

Memorandum

U.S. v. Kentucky



JI-KY-004-002

AEP:WM:RJM:KW:drb

DJ 168-31-14

Subject

Addendum to Add Johnson-Breckenridge Treatment Center to the Four Kentucky Juvenile Facilities Currently Being Investigated

Date

May 1, 1995

To

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

From

R

Arthur E. Peabody, Jr.
Chief
Special Litigation Section

We recommend that the Justice Department expand its current investigation of four juvenile treatment centers in Kentucky under § 210401 of the Violent Crime and Law Enforcement Act of 1994 and the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997 et seq., to include the Johnson-Breckenridge Treatment Center, a state operated juvenile treatment center in Louisville, Kentucky.

On April 28, 1995, we met with the Kentucky Director of Youth Services, Betty Shipp, and the Superintendent of Johnson-Breckenridge Treatment Center, Pam McFarland. During our conversation with these state officials, they indicated that the medium security facility at Johnson-Breckenridge has received many juveniles from the maximum security Central Kentucky Treatment Center.^{1/} They also admitted to us in some detail that Johnson-Breckenridge, a 1930's construction dormitory style facility, was in imminent danger of running out of control. They stated that the influx of severely mentally disturbed and violent youth into a facility that concurrently houses medium security juveniles has created a dangerous and harmful environment for staff and juveniles. Finally, they stated that the juveniles were not being treated but were being kept in "lock-down" for security purposes.

Johnson-Breckenridge is directly across the street from the Rice-Audubon Treatment Center that we will tour on May 9-12,

^{1/} The Central Kentucky Treatment Center, which is a facility currently under our investigation, was a maximum security juvenile facility that Kentucky closed after admittedly losing control of the facility. The state plans to re-open the facility later this year as a juvenile corrections facility housing dangerous juveniles tried and convicted as adults.

1995. The situation at Johnson-Breckenridge indicates that the state is denying the juvenile residents constitutionally adequate treatment and conditions of confinement. We request that Johnson-Breckenridge Treatment Center be included in the current investigations of Kentucky juvenile treatment centers.

Approved: _____

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Disapproved: _____

Comments:



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

May 1, 1995

The Honorable Brereton C. Jones
Governor of Kentucky
Governor's Office
100 State Capitol
Frankfort, KY 40601

Re: Johnson-Breckenridge Treatment Center

Dear Governor Jones:

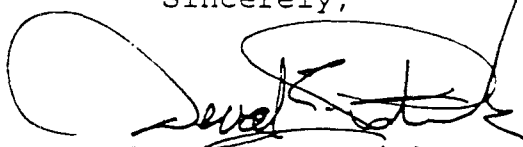
I am writing to inform you that the United States Department of Justice intends to investigate conditions at the Johnson-Breckenridge Treatment Center, Louisville, Kentucky, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 et seq.

The purpose of the investigation is to determine whether the above mentioned facility violates the constitutional and federal statutory rights of its residents. The investigation will focus specifically on allegations concerning physical abuse and neglect, improper use of restraints and seclusion, retaliation for filing complaints, inadequate medical and psychiatric care, the absence of training programs, inadequate numbers of qualified professional and direct care staff, lack of adequate policies and procedures, and improper restrictions of constitutional rights. Initiating this investigation does not evidence any prejudgment that the facility violates the residents' constitutional and federal statutory rights. If any violations are found, however, we will confer with you and your staff concerning appropriate corrective actions.

We will endeavor to coordinate this investigation with relevant officials of the State of Kentucky. We shall be in touch with your staff to work out the specifics of our investigation. Please feel free to contact our office if you

have any questions on this matter. The attorneys assigned to the case are William G. Maddox at (202) 514-6251 and Robert J. Moosy at (202) 514-6247. Your cooperation in this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval L. Patrick". The signature is stylized with a large, looping initial "D" and a long horizontal stroke.

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

cc: The Honorable Chris Gorman
Attorney General
State of Kentucky

Mr. Masten Childers, II
Secretary
Cabinet for Human Resources

Ms. Pam McFarland
Superintendent
Johnson-Breckenridge Treatment Center

Michael Troop, Esquire
United States Attorney
Western District of Kentucky

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Sincerely,

Deval L. Patrick
Assistant Attorney General
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