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Auditor Allison Ball's Office Releases Performance Review of the Department of Juvenile Justice

FRANKFORT, Ky. (January 31, 2024) – Today, Kentucky Auditor of Public Accounts Allison Ball released the results of a full performance review of the pre-adjudication detention centers operated by the Kentucky Department of Juvenile Justice (DJJ).

Following a request made by the General Assembly, the previous APA Administration contracted with CGL Management Group, LLC (“CGL”) in August 2023 to conduct an independent report of DJJ. CGL is an international firm that specializes in criminal justice consulting and planning. The performance review, which focused on a performance assessment of the eight pre-adjudication facilities and programs operated and administered by DJJ, is now complete and contains several findings, which include:

- Most of the findings from the 2017 audit by the Center for Children’s Law and Policy (CCLP) have not been operationalized.
- DJJ’s policies and procedures for isolation are inconsistently defined, applied, and in conflict with nationally recognized best practices.
- DJJ’s use of force practices are inconsistent with national best practices and poorly deployed and defined. The introduction of chemical agents, tasers, and other security control devices has been done without a policy in place.
- DJJ’s juvenile detention facilities are understaffed. This understaffing fuels high levels of overtime which can negatively impact recruitment and retention.
- DJJ’s Detention Division lacks a unified strategic direction. This lack of direction permeates to the detention facilities where inconsistent practices are implemented.

“The state of the Department of Juvenile Justice has been a concern across the Commonwealth and a legislative priority over the past several years,” Auditor Ball said. “The findings from this review demonstrate a lack of leadership from the Beshear Administration which has led to disorganization across facilities, and as a result, the unacceptably poor treatment of Kentucky youth.”

“As a previous Assistant Floyd County Attorney who prosecuted juvenile delinquency cases, I am alarmed by the findings of this report, but I am hopeful this will provide clear direction for the numerous improvements needed within our juvenile justice system and open the door for accountability and action within DJJ.”

Numerous examples throughout the report highlight the extreme disciplinary actions utilized on youth in these facilities without clear, guiding policies. Cruel isolation policies and high levels of extreme use of force, which can exacerbate mental health conditions, were listed as a few examples.

Senate Bill 162 (2023) requires “that appropriate staff working with detained youth have controlled access to, and are properly trained in the use of...pepper spray...” However, CGL found that “DJJ deployed the use of pepper spray to all correctional officers and other security staff in the facilities without a policy being in place to clearly define its use.” DJJ not only failed to create a policy for the deployment of pepper spray, but CGL discovered that DJJ still had policies in place which stated “[t]he use of chemical restraints is prohibited.” even though DJJ began using pepper spray in March 2023.

CGL also discovered that DJJ staff were utilizing pepper spray at a rate 73.9 times higher than adult federal prisons. This finding is extremely concerning, as CGL explained in detail the effects of pepper spray deployment on juvenile populations.

“Use of pepper spray puts the health of youth at risk: chemical agents generate adverse physical reactions that can be exacerbated in secure settings with poor ventilation, causing potential harm to youth and staff, even if they are not direct targets of its use. Children with asthma and other health problems are at particular risk, as are those who are taking psychotropic medications. Studies conducted on the adult population further indicate that the use of pepper spray on those with mental illness may lead to an increase in violent behavior and a worsening of the mental health condition. Moreover, the use of chemical restraints, like mechanical restraints, can traumatize youth and undermine their rehabilitative efforts.’”

The investigation also uncovered that youth are treated with a level of scrutiny that more similarly resembles the processes of adult detention facilities.

CGL noted a consistent lack of strategic direction from the Beshear Administration to detention centers across the state, leaving staff with little to no direction from outdated and inconsistent policies that do not fulfill national standards. As a result of inadequate direction from the Governor and his appointees, staffing issues continue to rise within the facilities and have resulted in insufficient training, low quality of care, poor juvenile-to-staff ratios, and overall low morale. All of this is particularly alarming in light of

the additional \$9 million the General Assembly appropriated to DJJ above its budget request each year for the last biennium. Given the additional funds appropriated to the department, it appears as though the Beshear Administration has failed to appropriately prioritize monies to ensure that staff and the youth under DJJ supervision are cared for properly.

The review was conducted for the eight regional juvenile detention facilities across the state, located in the following counties: Adair, Boyd, Breathitt, Campbell, Fayette, Jefferson, McCracken, and Warren.

To see the complete report, visit the auditor's website.

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