hospital out of the area for treatment. Several
17 other staff members were injured, as were several juveniles, one of whom was severely
18 beaten. A female juvenile was sexually assaulted by multiple male juveniles; and

19 WHEREAS, on November 30, 2022, the Chief Justice of the Supreme Court
20 expressed his deep concerns in a letter to Governor Beshear stating, "The recent violent
21 incidents at the centers in Adair and Warren counties point to systemic failures that are
22 inflicting further damage on an already vulnerable population of detained youth"; and

23 WHEREAS, the Chief Justice acknowledged the role of state court judges who
24 favor incarceration of even low-level juvenile offenders to other pretrial detention
25 options, but emphatically stated, "the consistent inability to protect the safety of youth
26 and staff in our juvenile detention centers falls squarely on the shoulders of the
27 Department of Juvenile Justice (DJJ)"; and

1 WHEREAS, on December 1, 2022, "the Governor ordered the Department of
2 Juvenile Justice to open a female-only detention center in Campbell County" effective
3 December 7. On December 15, 2022, the Governor issued a press release in which he
4 "outlined a new system for the Department of Juvenile Justice to operate three high-
5 security detention centers for male juveniles 14 years of age or older who have been
6 charged with offenses indicating a higher potential for violent, disruptive behavior" with
7 January, 2023 as "the target date for the change";

8 NOW, THEREFORE,

9 *Be it resolved by the Senate of the General Assembly of the Commonwealth of*
10 *Kentucky, the House of Representatives concurring therein:*

11 ➔Section 1. An immediate response legislative work group is created, consisting
12 of four members of the Senate, one of whom shall be a member of the minority party,
13 appointed by the President of the Senate, and four members of the House of
14 Representatives, one of whom shall be a member of the minority party, appointed by the
15 Speaker of the House of Representatives. Up to four additional non-voting members may
16 be appointed by each chamber.

17 ➔Section 2. The purpose of the work group is to:

18 (1) Gather information to:

19 (a) Determine the need for the state to operate a Louisville juvenile detention
20 facility;

21 (b) Determine the staffing and administrative structure of the Department of
22 Juvenile Justice to adequately care for employees, juveniles, the facilities, and
23 the community; and

24 (c) Understand the operational breakdown of juvenile facilities across the
25 Commonwealth that has resulted in a life-threatening work and corrections
26 environment;

27 (2) Develop necessary policy to:

- 1 (a) Ensure a safe working environment for staff and a safe corrections
2 environment for juveniles;
- 3 (b) Provide Department of Juvenile Justice employees trauma support
4 independent of the current administrative structure and provide an
5 independent ombudsman to hear grievances;
- 6 (c) Assign oversight of executive branch implementation to the appropriate
7 legislative committee and assign report dates; and
- 8 (d) Address other needs related to the Department of Juvenile Justice as found by
9 the work group;
- 10 (3) Determine if the need exists to:
- 11 (a) Place the operations of the Department of Juvenile Justice under the
12 Department of Corrections; and
- 13 (b) Recommend a longer-term study to evaluate the coordination of juvenile,
14 county, state, and federal inmate corrections to benefit the Commonwealth
15 and the taxpayer; and
- 16 (4) Report its findings to the Legislative Research Commission no later than February
17 7, 2023.

18 ➔Section 3. This honorable body urges the executive and judicial branches of the
19 Commonwealth to respond promptly and fully to requests from the committees and
20 members of the General Assembly for information and documentation necessary to
21 address the serious deficiencies in the facilities operated by the Department of Juvenile
22 Justice, and the policies and programming developed by the department for managing
23 detained juvenile offenders in the Commonwealth. The goal of pretrial detention must be
24 to protect juveniles in the temporary custody of the Commonwealth, the Department of
25 Juvenile Justice employees who work within the system, and the rights of all involved.

26 ➔Section 4. The Clerk of the Senate is directed to transmit a copy of this
27 Resolution to the Governor, the Secretary of the Justice and Public Safety Cabinet, and

1 the Chief Justice of the Kentucky Supreme Court.