

Rampant abuse in Kentucky's juvenile justice system

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Former prisoners held in a juvenile detention facility in Kentucky filed a lawsuit last month detailing abuse, neglect and humiliation.

The suit alleges that two adolescent girls were placed in isolation cells for weeks in unsanitary conditions. One of the girls was placed in a padded cell without a toilet. The other teenage girl, who was 17-years-old and seven months pregnant at the time, was only allowed out of her cell around five times in one month for a walk. Both of the girls remained in isolation cells for the entire time that they were held and provided only rare opportunities to take a shower.

Filed in the federal US District Court for the Western District of Kentucky, the lawsuit names as defendants the Adair County Youth Detention Center, the Kentucky Department of Juvenile Justice (DJJ), the Cabinet for Health and Family Services, as well as a number of state and facility leaders, and calls on other former prisoners to join in a class action against the state for the pervasive abuse in its juvenile justice system.

This lawsuit also includes testimonies from other young people at the center that attest to the sadistic and torturous character of jail staff.

Some described staff at the prison forcing young girls to strip naked in the presence of members of the opposite sex. Staff also forcibly removed prisoners' clothes or withheld clothes while the girls were in view of other youth or prison staff.

In one alleged incident reminiscent of torture employed at Guantanamo Bay, a young person was held in an isolation cell with "a Spanish version of 'Baby Shark' playing on loop." Another account reported that a young girl "spent days soaked in menstrual blood" as the prison staff would verbally assault and humiliate her about hygiene.

Kentucky presently operates eight prisons designed to house young people throughout the state. Incarcerating around 163 per 100,000 youth a year. This is more than double the national average of 74 per 100,000.

Many of the young people incarcerated in Kentucky are not considered to be "significantly more violent" nor are

they "a danger to society." In reality, many are considered "status offenders," charged with minor and age-specific violations like truancy, or they have run away from home. On average, they spend about a week in custody, although there are many more that have been locked up for a month or more in pre-trial detention.

It is nearly impossible to fully cross-reference the charges levied against these young people because typically the names of minors are kept confidential; in 2022, more than 100 young people held in juvenile prisons, known as "wards of the state," had state-appointed guardians. These are young people coming from unstable homes and are placed within the foster care system.

Children who are "wards of the state" are at risk of remaining in a perpetual state of being locked in a juvenile detention center. The Kentucky Department for Community Based Services (DCBS) reports inherent struggles of getting young people out of detention centers and placing them in either foster homes or private agencies, due to a lack of openings. The struggle in finding placement is increased if the young person has been diagnosed with a mental health issue or a "history of misbehavior."

The repeated phrase across juvenile detention files is that children "can be released when placement is found." In fact, many of them have served their time and should be considered non-offenders; however, detention centers cannot release them because they are considered minors and no one is able to take responsibility as a parent or guardian.

It is a sign of a society wracked by poverty, an ongoing opioid crisis, and lack of a basic social infrastructure that so many children simply have no safe place to go. The only response of the ruling class is to toss vulnerable kids behind bars.

"Youth who are coming into the system have documented mental health diagnoses involving a plethora of challenges including neglect and abuse, trauma, substance use disorders, developmental and intellectual disabilities, and sexual abuse," a recent audit commissioned by the state Auditor of Public Accounts declared.

The audit revealed horrific, systemic abuse within Kentucky's juvenile detention facilities. Released January 29, 2024, the report, "Juvenile Justice Performance Assessment of Facilities," was prompted by a series of assaults, escapes and riot situations in these brutal, overcrowded facilities.

In August, a "disturbance" at Warrant Regional Juvenile Detention Center resulted in staff injuries. Another at the Adair Regional Youth Development Center saw youth unlocking many cells and roaming freely through the facility. At the Jefferson facility in Louisville, a young prisoner acquired a lighter and set two fires in the building. During the emergency, another youth broke a window and scaled the outer perimeter fence. In response to these incidents, the DJJ has only escalated its use of force, including pervasive deployment of pepper spray and tasers.

The audit revealed widespread use of "isolation" and "room confinement," which are clinical terminology for solitary confinement, when children are "physically and/or socially isolated for disciplinary or administrative purposes during non-sleeping hours." Solitary confinement is internationally recognized as torture. Its impact on children is traumatic and cruel.

The audit notes, "While no substantive research exists showing the benefits of placing youth in isolation, an abundance of data and research can be found to indicate isolation causes a great deal of harm to youth, particularly those with disabilities or histories of trauma and abuse."

Isolation was reportedly used a total of 1,579 times last year, an average of nearly 200 cases per month. These numbers do not show how long children were put into solitary confinement.

At the Fayette detention center in Lexington, auditors observed a boy "placed on special management status and confined to a room, yet he presented as calm and had no current documented behavior or disciplinary issues." For more than two days, he was held in isolation where, when he was not asleep, was seen "standing at his door most of the time."

At the McCracken detention center, a boy was held in an isolation cell for three days where he was served his meals. He had only one shower and was given only one 30-minute block for exercise.

In the state's eight juvenile detention facilities, the audit found rampant, violent use of force including "chemical agents, tasers and other security control devices."

The audit also found that DJJ had not "operationalized most of the findings" from a 2017 report by the Center for Children's Law and Poverty. Educational services were found to be poorly and inconsistently implemented. Juvenile detention centers lacked documentation of many mental and

physical health services and had "chronic staffing challenges" and "poor workload balancing."

Facilities had not implemented standard treatment protocols even for common medical emergencies such as anaphylaxis or asthma attacks, epilepsy or opioid overdoses. The prisons had no protocols for managing psychiatric medication. There was no testing protocol found for HIV or other sexually transmitted infections.

In addition to the eight juvenile prisons, the DJJ also operates six "youth development centers," nine "group homes" and five "day treatment programs," which were not evaluated by auditors.

Overall, the number of incarcerated youths has fallen from a peak of 108,802 in the year 2000 to just over 25,000 in 2020, according to federal data. Kentucky's numbers followed the national trend, although juvenile detention "intake" numbers showed a sharp increase between 2021 (1,861 detainees) and 2022 (3,044 detainees) as pandemic policies were ended.

The response of Democratic Kentucky Governor Andy Beshear has been to blame budgetary constraints posed by the Republican-controlled legislature, despite boasting for the third consecutive year that the revenue surplus exceeded \$1 billion in late 2023.

Instead of addressing the issues regarding the juvenile justice system and the physical and mental long-term impact it has on young people, the Kentucky ruling class has doubled down on being "tough on crime." Most notably, House Bill 5 that was sent to the Senate Judiciary Committee on February 7, which seeks to heighten punishments on various crimes and criminalize homelessness.



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