



U.S. Department of Justice

Civil Rights Division

*Assistant Attorney General
950 Pennsylvania Ave, NW - RFK
Washington, DC 20530*

May 15, 2024

The Honorable Andy Beshear
Office of the Governor
700 Capital Avenue
Suite 100
Frankfurt, Kentucky 40601

Re: Investigation of Kentucky Department of Juvenile Justice

Dear Governor Beshear:

I write to inform you that the United States Department of Justice is commencing an investigation of conditions in the following juvenile justice facilities operated by the Kentucky Department of Juvenile Justice (DJJ): (1) Adair Regional Juvenile Detention Center; (2) Adair Youth Development Center; (3) Boyd Regional Juvenile Detention Center; (4) Breathitt Regional Juvenile Detention Center; (5) Campbell Regional Juvenile Detention Center; (6) Fayette Regional Juvenile Detention Center; (7) Jefferson Regional Juvenile Detention Center; (8) McCracken Regional Juvenile Detention Center; and (9) Warren Regional Juvenile Detention Center. The Department will conduct this investigation under the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, and the Violent Crime Control and Law Enforcement Act of 1994, 34 U.S.C. § 12601.

During this investigation, the Department will determine whether Kentucky engages in a pattern or practice of violating children's rights under the United States Constitution or federal law. Specifically, we will investigate whether Kentucky provides children confined in its facilities reasonable protection from excessive use of chemical force, physical and sexual abuse by staff and other children, and prolonged isolation. The investigation will also examine whether Kentucky provides adequate mental health care. Finally, the investigation will determine whether Kentucky provides special education and related services to children with disabilities required by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400–1482.

We have not reached any conclusions about the subject matter of the investigation. During the investigation, we will consider all relevant information, including the efforts Kentucky has taken to ensure compliance with the Constitution and federal law. We invite the Commonwealth to cooperate with our investigation and can assure you that we will seek to minimize any potential disruption our investigation may have on DJJ's operations.

If we conclude that there are no systemic violations, we will notify you that we are closing the investigation. If we conclude that there are systemic violations, we will inform you of our findings and attempt to work with the Commonwealth to remedy those violations. In our many years of civil rights enforcement, the good faith efforts of State, County, and local

jurisdictions to work with us have routinely enabled us to resolve our claims without resort to contested litigation.

Our Special Litigation Section and attorneys from United States Attorney's Offices for the Eastern and Western Districts of Kentucky will be handling this investigation. They will contact your office to discuss the next steps. Steven H. Rosenbaum, the Chief of the Special Litigation Section, may be reached at (202) 616-3244.

Sincerely,



Kristen Clarke
Assistant Attorney General

cc: Russell Coleman
Attorney General
Kentucky

Travis Mayo
General Counsel
Office of the Kentucky Governor

Randy White
Commissioner
Kentucky Department of Juvenile Justice

Tonya Burton
Superintendent
Adair Regional Juvenile Detention Center
Adair Youth Development Center

Hope Smith
Superintendent
Boyd Regional Juvenile Detention Center

Jason Little
Superintendent
Breathitt Regional Juvenile Detention Center

Tom Milburn
Superintendent
Campbell Regional Juvenile Detention Center

Joe Caskey
Superintendent
Fayette Regional Juvenile Detention Center

Donty Lear
Superintendent
Jefferson Regional Juvenile Detention Center

Felicia Weatherspoon-Howe
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