

Leticia Miranda  
Reporter  
BuzzFeed News  
40 W 23rd St  
New York, NY 10010

Stacy Floden  
Director of Communications/Program Services  
KY Department of Juvenile Justice  
1025 Capital Center Drive  
Frankfort, KY 40601

Subject: Open Records Act Request

To the Records Access Officer:

Pursuant to my rights under the Kentucky Open Records Act § 61.872 et seq., I ask to obtain access to and copies of the following, which I understand to be held by your office:

- 1) The disciplinary record for Reginald Windham who has been an employee of the Department of Juvenile Justice since February 11, 2006 and currently works as a youth worker supervisor.

The Kentucky Freedom of Information Act requires a response within three business days. If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information. If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

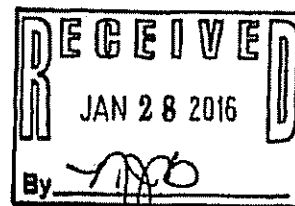
I respectfully request a cost waiver for these records. The disclosure of this information is in the public interest because it is likely to contribute significantly to the public's understanding of the operations or activities of the government and is not primarily in BuzzFeed's commercial interest. My intention is to publish an article on BuzzFeed.com.

If I can provide any clarification that will help expedite your attention to my request, please contact me at (646) 565-4876 or [leticia.miranda@buzzfeed.com](mailto:leticia.miranda@buzzfeed.com).

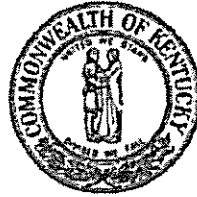
Thank you for your time and attention to this matter.

Sincerely,

Leticia Miranda

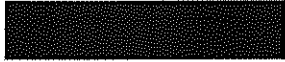


PAN-0901



Personnel Action Notification

Reginald E Windham



Employee ID:

Personnel ID:



Agency Code: 54523

Cabinet: Justice & Public Safety Cabinet

Agency: Department of Juvenile Justice

Division: Division of Central Region

Dear Reginald Windham,

Upon the recommendation of your appointing authority, on January 21, 2016 the Personnel Cabinet processed the following action(s) in KHRIS:

<u>Start Date</u>	<u>Action Type</u>
January 21, 2016	ZB Leave W / Pay - 02 Special for Investigative

FROM		TO	
Job Id:	20001174	Job Id:	20001174
Job Title:	Youth Worker Supervisor	Job Title:	Youth Worker Supervisor
Pos Id:	30037964	Pos Id:	30037964
Salary:	2,807.50	Salary:	2,807.50
Org Id:	10105499	Org Id:	10105499
Org Unit:	Lndn Vg Yth Dev & Rgnl Juv Det Ctr Br	Org Unit:	Lndn Vg Yth Dev & Rgnl Juv Det Ctr Br
Pay Grade:	11	Pay Grade:	11
Work County:		Work County:	

Remarks:

\* If any of the above information is incorrect, please contact your agency human resources office.



54523 30037964  
Windham, Reginald E.  
PERNR- [REDACTED]  
Eff Date 01/21/16

JUSTICE AND PUBLIC SAFETY CABINET

Matthew G. Bevin  
Governor

Department of Juvenile Justice  
1025 Capital Center Drive, 3<sup>rd</sup> Floor  
Frankfort, Kentucky 40601-8205  
Phone (502) 573-2738  
Fax (502) 573-4308  
[www.kentucky.gov](http://www.kentucky.gov)

John C. Tilley  
Secretary

Bob D. Hayter  
Commissioner

January 21, 2016

Reginald E. Windham



*Via Hand Delivery*

PERNR # [REDACTED]

Dear Mr. Windham:

Pursuant to 101 KAR 2:102, Section 9(3), you will be placed on special investigative leave with pay for a period not to exceed sixty (60) working days, effective beginning of business, 10 p.m., Thursday, January 21, 2016, pending further investigation of the allegation of misconduct, specifically:

On January 10 and 11, 2016, while on duty as a Youth Worker Supervisor at Lincoln Village Regional Juvenile Detention Center, you falsified documentation of the Room Observation Log and failed to complete required fifteen (15) minute bed checks.

You will be further notified of the outcome of this investigation and of any disciplinary action taken as a result of this investigation. If the investigation reveals no misconduct by you, all records relating to the investigation will be purged from the Department of Juvenile Justice and Personnel Cabinet files.

You are directed that, during the course of this investigation, you will not be allowed admittance to any Justice & Public Safety Cabinet facilities, including specifically all Department of Juvenile Justice offices, unless you have been scheduled an appointment. Additionally, you are to have no contact with any subordinate staff of the Lincoln Village Regional Juvenile Detention Center.

You are further directed to immediately turn in any property of Lincoln Village Regional Juvenile Detention Center, including your Department Identification badge, to Commissioner Bob Hayter, Department of Juvenile Justice, Central Office, until the investigation is completed.

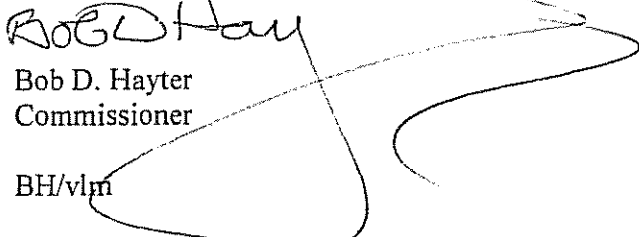
During the duration of your special investigative leave, you are to make yourself available and cooperative in the event your supervisor or any other investigating agency needs to contact you for investigative or other work-related purposes.

Reginald Windham  
Special Investigative Letter  
January 21, 2016  
Page 2

For your information, the Kentucky Employee Assistance Program (KEAP) is a voluntary and confidential assessment and referral service for state employees. This service may help you with any personal problems that may be affecting your performance. KEAP can be reached at (800) 445-5327 or (502) 564-5788.

In accordance with KRS 18A.095, you have a right to appeal this action to the Personnel Board within sixty (60) days after receipt of this notice, excluding the date notification is received. Such appeal must be filed in writing using the attached appeal form and in the manner prescribed on the form.

Sincerely,



Bob D. Hayter

Bob D. Hayter  
Commissioner

BH/vlm

Attachments: Personnel Board Appeal form  
Acknowledgement Form


C: Hon. Thomas B. Stephens, Secretary, Personnel Cabinet  
Hon. Mark A. Sipek, Executive Director, Personnel Board  
Barney Kinman, Internal Investigations Branch  
Mark Cook  
Grace Smith  
James Thompson  
Bradley Marine  
Michelle Grady  
Cynthia Watson  
DJJ Legal  
DJJ Payroll  
Personnel File

Reginald Windham  
Special Investigative Leave  
January 21, 2016  
Page 3

Recommended for Approval:

 1/21/2016  
\_\_\_\_\_  
Personnel Cabinet  
Office of Legal Services

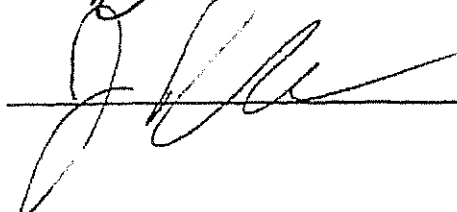
Approved:

 1/21/16  
\_\_\_\_\_  
Secretary,  
Personnel Cabinet

**CONFIRMATION SHEET**

This is to acknowledge receipt of a letter dated January 21, 2016, and addressed to, Reginald E. Windham, from the Commissioner of the Department of Juvenile Justice regarding a special investigative leave letter.

Signed (Employee): 

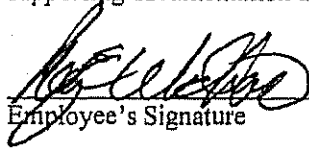
Delivered by:  on 1-24-2016  
Date

(in the event employee refuses to sign):

Witnessed by: \_\_\_\_\_ on \_\_\_\_\_  
Date

Reginald Windham  
Written Reprimand  
Page 3  
July 29, 2010

I have received a copy of the written reprimand and have been given an opportunity to review any supporting documentation and have been advised of my right to respond.

  
Employee's Signature

4 AUG 10  
Date

\_\_\_\_\_  
Witness's Signature if Employee Refuses to Sign                      Date



Commonwealth of Kentucky  
Department of Juvenile Justice  
Administrative Services

SUPERVISORY CONFERENCE

JRA #874  
 APPROVED

2-7-11  
MEH  
2/2/11  
BWP  
2/7/11  
FEB 2011  
Received  
DJS  
Personnel

Facility/Office: Lincoln Village YD / RJDC  
Region: Central  
Employee's Name: Reginald Windham  
Employee's SSN: [REDACTED]  
Date of Conference: 01-29-11  
Date of Last Conference(s): 04-13-06

Issue: Time & Attendance  Poor Work Performance  Misconduct   
Other (Specify):

Has the employee received a supervisory conference for a similar violation(s)?  
Yes  No  If yes, attach a copy of the prior supervisory conference.

Specifies of Incident:  
Youth Worker III Reginald Windham released a resident without sending medication with him.

What happened:  
On January 20, 2011 Youth Worker III Reggie Windham released youth [REDACTED] from the facility and did not send out the resident's Blood Pressure medication with him or his mother. Hydrochlorothiazide is the medication which stabilized youth [REDACTED]'s blood pressure. On January 21, 2011 Mr. Windham sent out an email to Medical staff informing them that the medication was on grounds and will need to be sent out to the resident.  
Mr. Gary White YSPS and Mr. Michael Price Acting JFS II, left the facility on January 21, 2011 at 1830 hours enroute to Harrodsburg to deliver the medication that was not released with youth [REDACTED]. Medication was given to youth's mother at approximately 2130 hours of the same night.

When did this occur: Date: 01/20/11 Time: \_\_\_\_\_



Form 103 SC - Supervisory Conference

When did it happen:

Who was involved:

Who witnessed the incident:

Supporting Documentation: (Attach any of the following documents):

Timesheets  Log Reports  Incident Reports  Witness Statements

Copies of all specific DJJPP Policies and/or SOP's violated:  
Standard Operating Procedure 104

Other Written Evidence:

Recommended Corrective Action: (List specific steps the employee needs to accomplish in order to improve their performance or behavior):

Immediate compliance with all DJJPP & facility Standard Operating Procedures

Target Date for Improvement: (Specify Date) Immediate

Other Issues Discussed: (Items separate from the Incident)

The importance of a youth's medication sent with youth as they exit the facility.

Employee Response:

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Signature: W. B. R. Date: 1-29-11

EMPLOYEE CHOSE NOT TO SIGN AT PRESENT TIME



JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES

REFERENCES:  
3-JTS-1B-21  
3-JDF-1B-21  
3-JCRF-1B-17  
1-JDTP-1B-19  
1-JBC-1B-19  
4-JCF-3D-07

CHAPTER: Administration	AUTHORITY: KRS 15A.065
SUBJECT: Employee Code of Conduct	
POLICY NUMBER: DJJ 104	
TOTAL PAGES: 6	
DATE ISSUED: 09/13/10	EFFECTIVE DATE: 09/13/10
APPROVAL: J. Ronald Haws	COMMISSIONER

I. POLICY

Employees shall conduct themselves in a professional manner. Staff shall be aware that their personal conduct reflects upon the integrity of the agency and its ability to provide services to youth.

II. APPLICABILITY

This policy shall apply to all employees of the Department of Juvenile Justice. This policy shall apply to contract facilities and programs.

III. DEFINITIONS

- A. "Contraband" is defined in KRS 520.010(1) and includes, but is not limited to, tobacco, pins, needles, sewing equipment, aerosol cans, toxic cosmetics (such as nail polish remover), modeling glue, cleaning fluids, paints, razors, tools, ropes, chains, extremely toxic house plants, broken articles, drug paraphernalia as defined in KRS 218A.500, any unauthorized written materials, photographs, audio or video recordings, video games, and any other item used to subvert security measures, assist in an escape event, or as indicated by policy and state laws. Any items that are properly authorized for use within a DJJ facility shall be excluded from the above list.
- B. "Dangerous Contraband" is defined in KRS 520.010(3) and means contraband which is capable of use to endanger the safety or security of a detention facility or persons therein, including, but not limited to, dangerous instruments as defined in KRS 500.080, any controlled substance, any quantity of an alcoholic beverage, and any quantity of marijuana, and saws, files, and similar metal cutting instruments. Any items that are properly authorized for use within a DJJ facility shall be excluded from the above list.
- C. "Sexual Contact" is defined in KRS 510.010(7) and means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party.

POLICY NUMBER DJJ 104	ISSUE DATE 09/13/10	EFFECTIVE DATE 09/13/10	PAGE NUMBER 2 of 6
--------------------------	------------------------	----------------------------	-----------------------

#### IV. PROCEDURES

- \ A. Employees shall arrive and leave work at scheduled times as determined by their supervisor.
- \* B. Employees shall perform their work assignments competently and in a professional manner. It is the responsibility of each employee to know and act in accordance with Department policy and standard operating procedures.
- C. Employees are required to obey the lawful order or directive of a supervisor. If the order or directive conflicts with an order or directive previously issued by another supervisor, the employee shall make the supervisor aware of the conflict. If the supervisor does not alter the order or directive, the most recent order shall stand and the responsibility shall be assigned to the supervisor issuing the most recent order.
- D. Employees shall remain in their assigned working areas during working hours. Employees shall not disturb or interrupt other employees at their working areas or prevent other employees from carrying out their duties.
- E. Employees are prohibited from entertaining friends or family on the premises of any DJJ office or program except during appropriate scheduled and approved events.
- F. Loud, abusive, or profane language and boisterous and unprofessional conduct shall not be tolerated. Employees shall refrain from making comments which are critical of colleagues or the agency, particularly while in the presence of youth or representatives of youth.
- G. Employees are prohibited from engaging in unwelcome written, verbal, or physical conduct that either degrades, shows hostility, or aversion towards a person on the basis of race, color, national origin, age, sex, religion, disability, marital status, or pregnancy that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an employee's work performance; or 3) creates conditions that may not be sexually offensive in nature, but may lead to a hostile working environment.
- H. State property and equipment shall not be loaned to employees or others for personal use.
- I. All DJJ employees shall be truthful in correspondence and interactions with other DJJ staff, youth, parents, outside agencies, investigators, and in the completion of any type of work-related written documentation (computer-based, hand-written, or typed).

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	09/13/10	09/13/10	3 of 6

- J. DJJ staff who work at secure facilities and park their vehicle in a secure, locked parking area are subject to having their vehicle searched. All DJJ facilities, secure parking areas, and offices shall post signs indicating that all vehicles on the premises are subject to search per DJJPP.
- K. Contraband or dangerous contraband is prohibited in DJJ facilities and offices. No employee shall transport contraband of any kind into a DJJ facility. Also, theft of any state property, including, but not limited to, linens, clothing, supplies, or equipment is prohibited. DJJ staff may be subject to a pat down search of their person if they are suspected of theft or of transporting prohibited or dangerous contraband into a DJJ facility or office. The pat down search of an employee shall be conducted only with approval through the chain of command and only in incidents in which there is reasonable suspicion of contraband per DJJPP. A final decision to search shall be made by the highest ranking supervisor present in the facility or office. The DJJ Office of Legal Counsel shall be consulted if there is any question related to the degree of suspicion. Packages, lockers, desk and work areas are subject to search by a supervisor.
- L. Office telephones may only be used during the employee's break or lunch, prior to or after their work time. Cell phones shall be prohibited in areas occupied by youth. Employees are prohibited from allowing youth to use a personal cell phone in any part of the facility. Cell phones may be used during the employee's break or lunch, prior to or after their work time. When required to remain beyond their normal shift, employees may use the telephone or cell phone to notify their families.
- M. Employees are prohibited from sleeping or napping while on duty. Sleeping, lying down, lounging, laying the head down upon a desk or table, or resting in any other position that would give the appearance that the employee is sleeping, is prohibited. Sleeping shall not be allowed in youth areas even on break time, and if observed, may result in disciplinary action up to, and including dismissal. Employees shall be provided sleeping and leisure areas separate from youth residential areas if they are unable to return to their homes when needed to assist in providing twenty-four (24) hour coverage.
- N. Employees shall not be on the premises except during working hours unless approved by their immediate supervisor.
- O. In accordance with KRS 237.110(13), KRS 237.110(14) and KRS 237.115(1) employees are prohibited from possession of firearms, or any other deadly weapon as defined in KRS 500.080(4), on the premises or grounds of any DJJ office, program, treatment facility, or detention center and in any vehicle transporting DJJ youth per DJJPP.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	09/13/10	09/13/10	4 of 6

- P. Employees shall interact with youth on a consistent basis to address individual youth needs and prevent conflicts from becoming unmanageable. Employees shall protect the individual safety of youth and themselves through the use of approved controlling techniques utilizing no more than the absolute amount of force necessary to diffuse a confrontational situation.
- Q. Employees shall take appropriate precautions in dealing with youth to prevent allegations of inappropriate verbal communication, written communications, sexual contact or abuse of any type per DJPP.
- R. Abuse and other mistreatment of youth in the care or custody of the Department shall not be tolerated. Reference DJPP. Persons abusing youth shall be subject to disciplinary action up to and including dismissal under 101 KAR 1:345. Employees suspected of abuse are subject to investigation and prosecution under all applicable laws.
- S. As a representative of the Department, employees shall act in a manner that provides youth with a positive role model.
- T. Employees, volunteers, and contract personnel shall be expected to maintain a professional relationship with youth at all times. The following rules help delineate this relationship and prevent complications in treatment for youth. An employee or volunteer is prohibited from the following actions subject to administrative and criminal disciplinary sanctions:
1. Selling or loaning personal belongings to youth or youth's representative;
  2. Entering into a business relationship or financial transaction with youth or the representatives of a youth;
  3. Giving special privileges to a youth, unless privileges are earned by the youth as part of the treatment plan (Reference DJPP);
  4. Accepting a bribe or payment from a youth or the representatives of a youth for special services rendered to them;
  5. Lending money to a youth or the representatives of a youth;
  6. Entering into a dating or sexual relationship or having sexual contact with an individual who is currently supervised by or committed to DJJ (reference KRS 510.020 (3)(e) regarding consent);
  7. Entering into a dating or sexual relationship or having sexual contact with a youth who was previously supervised by, or in the custody of, DJJ and who is under the age of eighteen (18); or
  8. Entering into a dating or sexual relationship or having sexual contact with any DJJ youth who is eighteen (18) years or older, who has been supervised by DJJ or committed to DJJ within the past two (2) years (for example, if a youth is seventeen (17) years and six (6) months of age when released, an employee could not date the youth until the youth is

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	09/13/10	09/13/10	5 of 6

nineteen (19) years and six (6) month of age, or two (2) years after release.)

- U. DJJ recognizes that its employees are persons in a position of authority or position of special trust, as defined in KRS 532.045. DJJ prohibits any employee, regardless of his or her age, from subjecting anyone under the agency's care or custody, with whom he or she comes into contact as a result of his or her position, to sexual contact.
- V. Donations made to programs, including money, property, or material goods shall not be accepted by individual employees without proper authorization of the superintendent or other competent authority. Only donations which are allowable under the code of ethics may be accepted. Donations of money, property, and material goods shall be properly accounted for in facility records.
- W. Employees shall fully cooperate with and not interfere in an investigation conducted by the Office of Investigations (OOI), a DJJ Supervisor, or Ombudsman, subject to Federal and State constitutional protections.
  1. Employees shall provide a written or verbal statement in a departmental investigation or when directed by a supervisor. Failure to provide a written statement as requested shall result in a disciplinary action, up to and including dismissal.
  2. Employees shall not discuss the investigation with anyone other than OOI staff, a DJJ Ombudsman, or someone within their supervisory chain. Exceptions to this may be made under the direct authorization of the DJJ Commissioner's Office.
- X. Employees are prohibited from having sexual or intimate contact while on state property, in a state vehicle, or while on duty.
- Y. Employees are prohibited from purchasing products for personal use from the agency's contracted vendors at the reduced agency rate. Employees shall also be prohibited from using the DJJ procurement card to make purchases of any kind for personal use.

V. STAFF TRAINING

The Division of Program Services shall provide New Staff Training ("NST") for all newly hired staff. This training will include a review of the Employee Code of Conduct and other relevant topics.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	09/13/10	09/13/10	6 of 6

VI. MONITORING MECHANISM

- A. The Division of Program Services shall have the responsibility of verifying that all NST training is completed and entered into the WebInService Learning System. Training deficiencies shall be reported monthly to affected agency managers for appropriate follow-up.
- B. Department supervisors shall monitor staff conduct for adherence to this policy on a day-to-day basis.

RECEIVED  
JAC  
AUG 22 2011  
BY: *Per. Br. / Hays*



APPROVED

*JPW  
8/23/11*

*Nolan Davis  
8/23/11  
Meh  
8/19/11*

Commonwealth of Kentucky  
Department of Juvenile Justice  
Administrative Services

**SUPERVISORY CONFERENCE**

Facility/Office: Lincoln Village Youth Development & Juvenile Detention Center  
Region: Central  
Employee's Name: Reginald E. Windham  
Employee's SSN: [REDACTED]  
Date of Conference: 08/12/11  
Date of Last Conference(s): 4/13/06 & 01/29/11

Issue: Time & Attendance  Poor Work Performance  Misconduct   
Other (Specify):

Has the employee received a supervisory conference for a similar violation(s)?  
Yes  No  If yes, attach a copy of the prior supervisory conference.

Specifics of Incident:  
On 8/6/11, YWIII Reginald Windham allowed resident [REDACTED] to participate in organized recreation in the facility gym, even though he was on a "no REC" restriction, and the youth was struck in the right eye with an 8" sports ball.

What happened:  
YWIII Reginald Windham was the shift supervisor and as such he should have been cognizant of what medical restrictions were placed on the youth; however, he allowed resident [REDACTED] to participate in organized recreation in the facility gym on 8/6/11 despite the youth being on a "no REC" restriction. The youth was defending a goal during a soccer game when he was struck in the right eye with an 8" sport ball. The resident was removed from activities for the remainder of the recreation period. LPN C. Burns was notified and responded to the gym to check on resident, and ice pack & ibuprofen was prescribed.

When did this occur: Date: 08/06/11 Time: \_\_\_\_\_



Where did it happen:  
Detention Building - gym

Who was involved:  
Recreation Leader Mike Smith, Reginald Windham YVIII, and YVII Rhonda McNeal

Who witnessed the incident:  
Recreation Leader Mike Smith

Supporting Documentation: (Attach any of the following documents):  
Timesheets  Log Reports  Incident Reports  Witness Statements

Copies of all specific DJJPP Policies and/or SOP's violated:  
DJJPP 104, "Employee Code of Conduct," IV. Procedures, (B).

Other Written Evidence:  
Daily Medical Shift Report for 8/4/11 & 8/5/11 showing that resident [redacted] was on "no REC or Exercise while here in the facility; may do light chores only!" The agency nurse was on duty on 8/6/11 when resident [redacted] sustained the injury during recreation activities in the gym. The agency nurse does not have computer access; therefore there is not a medical shift report for 8/6/11 to provide. Also included are two photos of the youth showing injury to right eye, and an 8/8/11 e-mail from Nurse Garrison.

Recommended Corrective Action: (List specific steps the employee needs to accomplish in order to improve their performance or behavior):  
As a supervisor, Mr. Windham must review the Medical Shift Reports to make sure he is aware of all youth restrictions and then abide by those restrictions. Employee must adhere to DJJPP #104, "Employee Code of Conduct," IV. Procedures, (B), which states, "Employees shall perform their work assignments competently and in a professional manner. It is the responsibility of each employee to know and act in accordance with Department policy and standard operating procedures."

Target Date for Improvement: (Specify Date) immediate

Other Issues Discussed: (Items separate from the Incident)  
None

Employee Response: *Why are two staffs getting conference for the same incident and the staff that was running the unit not mention the report was on the unit. Was over looked by all staff.*

Employee Signature: [Signature] Date: 8-12-11

Supervisor Signature: [Signature] Date: 8-12-11

DEPARTMENT OF JUVENILE JUSTICE



Rev. 02/10

Isolation / Incident Report Form

Lincoln Village

Youth First Name: [redacted] Youth Last Name: [redacted]
Gender: [redacted] DIJ/SSH# [redacted]
Date of Incident: 8/6/2011 Time of Incident: 9:05am Youth Status: Other
Division: Central Program/Office: DIJ/LVRJDC Initiating Employee: Mike Smith
Other Staff Involved: YW III R: Windham

1. Check All Events That Apply:

- AWOL/Escapes, Major Offense, Physical Restraint, Sexual Assault, Suicide Attempt, Possession of Contraband, Assault by Youth on Youth, Use of Isolation, Mechanical Restraint, Therapeutic Restraint, Death of Resident, Major Injury, Assault by Youth on Staff, Major Property Destruction, Other

Other Explain: Sports Injury

2. Describe the incident in detail with the information below:

a) Specific place: Gymnasium, LVRJDC

b) All earlier behaviors and actions prior to the incident. Include the specifics of the incident: Resident [redacted] was a participant of organized recreation in the gym. Resident was defending a goal during a soccer game when he was struck in the right eye with a 8" sport ball. Resident was removed from the activities for the remainder of the recreation period. LPN C. Burns was notified and responded to the gym at 9:20am to check on resident [redacted]. Ice pack and Ibuprofen was prescribed.

c) Other youth involved (if applicable): N/A

3. If restraint was used:

a) Which techniques were used?

- Aikido Control Training (ACT): Basic Escort, Rear Double-Arm Hook, Control 1, Control 2, Control 3, Control 7
Therapeutic Restraints: Fleece/canvas lined cuffs, Fleece/canvas lined anklets, Foam Helmet, Suicide Prevention Smock, Suicide Prevention Blanket
Mechanical Restraints: Hand cuffs, Chains, Anklets

b) Explain why each technique was used: n/a

c) If restraint was used, what amount of time was required to control the youth?
Minutes Seconds



Isolation / Incident Report Form

- 4. Were there injuries as a result of this incident?  Yes  No
  - a) List names of those injured and extent of injuries and complete body check list.  
Resident [redacted] reports blurred vision to right eye.
  - b) If pictures were taken, explain by whom and where the pictures are being kept.  
Mr. Windham exposed photo for file.
- 5. Was placement in intensive supervision used?  Yes  No
- 6. Was placement in isolation used (for residential programs/detention centers only)?  Yes  No
  - a) If isolation over 4 hours, isolation was authorized by: \_\_\_\_\_
  - b) Date In: \_\_\_\_\_ Time In: \_\_\_\_\_ Date Out: \_\_\_\_\_ Time Out: \_\_\_\_\_
- 7. Has an incident similar to this occurred previously?  Yes  No  
If yes, please note previous incidents as applicable: \_\_\_\_\_

8. Staff Making Report: Michael Smith  
9.

	Signature	Date/Time
10. Employee's Immediate Supervisor Signature/Comments:		

	Signature	Date/Time
--	-----------	-----------

Comments:  
Incident was witnessed by Recreation Leader Smith who completed this report.

By signing this document, the resident indicates that he/she has read and received a copy of this incident report.

Youth Signature (detention only)		Signature	Date/Time
----------------------------------	--	-----------	-----------

Treatment Director (if applicable)		Signature	Date/Time
------------------------------------	--	-----------	-----------

DEPARTMENT OF JUVENILE JUSTICE



Rev. 02/10

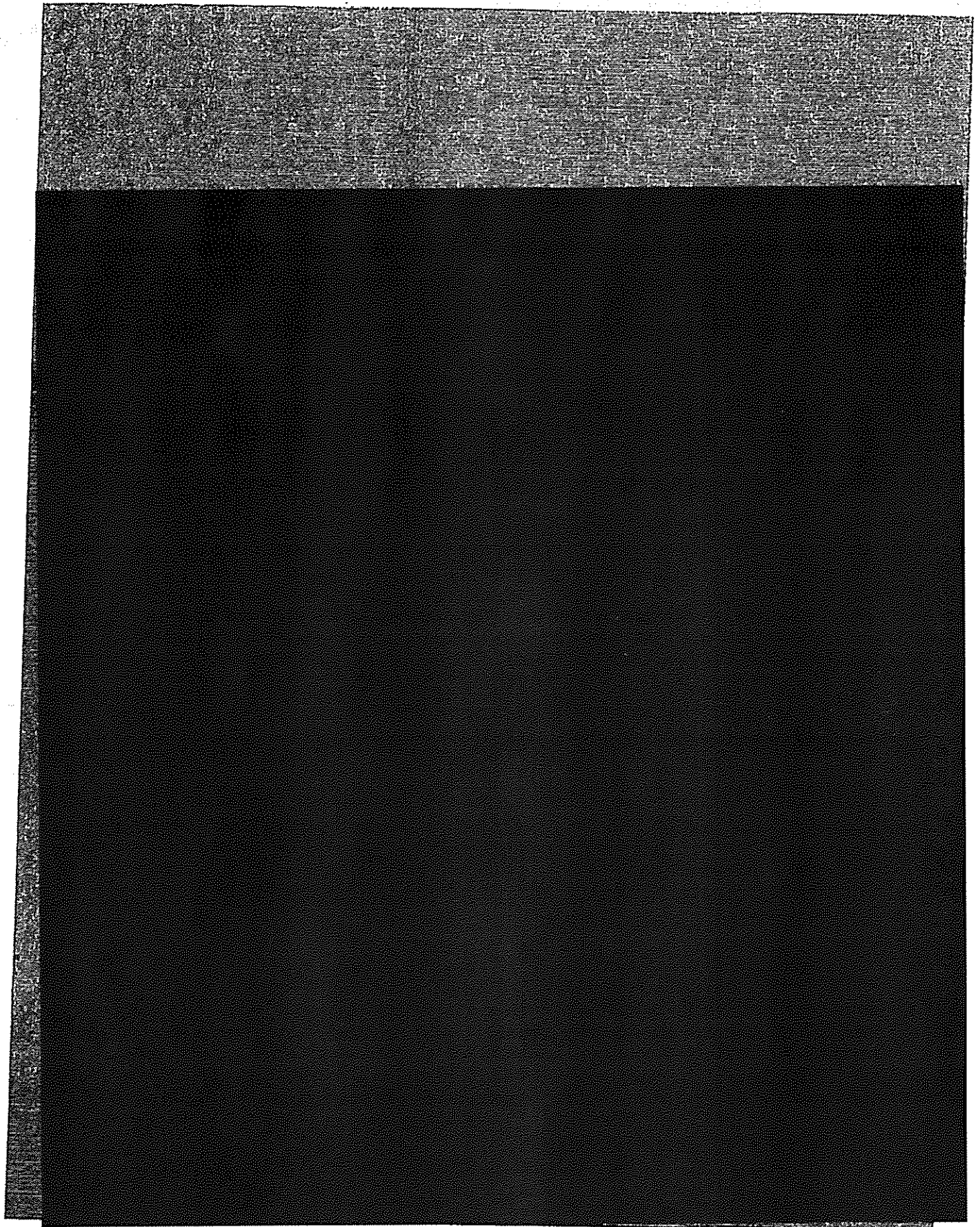
Isolation / Incident Report Form

Program Director/ Superintendent \_\_\_\_\_  
Signature Date/Time

TO BE SUBMITTED WITHIN ONE (1) DAY TO:

1. Youth's Folder (original)
2. Employee's Supervisor
3. Program Director or Superintendent

/2006



**Grady, Michelle E (DJJ)**

---

**From:** Mills-Garrison, Shannon L (DJJ)  
**Sent:** Monday, August 08, 2011 7:48 AM  
**To:** Windham, Reginald E (DJJ); Grady, Michelle E (DJJ); Price, Michael E (DJJ); Holt, Victor R (DJJ); Settle, Clay L (DJJ); Biann, William R (DJJ); Calhoun, Patricia L (DJJ); Kennington (DJJ), Robert  
**Subject:** RE: sports Injury  
**Attachments:** Medical Shift Report 8-4-11.xlsx

How did this kid get injured?!! He has a shunt in his head and is on ALL REC RESTRICTIONS!! Please get back to me regarding this matter!! Shannon:

---

**From:** Windham, Reginald E (DJJ)  
**Sent:** Saturday, August 06, 2011 2:35 PM  
**To:** Grady, Michelle E (DJJ); Price, Michael E (DJJ); Mills-Garrison, Shannon L (DJJ); Holt, Victor R (DJJ); Settle, Clay L (DJJ); Biann, William R (DJJ); Calhoun, Patricia L (DJJ)  
**Subject:** sports Injury

resident was injured during rec.

Reginald Windham YWIII  
Lincoln Village YDC  
820 New Glendale Rd  
Elizabethtown, Ky. 42701



JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES

REFERENCES:  
3-JTS-1B-21  
3-JDF-1B-21  
3-JCRF-1B-17  
1-JDTP-1B-19  
1-JBC-1B-19  
4-JCF-3D-07

CHAPTER: Administration	AUTHORITY: KRS 15A.065
SUBJECT: Employee Code of Conduct	
POLICY NUMBER: DJJ 104	
TOTAL PAGES: 6	
DATE ISSUED: 09/13/10	EFFECTIVE DATE: 09/13/10
APPROVAL: J. Ronald Haws	COMMISSIONER

I. POLICY

Employees shall conduct themselves in a professional manner. Staff shall be aware that their personal conduct reflects upon the integrity of the agency and its ability to provide services to youth.

II. APPLICABILITY

This policy shall apply to all employees of the Department of Juvenile Justice. This policy shall apply to contract facilities and programs.

III. DEFINITIONS

A. "Contraband" is defined in KRS 520.010(1) and includes, but is not limited to, tobacco, pins, needles, sewing equipment, aerosol cans, toxic cosmetics (such as nail polish remover), modeling glue, cleaning fluids, paints, razors, tools, ropes, chains, extremely toxic house plants, broken articles, drug paraphernalia as defined in KRS 218A.500, any unauthorized written materials, photographs, audio or video recordings, video games, and any other item used to subvert security measures, assist in an escape event, or as indicated by policy and state laws. Any items that are properly authorized for use within a DJJ facility shall be excluded from the above list.

B. "Dangerous Contraband" is defined in KRS 520.010(3) and means contraband which is capable of use to endanger the safety or security of a detention facility or persons therein, including, but not limited to, dangerous instruments as defined in KRS 500.080, any controlled substance, any quantity of an alcoholic beverage, and any quantity of marijuana, and saws, files, and similar metal cutting instruments. Any items that are properly authorized for use within a DJJ facility shall be excluded from the above list.

C. "Sexual Contact" is defined in KRS 510.010(7) and means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party.



POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	09/13/10	09/13/10	2 of 6

IV. PROCEDURES

- A. Employees shall arrive and leave work at scheduled times as determined by their supervisor.
- B. Employees shall perform their work assignments competently and in a professional manner. It is the responsibility of each employee to know and act in accordance with Department policy and standard operating procedures.
- C. Employees are required to obey the lawful order or directive of a supervisor. If the order or directive conflicts with an order or directive previously issued by another supervisor, the employee shall make the supervisor aware of the conflict. If the supervisor does not alter the order or directive, the most recent order shall stand and the responsibility shall be assigned to the supervisor issuing the most recent order.
- D. Employees shall remain in their assigned working areas during working hours. Employees shall not disturb or interrupt other employees at their working areas or prevent other employees from carrying out their duties.
- E. Employees are prohibited from entertaining friends or family on the premises of any DJJ office or program except during appropriate scheduled and approved events.
- F. Loud, abusive, or profane language and boisterous and unprofessional conduct shall not be tolerated. Employees shall refrain from making comments which are critical of colleagues or the agency, particularly while in the presence of youth or representatives of youth.
- G. Employees are prohibited from engaging in unwelcome written, verbal, or physical conduct that either degrades, shows hostility, or aversion towards a person on the basis of race, color, national origin, age, sex, religion, disability, marital status, or pregnancy that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an employee's work performance; or 3) creates conditions that may not be sexually offensive in nature, but may lead to a hostile working environment.
- H. State property and equipment shall not be loaned to employees or others for personal use.
- I. All DJJ employees shall be truthful in correspondence and interactions with other DJJ staff, youth, parents, outside agencies, investigators, and in the completion of any type of work-related written documentation (computer-based, hand-written, or typed).

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	09/13/10	09/13/10	3 of 6

- J. DJJ staff who work at secure facilities and park their vehicle in a secure, locked parking area are subject to having their vehicle searched. All DJJ facilities, secure parking areas, and offices shall post signs indicating that all vehicles on the premises are subject to search per DJPP.
- K. Contraband or dangerous contraband is prohibited in DJJ facilities and offices. No employee shall transport contraband of any kind into a DJJ facility. Also, theft of any state property, including, but not limited to, linens, clothing, supplies, or equipment is prohibited. DJJ staff may be subject to a pat down search of their person if they are suspected of theft or of transporting prohibited or dangerous contraband into a DJJ facility or office. The pat down search of an employee shall be conducted only with approval through the chain of command and only in incidents in which there is reasonable suspicion of contraband per DJPP. A final decision to search shall be made by the highest ranking supervisor present in the facility or office. The DJJ Office of Legal Counsel shall be consulted if there is any question related to the degree of suspicion. Packages, lockers, desk and work areas are subject to search by a supervisor.
- L. Office telephones may only be used during the employee's break or lunch, prior to or after their work time. Cell phones shall be prohibited in areas occupied by youth. Employees are prohibited from allowing youth to use a personal cell phone in any part of the facility. Cell phones may be used during the employee's break or lunch, prior to or after their work time. When required to remain beyond their normal shift, employees may use the telephone or cell phone to notify their families.
- M. Employees are prohibited from sleeping or napping while on duty. Sleeping, lying down, lounging, laying the head down upon a desk or table, or resting in any other position that would give the appearance that the employee is sleeping, is prohibited. Sleeping shall not be allowed in youth areas even on break time, and if observed, may result in disciplinary action up to, and including dismissal. Employees shall be provided sleeping and leisure areas separate from youth residential areas if they are unable to return to their homes when needed to assist in providing twenty-four (24) hour coverage.
- N. Employees shall not be on the premises except during working hours unless approved by their immediate supervisor.
- O. In accordance with KRS 237.110(13), KRS 237.110(14) and KRS 237.115(1) employees are prohibited from possession of firearms, or any other deadly weapon as defined in KRS 500.080(4), on the premises or grounds of any DJJ office, program, treatment facility, or detention center and in any vehicle transporting DJJ youth per DJPP.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	09/13/10	09/13/10	4 of 6

- P. Employees shall interact with youth on a consistent basis to address individual youth needs and prevent conflicts from becoming unmanageable. Employees shall protect the individual safety of youth and themselves through the use of approved controlling techniques utilizing no more than the absolute amount of force necessary to diffuse a confrontational situation.
- Q. Employees shall take appropriate precautions in dealing with youth to prevent allegations of inappropriate verbal communication, written communications, sexual contact or abuse of any type per DJJPP.
- R. Abuse and other mistreatment of youth in the care or custody of the Department shall not be tolerated. Reference DJJPP. Persons abusing youth shall be subject to disciplinary action up to and including dismissal under 101 KAR 1:345. Employees suspected of abuse are subject to investigation and prosecution under all applicable laws.
- S. As a representative of the Department, employees shall act in a manner that provides youth with a positive role model.
- T. Employees, volunteers, and contract personnel shall be expected to maintain a professional relationship with youth at all times. The following rules help delineate this relationship and prevent complications in treatment for youth. An employee or volunteer is prohibited from the following actions subject to administrative and criminal disciplinary sanctions:
1. Selling or loaning personal belongings to youth or youth's representative;
  2. Entering into a business relationship or financial transaction with youth or the representatives of a youth;
  3. Giving special privileges to a youth; unless privileges are earned by the youth as part of the treatment plan (Reference DJJPP);
  4. Accepting a bribe or payment from a youth or the representatives of a youth for special services rendered to them;
  5. Lending money to a youth or the representatives of a youth;
  6. Entering into a dating or sexual relationship or having sexual contact with an individual who is currently supervised by or committed to DJJ (reference KRS 510.020 (3)(e) regarding consent);
  7. Entering into a dating or sexual relationship or having sexual contact with a youth who was previously supervised by, or in the custody of, DJJ and who is under the age of eighteen (18); or
  8. Entering into a dating or sexual relationship or having sexual contact with any DJJ youth who is eighteen (18) years or older, who has been supervised by DJJ or committed to DJJ within the past two (2) years (for example, if a youth is seventeen (17) years and six (6) months of age when released, an employee could not date the youth until the youth is

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	09/13/10	09/13/10	5 of 6

nineteen (19) years and six (6) month of age, or two (2) years after release.)

- U. DJJ recognizes that its employees are persons in a position of authority or position of special trust, as defined in KRS 532.045. DJJ prohibits any employee, regardless of his or her age, from subjecting anyone under the agency's care or custody, with whom he or she comes into contact as a result of his or her position, to sexual contact.
- V. Donations made to programs, including money, property, or material goods shall not be accepted by individual employees without proper authorization of the superintendent or other competent authority. Only donations which are allowable under the code of ethics may be accepted. Donations of money, property, and material goods shall be properly accounted for in facility records.
- W. Employees shall fully cooperate with and not interfere in an investigation conducted by the Office of Investigations (OOI), a DJJ Supervisor, or Ombudsman, subject to Federal and State constitutional protections.
  1. Employees shall provide a written or verbal statement in a departmental investigation or when directed by a supervisor. Failure to provide a written statement as requested shall result in a disciplinary action, up to and including dismissal.
  2. Employees shall not discuss the investigation with anyone other than OOI staff, a DJJ Ombudsman, or someone within their supervisory chain. Exceptions to this may be made under the direct authorization of the DJJ Commissioner's Office.
- X. Employees are prohibited from having sexual or intimate contact while on state property, in a state vehicle, or while on duty.
- Y. Employees are prohibited from purchasing products for personal use from the agency's contracted vendors at the reduced agency rate. Employees shall also be prohibited from using the DJJ procurement card to make purchases of any kind for personal use.

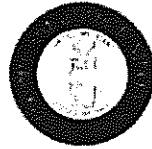
V. STAFF TRAINING

The Division of Program Services shall provide New Staff Training ("NST") for all newly hired staff. This training will include a review of the Employee Code of Conduct and other relevant topics.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	09/13/10	09/13/10	6 of 6

**VI. MONITORING MECHANISM**

- A. The Division of Program Services shall have the responsibility of verifying that all NST training is completed and entered into the WebInService Learning System. Training deficiencies shall be reported monthly to affected agency managers for appropriate follow-up.
- B. Department supervisors shall monitor staff conduct for adherence to this policy on a day-to-day basis.



## JUSTICE AND PUBLIC SAFETY CABINET

Steven L. Beshear  
Governor

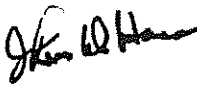
Department of Juvenile Justice  
1025 Capital Center Drive, 3<sup>rd</sup> Floor  
Frankfort, Kentucky 40601-8205  
Phone (502) 573-2738  
Fax (502) 573-4308  
[www.kentucky.gov](http://www.kentucky.gov)

J. Michael Brown  
Secretary

J. Ronald Haws  
Commissioner

### MEMORANDUM

**TO:** Reginald Windham  
Youth Worker III  
Lincoln Village Regional Juvenile Detention/Youth Development Center

**FROM:** J. Ronald Haws  
Commissioner 

**DATE:** July 29, 2010

**SUBJECT:** Written Reprimand

As reported by Juvenile Facility Superintendent II Michelle Grady, you demonstrated poor work performance by your inappropriate and excessive use of force towards a resident at Lincoln Village Regional Juvenile Detention Center/Youth Development Center, which ultimately resulted in substantiated allegations of your excessive use of force with Youth\*, as contained in the Office of Investigation's (OOI) report #2213-10, dated June 1, 2010. During OOI Investigator Walter Wright's inquiry into the reported incident by Juvenile Superintendent II Michelle Grady, photographs of Youth's\* injuries and incident report forms were reviewed, and interviews were conducted with Youth\*, Youth Worker II Rhonda McNeal, Social Service Worker II Jeffrey Wilson, Youth Worker II Robert Kennington, Youth Worker II Michael Adkins, and you.

On April 27, 2010, Youth\* was not allowed to call her DJJ worker and became upset. Youth\* cursed and was placed on room restriction. While on room restriction Youth\* threw her food tray against the wall and started kicking the door. At this time Youth\* was then upgraded to isolation. You were called to assist Mr. Wilson to escort Youth\* to intake and while on intake Mr. Wilson asked her for her pictures of her niece and nephew, however Youth\* refused to give them to him. You came over to assist and you and Mr. Wilson asked Youth\* several times to step inside her intake cell but she refused to comply. Youth\* responded to you that she still needed to speak with Mr. Wilson. You then grabbed Youth's\* arm to escort her into the cell, however as she jerked away from you she lost her balance and fell to the floor. You dragged Youth\* into the cell by her feet while Mr. Wilson was standing at the intake door and Ms. McNeal was standing near the intake counter. Mr. Wilson and Ms. McNeal then came over to follow you and Youth\* inside her cell. Once inside her cell Youth\* stood up and was placed on her bed. Youth\* started to kick you when additional staff arrived to assist with restraining her. Youth\* then attempted to run out of her cell when Mr. Wilson placed his hands against her shoulder and secured her right arm and you secured her left arm to prevent Youth\*

Reginald Windham  
Written Reprimand  
Page 2  
July 29, 2010

from leaving the cell. You and Mr. Wilson then took Youth\* to the floor. While Youth\* was on the floor she purposefully hit her head on the floor. Ms. McNeal placed a sweatshirt between Youth's\* head to prevent her from hurting herself. Once Youth\* had calmed down she was placed on her bed again. While Youth\* was sitting on her bed she tried to hit head against the wall, however Ms. McNeal placed her hand behind Youth's\* head to prevent Youth\* from hurting herself. After being re-directed Youth\* finally calmed down and apologized for her behavior.

Your poor work performance/misconduct constitute violations of the Department of Juvenile Justice Policies, #102, "Employee Code of Ethics"; #104, "Employee Code of Conduct"; #713, "Detention Services"; and Lincoln Village Regional Juvenile Detention Center/Youth Development Center Standard Operating Procedures, #324, Physical and Mechanical Restraints.

Furthermore, you received a letter dated January 12, 2007 of a five (5) day suspension on January 17, 18, 19, 20 and 24, 2007 for misconduct (use of inappropriate and excessive force); and a supervisory conference dated April 13, 2006 for poor work performance (failing to sign MAR to verify youth medication).

You are hereby issued this written reprimand concerning your poor work performance/misconduct.

Further incidents of this nature may result in more severe disciplinary action against you, up to and including dismissal.

A copy of this written reprimand shall be placed in your permanent personnel file.

In accordance with KRS 18A.020, you may, if you choose, respond to this reprimand in writing. A copy of your response will be placed with the reprimand and the supporting documentation in your personnel file in this agency and your personnel file maintained by the Personnel Cabinet. A written reprimand, in and of itself, is not an appealable penalization.

cc: Hon. Nikki Jackson, Secretary, Personnel Cabinet  
Hon. Mark A. Sipek, Executive Director, Personnel Board  
Barney Kinman, Office of Investigations  
Hasan Davis  
Joslyn Olinger Glover  
Jason Reynolds  
Bob Hayter  
Teresa Brown  
Michelle Grady  
Darlene Heflin  
Theresa Wolcott  
Personnel File

## PERSONNEL ACTION DRAFT

Date: **July 22, 2010**

Employee Name: **Reginald Windham**

Discipline File Number: **10-30**

Position Title: **Youth Worker III**

Region: **Central**

Location: **Lincoln Village RJDC/YDC**

Status: **Merit**

Investigation: **OOI #2213-10**

**Recommended Level of Discipline: Written Reprimand**

### CHARGE AND SPECIFICITY:

**Poor Work Performance/Misconduct, i.e.,** as reported by Juvenile Facility Superintendent II Michelle Grady, you demonstrated poor work performance by your inappropriate and excessive use of force towards a resident at Lincoln Village Regional Juvenile Detention Center/Youth Development Center, which ultimately resulted in substantiated allegations of your excessive use of force with Youth\*, as contained in the Office of Investigation's (OOI) report #2213-10, dated June 1, 2010. During OOI Investigator Walter Wright's inquiry into the reported incident by Juvenile Superintendent II Michelle Grady, photographs of Youth's\* injuries and incident report forms were reviewed, and interviews were conducted with Youth\*, Youth Worker II Rhonda McNeal, Social Service Worker II Jeffrey Wilson, Youth Worker II Robert Kennington, Youth Worker II Michael Adkins, and you.

On April 27, 2010 Youth\* was not allowed to call her DJJ worker and became upset. Youth\* cursed and was placed on room restriction. While on room restriction Youth\* threw her food tray against the wall and started kicking the door. At this time Youth\* was then upgraded to isolation. You were called to assist Mr. Wilson to escort Youth\* to intake and while on intake Mr. Wilson asked her for her pictures of her niece and nephew, however Youth\* refused to give them to him. You came over to assist and you and Mr. Wilson asked Youth\* several times to step inside her intake cell but she refused to comply. Youth\* responded to you that she still needed to speak with Mr. Wilson. You then grabbed Youth's\* arm to escort her into the cell, however as she jerked away from you she lost her balance and fell to the floor. You dragged Youth\* into the cell by her feet while Mr. Wilson was standing at the intake door and Ms. McNeal was standing near the intake counter. Mr. Wilson and Ms. McNeal then came over to follow you and Youth\* inside her cell. Once inside her cell Youth\* stood up and was placed on her bed. Youth\* started to kick you when additional staff arrived to assist with restraining her. Youth\* then attempted to run out of her cell when Mr. Wilson placed his hands against her shoulder and secured her right arm and you secured her left arm to prevent Youth\* from leaving the cell. You and Mr. Wilson then took Youth\* to the floor. While Youth\*



was on the floor she purposefully hit her head on the floor. Ms. McNeal placed a sweatshirt between Youth's\* head to prevent her from hurting herself. Once Youth\* had calmed down she was placed on her bed again. While Youth\* was sitting on her bed she tried to hit head against the wall, however Ms. McNeal placed her hand behind Youth's\* head to prevent Youth\* from hurting herself. After being re-directed Youth\* finally calmed down and apologized for her behavior.

Your poor work performance/misconduct constitute violations of the Department of Juvenile Justice Policies, #102, "Employee Code of Ethics"; #104, "Employee Code of Conduct"; #713, "Detention Services"; and Lincoln Village Regional Juvenile Detention Center/Youth Development Center Standard Operating Procedures, #324, Physical and Mechanical Restraints.

Furthermore, you received a letter dated January 12, 2007 of a five (5) day suspension on January 17, 18, 19, 20 and 24, 2007 for misconduct (use of inappropriate and excessive force); and a supervisory conference dated April 13, 2006 for poor work performance (failing to sign MAR to verify youth medication).

**CONFIDENTIALITY PAGE**

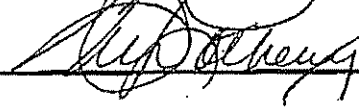
Youth\* - [REDACTED]

cc: Hon. Nikki Jackson, Secretary, Personnel Cabinet  
Hon. Mark A. Sipek, Executive Director, Personnel Board  
Barney Kinman, Office of Investigations  
Hasan Davis  
Joslyn Olinger Glover  
Jason Reynolds  
Bob Hayter  
Teresa Brown  
Michelle Grady  
Darlene Heflin  
Theresa Wolcott  
Personnel File

**CONFIRMATION SHEET**

This is to acknowledge receipt of a letter dated January 12, 2007, and addressed to, Mr. Reginald Windham, from the Commissioner of the Department of Juvenile Justice regarding amendment to the January 10, 2007 letter.

Signed (Employee): 

Delivered by:  on 1/12/07  
Date

(in the event employee refuses to sign):

Witnessed by: \_\_\_\_\_ on \_\_\_\_\_  
Date



LINCOLN VILLAGE YOUTH DEVELOPMENT  
AND  
REGIONAL JUVENILE DETENTION CENTER

FACSIMILE TRANSMITTAL SHEET

TO: Tanja Lawrence	FROM: Anne Lothery
COMPANY:	DATE: 1/12/2007
FAX NUMBER: 502-573-2031	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER:	FACILITY'S PHONE NUMBER: 270-766-5280 ext. 226
RE: Windham	FACILITY'S FAX NUMBER: 270-766-5287

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

Confidentiality Notice: This fax cover sheet and the materials enclosed are the private, confidential property of the sender and the materials are privileged communication intended solely for the receipt, use, benefit and information of the intended recipient, you are hereby notified that any review, disclosure, copying, distribution of the taking of any other action in reliance upon the contents of this transmission is strictly prohibited and may result in legal liability on your part. If you have received this transmission in error, please notify the sender at the phone number given and arrange for the return of this transmission. Thank You.

**MAJOR CORRECTIVE ACTION REQUEST CHECKLIST**

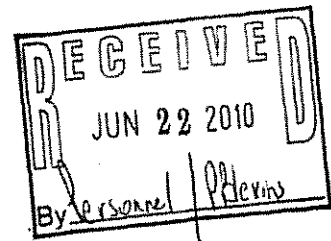
Date: 061610

Employee Name: Reginald Windham

Employee DJJ Training #:                     

Assigned Facility/Office: Lincoln Village YD/RJDC

- I.  REQUEST LETTER SIGNED OR INITIALED BY MANAGEMENT-LETTER MUST INCLUDE THE FOLLOWING SECTIONS: (REQUIRED FOR ALL REQUESTS)
- A.  EMPLOYEE'S PERSONNEL INFORMATION:  
Employee's Name, SSN, DOB, and job title  
Employee's status (permanent, probationary, etc.)  
Employee's Work Location
- B.  SPECIFICS OF INCIDENT IN DETAIL WITH NAMES, DATES, TIME AND LOCATIONS:  
What did the employee do that was wrong and why was it wrong?  
Specific facts relating to the current problem (Who, What, Where, When and How)  
Dates and time of occurrences  
Name of employee reporting problem  
Names and job titles of witnesses  
Names of Youth involved
- C.  A LIST OF ALL DJJ POLICIES OR FACILITY/OFFICE PROCEDURES THAT WERE VIOLATED AND WHY: (INCLUDE POLICY NUMBER AND SECTION).
- II.  STATEMENTS: (REQUIRED IF APPLICABLE - EMPLOYEE STATEMENT REQUIRED FOR ALL CASES)
- A.  Witnesses \*\* (See interview in OOI 2213-10)
- B.  Victims \*\* (See interview in OOI 2213-10)
- C.  Employee for whom discipline is being requested \*\*  
(See interview in OOI 2213-10)
- D.  Any other person with knowledge of incident \*\*
- III.  COPIES OF ALL INCIDENT REPORTS OR INVESTIGATIONS CONCERNING THE INCIDENT: (REQUIRED IF APPLICABLE)
- A.  Incident Reports
- B.  Office of Investigations Investigation  
(Director will include copy of OOI 2213-10)
- C.  Ombudsman Report
- D.  Quality Assurance Report
- IV.  ADDITIONAL SUPPORTIVE EVIDENCE SUCH AS: (REQUIRED IF APPLICABLE)
- A.  Work products (Shift Reports)
- B.  Computer files, E-Mail
- C.  Case file audits
- E.  Leave/Overtime request forms \*
- F.  Timesheets during period in question \*
- G.  Yearly timecard
- H.  Medical/Physician's statements \*\*
- I.  Sign-in/out logs or Call-in logs \*



Re: Major Corrective Action Checklist for Reginald Windham (LVYD/RJDC)  
 June 16, 2010  
 Page 2

- J.  Vehicle logs
  - K.  Written instruments by or to alleged perpetrator
  - L.  Photographs of injury, damage, or questionable items
  - M.  Contraband
- V.  COPIES OF FACILITY/OFFICE PROCEDURES THAT WERE VIOLATED. (REQUIRED FOR ALL REQUESTS - HIGHLIGHT APPLICABLE SECTION)
- VI.  COPIES OF ALL DJJ POLICIES THAT WERE VIOLATED. (REQUIRED FOR ALL REQUESTS - HIGHLIGHT APPLICABLE SECTION)
- VII.  EVIDENCE OF PREVIOUS CORRECTIVE ACTION. (REQUIRED FOR ALL REQUESTS)
- A.  Copies of supervisory conferences
  - B.  Copies of verbal or written reprimands
  - C.  Copies of prior disciplinary actions
  - D.  Corrective action plans
  - E.  Responses from employees
- VIII.  ANY ADDITIONAL DOCUMENTS OR EVIDENCE CONCERNING THIS INCIDENT: (REQUIRED IF APPLICABLE).

Note: Items with an "\*" must be included for all time and attendance issues.  
 Items with an "\*\*\*" must be included for all abuse or neglect situations.

Michelle E. Rudy          6/16/2010  
 Signature                          Date

I have reviewed the file and found it to be complete.

<u>Seamus P. [Signature]</u>	<u>6/21/2010</u>
Branch Manager/FRA	Date
<u>Roger Hay</u>	<u>6/21/10</u>
Division Director	Date
<u>[Signature]</u>	<u>6/29/10</u>
Deputy Commissioner	Date



JUSTICE AND PUBLIC SAFETY CABINET

Steven L. Beshear  
Governor

Department of Juvenile Justice  
Lincoln Village Youth Development & Regional Juvenile Detention Center  
820 New Glendale Road, Elizabethtown, KY 42701  
Phone (270) 766-5280  
Fax (270) 766-5236

J. Michael Brown  
Secretary

J. Ronald Haws  
Commissioner

Memorandum

TO: Hasan A. Davis, Deputy Commissioner, Program Operations  
THROUGH: Bob Hayter, Division Director, Central Region (BLA) 6/21/10  
THROUGH: Teresa Brown, Facilities Regional Administrator, Central Region B  
FROM: Michelle Grady, Superintendent II, Lincoln Village RJDC meg  
DATE: June 18, 2010  
SUBJECT: Request for Disciplinary Action for Reginald Windham, YWIII

- A. Employee's Personnel Information
Employee's SSN:
Employee's DOB:
Employee's Job Title: Youth Worker III
Employee's Status: Full-time, permanent
Employee's Work Location: Lincoln Village YD/RJDC

B. Specifics of Incident in Detail with Names, Dates, Time and Locations
On 4/27/10, Mr. Reginald Windham, YWIII, was involved in a restraint with resident [redacted], and wrote in his report that he secured [redacted] feet and pulled her onto the cell due to her resisting staff. Superintendent III, Kristie Stutler, called the hotline on 5/03/10 to report the incident. She informed OOI that according to the debriefing conducted by Social Service Worker II, Jeff Wilson, "Mr. Windham lost control of youth and then dragged resident [redacted] into the isolation room by her foot/leg." Mr. Wilson witnessed the incident. Ms. Stutler stated that Ms. Grady, Detention Superintendent, went to view the incident on camera, but from the camera angle, nothing inappropriate could be seen. Walter Wright, OOI Investigator came to LV to conduct interviews on 5/4 and 5/7/10.

[redacted] stated when she was refusing to step into her intake cell, Mr. Windham came over and grabbed her right arm, and she jerked away from him, lost her balance, and fell to the floor. She said Mr. Windham then dragged her into the cell by either one or two of her feet. Once inside of the cell, she stood up and Mr. Windham pushed her down on the bed. [redacted] stated that she then started kicking at Mr. Windham. Additional staff then arrived to assist Mr. Windham with restraining her. [redacted] stated during the restraint, she purposefully hit her head on the floor.

YWII Rhonda McNeal told investigator that Mr. Windham walked over to [redacted] and grabbed her right arm. [redacted] started struggling and dropped to the floor. Ms. McNeal stated she believed that Mr. Windham then placed [redacted] in a Control-1 and escorted her into the cell. Ms. McNeal recalled [redacted] intentionally hitting her head on the floor.

Counselor Wilson stated while on intake, [redacted] refused to step inside of her cell. Mr. Windham then grabbed her left arm and she went on her own to the floor. Mr. Windham then grabbed her right foot and dragged her into the center of her cell. Mr. Wilson stated during the restraint, Mr. Windham secured her left arm, and he (Mr. Wilson) secured the right arm. They then took [redacted] down to the floor. While on the floor, [redacted] kept attempting to bang her head on the floor. Mr. Wilson stated that Ms. McNeal had someone to get a piece of

Memo to Hasan A, Davis

Re: Major Corrective Action Request for Reginald Windham, YWIII, LVYD/RJDC

June 18, 2010

Page 2

clothing to prevent [REDACTED] from hitting her head on the floor. Mr. Wilson stated the following day he wrote what Mr. Windham had done in the critical incident debriefing summary. He said he also went to Ms. Grady, Assistant Superintendent, to inform her of Mr. Windham's actions of dragging [REDACTED] by her foot. Mr. Wilson said he did not feel that Mr. Windham was attempting to harm [REDACTED] when he dragged her into the cell, but his technique was not an approved one.

YWII Robert Kennington said when he arrived in the intake cell in response to staff assistance, he observed Mr. Windham securing [REDACTED] feet. Mr. Wilson had her right arm secured in a T-stance and Ms. McNeal had her left arm secured. Mr. Kennington said he relieved Mr. Windham with securing the resident's feet.

YWII Michael Adkins stated that he was working Control when the incident occurred. Mr. Adkins recalled seeing Mr. Windham walking over to [REDACTED], who was standing outside of her cell. Mr. Adkins stated that Mr. Windham appeared to place [REDACTED] in a Control-1 and then escorted her to her cell. Mr. Wilson and Ms. McNeal then went into the cell to assist Mr. Windham. Mr. Adkins stated he did not know what happened after this because he had to switch the camera over to let staff enter the intake area.

YWIII Reginald Windham met with Investigator Walter Wright on 5/7/10. He stated that [REDACTED] refused to go into her cell while on intake. Mr. Windham stated that he walked over to [REDACTED] and told her to go into her cell. [REDACTED] refused again, so he then grabbed her by her right arm and was going to lead her into her cell. [REDACTED] jerked away from him and made herself fall down to the floor. While on the floor, [REDACTED] started kicking at him. Mr. Windham stated he grabbed [REDACTED] feet by instinct to get her into the cell. Mr. Windham stated if he could do it over, he would have "coordinated" with Ms. McNeal and Mr. Wilson prior to restraining [REDACTED].

The substantiated finding that "staff uses inappropriate or excessive force that could result in an injury," is based on Mr. Windham's own admission, staff and resident witness interviews. Mr. Windham admitted to dragging [REDACTED] into her cell during the day in question.

#### C. DJJ Policy and/or Facility Office Procedure Violations

- DJJ Policy #102, "Employee Code of Ethics," Section IV- (B), which states, "Staff shall serve each youth with appropriate concern for their welfare."
- DJJ Policy 104, IV (B), which states: "Employees shall be expected to perform their work assignments competently and in a professional manner."
- DJJ Policy 104, IV (M), which states: "Employees shall interact with youth on a consistent basis to address individual youth needs and prevent conflicts from becoming unmanageable. Employees shall protect the individual safety of youth and themselves through the use of approved controlling techniques utilizing no more than the absolute amount of force necessary to diffuse a conflictual situation."
- S.O.P. 324 Physical and Mechanical Restraints, which states, "Lincoln Village Youth Development Center staff shall be permitted to use approved methods of physical (and mechanical) restraints on youth who become aggressive toward staff or peers;" and "Physical and/or mechanical restraints shall be used only as a control measure and only when all other actions appropriate to the situation have been ruled out. Mechanical and/or physical restraints are not intended for, and shall be prohibited for use as, a means of discipline and punishment and shall be applied with the least amount of force possible." "Approved methods of restraint shall be sanctioned by DJJ as Aikido Control Techniques (ACT).
- DJJ Policy 713, IV, A (1), which states: "In the management of aggressive youth, only those skills that are non-punitive in nature and are approved by DJJ shall be used."

Mr. Windham failed to maintain the standards set forth by departmental policy. He needs to use appropriate, approved techniques when physical restraint of a resident is necessary. It is noted that Mr. Windham was the perpetrator in an OOI investigation in 2006 (#1768-06) in which the allegation made against him of "staff uses inappropriate or excessive force that could result in an injury" was founded. He also received a Supervisory Conference on 4/13/06 for a medication error. I am requesting appropriate disciplinary action be given for Mr. Windham's violation of departmental policy.



## JUSTICE AND PUBLIC SAFETY CABINET

Steven L. Beshear  
Governor

Department of Juvenile Justice  
Lincoln Village Youth Development & Regional Juvenile Detention Center  
820 New Glendale Road, Elizabethtown, KY 42701  
Phone (270) 766-5280  
Fax (270) 766-5236

J. Michael Brown  
Secretary

J. Ronald Haws  
Commissioner

# Memorandum

**TO:** Hasan A. Davis, Deputy Commissioner, Program Operations  
**THROUGH:** Bob Hayter, Division Director, Central Region  
**THROUGH:** Teresa Brown, Facilities Regional Administrator, Central Region  
**FROM:** Michelle Grady, Superintendent II, Lincoln Village RJDC  
**DATE:** June 16, 2010  
**SUBJECT:** Request for Disciplinary Action for Reginald Windham, YWIII

**A. Employee's Personnel Information**

Employee's SSN: [REDACTED]  
Employee's DOB: [REDACTED]  
Employee's Job Title: Youth Worker III  
Employee's Status: Full-time, permanent  
Employee's Work Location: Lincoln Village YD/RJDC

**B. Specifics of Incident in Detail with Names, Dates, Time and Locations**

On 4/27/10, Mr. Reginald Windham, YWIII, was involved in a restraint with resident [REDACTED] and wrote in his report that he secured [REDACTED] feet and pulled her onto the cell due to her resisting staff.

**C. DJJ Policy and/or Facility Office Procedure Violations**

- DJJ Policy #102, "Employee Code of Ethics," Section IV- (A) and (B)
  - (A) Staff shall respect and protect the civil and legal rights of all youth in the care or custody of the Department.
  - (B) Staff shall serve each youth with appropriate concern for their welfare.
- DJJ Policy #104, "Employee Code of Conduct," Section IV – (B), (M), and (N)
  - (C) Employees shall be expected to perform their work assignments competently and in a professional manner.
  - (M) Employees shall protect the individual safety of youth and themselves through the use of approved controlling techniques, utilizing no more than the absolute amount of force necessary to diffuse a conflictual situation.
  - (N) Employees shall take precautions in dealing with youth to prevent allegations of inappropriate verbal communication, sexual contact or abuse of any type.

I am requesting appropriate disciplinary action taken against YWIII Reginald Windham for these violations of Departmental Policy and Procedure and facility SOP.



**COPIES OF DJJ  
POLICIES  
THAT WERE VIOLATED**



JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES

REFERENCES:  
3-JTS-1A-29; 1-C-17, 23, 24  
3-JDF-1A-33; 1C- 15, 21, 22  
3-JCRF-1A-20, 21; 1C-05, 17  
1-JDTP-1A-26; 1C-18, 24, 25  
1-SJD-1A-25; 1C-13, 18, 19  
1-JBC-1A-25; 1C-14, 19, 20

CHAPTER: Administration	AUTHORITY: KRS 15A.065
SUBJECT: Employee Code of Ethics	
POLICY NUMBER: DJJ 102	
TOTAL PAGES: 3	
DATE ISSUED: May 1, 2005	EFFECTIVE DATE: 05/01/05
APPROVAL: Bridget Skaggs Brown	, COMMISSIONER

I. POLICY

The Department expects of its staff honesty, integrity, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. The Department supports a drug-free workplace.

II. APPLICABILITY

This policy shall apply to all employees of the Department of Juvenile Justice.

III. DEFINITIONS

Not Applicable

IV. PROCEDURES

- A. Staff shall respect and protect the civil and legal rights of all youth in the care or custody of the Department.
- B. Staff shall serve each youth with appropriate concern for their welfare and with no purpose of personal gain.
- C. Relationships with colleagues shall be of such character to promote mutual respect within the profession and improvement of its quality of service.
- D. Staff shall respect the importance of all elements of the criminal justice system and cultivate professional cooperation with each segment.
- E. Staff shall respect and protect the right of the public to be safeguarded from criminal activity.
- F. Each staff shall maintain the integrity of private information. Staff shall neither seek personal data beyond that needed to perform their responsibilities nor reveal case information to anyone not having professional use for such.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 102	05/01/05	05/01/05	2 of 3

Information regarding youth or persons seeking treatment shall be kept confidential under the provisions of KRS 610.320, 610.340 and 635.120. All employees, consultants, contract personnel and volunteers who work with youth or youth records shall sign a confidentiality form as a condition of employment or service.

- G. Staff shall report any corrupt, unethical behavior, or policy violations which may affect either a youth or the integrity of the organization and any abuse or neglect as required by KRS 620.030.
- H. Staff shall not discriminate against any youth, employee, or prospective employee on the basis of religion, race, sex, age, disability, or national origin.
- I. Staff shall not use their official position to secure privileges for self or others and shall not engage in activities that constitute a conflict of interest.
- J. Staff shall not act in their official capacity in any matter in which they have personal interest that may impair objectivity and create the appearance of conflict of interest.
- K. Staff engaged in outside employment shall obtain from the appropriate Division Director or designee, or the appropriate Deputy Commissioner, written acknowledgement that said employment does not appear to conflict with the employee's official duties.
- L. Political activities of employees shall be in compliance with KRS 18A.140.
- M. Workplace violence, as defined in 101 KAR 2:095 (9), shall be prohibited and shall constitute grounds for disciplinary action and referral for criminal prosecution.
- N. All DJJ employees are prohibited from reporting for duty or operating any state vehicle after consuming any amount of an alcoholic beverage. Possession of alcoholic beverages at the work site or the consumption of alcoholic beverages during working hours or prior to operating any state vehicle is strictly prohibited. Any measurable or detectable amount of an alcoholic beverage shall be considered enough to be in violation of this policy. This shall apply to all DJJ employees. The misuse of prescription and non-prescription drugs or use of illegal drugs on state property during working hours or while operating a state vehicle is strictly prohibited. In compliance with the Anti-Drug Abuse Act (P.L. 100-690), employees shall be notified that the unlawful manufacture, distribution, dispensation, possession or use of any controlled substance is strictly prohibited in the workplace and any

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 102	05/01/05	05/01/05	3 of 3

employee found to be in violation shall be subject to disciplinary action for misconduct which may include sanctions up to and including dismissal.

O. If an employee of DJJ is arrested for or charged with any offense, other than a minor traffic violation (see definition below) they shall notify their immediate supervisor. This report shall be made prior to their next scheduled shift. Being detained does not relieve an employee of the responsibility of providing notice to their supervisor that they will not be reporting to work because of the detention or arrest. If their supervisor is not working, they shall immediately notify the highest level supervisor on duty at their facility or office.

1. The employee shall furnish the supervisor with the name of the charging authority, the city or county where the charges are filed, and the next court date assigned to them. Any supervisor, or acting supervisor, upon notification of an employee being arrested or charged shall notify the facility manager, District Supervisor, or superintendent by email giving all known details of the incident. The supervisor shall, at the same time, also copy the information to their respective RFA/Branch manager and Division Director.

2. The Division Director shall immediately notify the Deputy Commissioner and the Commissioner by email. If this occurs after office hours and circumstances warrant calling them at home they shall do that in addition to the email.

3. Minor traffic violations include things such as a citation for speeding, running a red light, etc. It does not include a charge of Driving Under the Influence. Citations for any criminal offense shall be reported. There is no grace period for complying this requirement. Failure to comply with this may result in discipline up to and including dismissal.

#### V. MONITORING MECHANISM

Monitoring shall be done by all supervisory personnel on an ongoing basis.



**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**REFERENCES:**

**3-JTS-1B-21  
3-JDF-1B-21  
3-JCRF-1B-17  
1-JDTP-1B-19  
1-SJD-1B-17  
1-JBC-1B-19**

<b>CHAPTER: Administration</b>	<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Employee Code of Conduct</b>	
<b>POLICY NUMBER: DJJ 104</b>	
<b>TOTAL PAGES: 3</b>	
<b>DATE ISSUED: January 19, 2006</b>	<b>EFFECTIVE DATE: 01/19/06</b>
<b>APPROVAL: Bridget Skaggs Brown</b>	<b>, COMMISSIONER</b>

**I. POLICY**

Employees shall conduct themselves in a professional manner. Staff shall be aware that their personal conduct reflects upon the integrity of the agency and its ability to provide services to youth.

**II. APPLICABILITY**

This policy shall apply to all employees of the Department of Juvenile Justice.

**III. DEFINITIONS**

Not Applicable

**IV. PROCEDURES**

- A. Employees shall be expected to arrive and leave work at scheduled times as determined by their supervisor.
- B**. Employees shall be expected to perform their work assignments competently and in a professional manner.
- C. Employees shall remain in their assigned working areas during working hours. Employees shall not disturb or interrupt other employees at their working areas or prevent other employees from carrying out their duties.
- D. Employees shall not entertain friends or family on the premises of any DJJ office or program except during appropriate scheduled and approved events.
- E. Loud, abusive, or profane language and boisterous and unprofessional conduct shall not be tolerated. Employees shall refrain from making comments which are critical of colleagues or the agency, particularly while in the presence of youth or representatives of youth.

NUMBER

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	01/19/06	01/19/06	2 of 4

- F. Employees shall not engage in unwelcome written, verbal or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, color, national origin, age, sex, religion, disability, marital status or pregnancy that: 1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an employee's work performance; or 3) create conditions that may not be sexually offensive in nature, but may lead to a hostile working environment.
- G. State property and equipment shall not be loaned to employees or others for personal use.
- H. Theft of any state property, including linens, clothing, supplies, or equipment shall be prohibited. Individual parcels or bundles may be subject to inspection by the supervisor.
- I. Office telephones shall be for business only. The telephone may be used during the employee's off-duty time for local calls only. When required to remain beyond their normal shift, employees may use the telephone to notify their families.
- J. Employees shall never be permitted to sleep or nap while scheduled on duty. Sleeping, lying down, or lounging shall not be allowed in youth areas even on break time, and if observed, may result in disciplinary action up to, and including dismissal. Employees shall be provided sleeping and leisure areas separate from youth residential areas if they are unable to return to their homes when needed to assist in providing twenty-four hour coverage.
- K. Employees shall not be on the premises except during working hours unless approved by their immediate supervisor.
- L. In accordance with KRS 237.110(13), KRS 237.110(14) and KRS 237.115(1) employees shall be prohibited from possession of firearms, or any other deadly weapon as defined in KRS 500.080(4), on the premises or grounds of any DJJ office, program, treatment facility or detention center and in any vehicle transporting DJJ youth.
- M. Employees shall interact with youth on a consistent basis to address individual youth needs and prevent conflicts from becoming unmanageable. Employees shall protect the individual safety of youth and themselves through the use of approved controlling techniques utilizing no more than the absolute amount of force necessary to diffuse a conflictual situation.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	01/19/06	01/19/06	3 of 4

- N. Employees shall take appropriate precautions in dealing with youth to prevent allegations of inappropriate verbal communication, sexual contact or abuse of any type.
- O. Abuse and other mistreatment (as defined in DJJPP 140) of youth in the care or custody of the Department shall not be tolerated. Persons abusing youth shall be subject to disciplinary action up to and including dismissal under 101 KAR 1:345. Employees suspected of abuse shall also be subject to investigation and prosecution under all applicable laws.
- P. Employees shall have the responsibility of providing youth with a positive role model as a representative of the Department.
- Q. Employees and contract personnel shall be expected to maintain a professional relationship with youth at all times. The following rules help delineate this relationship and prevent complications in treatment for youth.
- An employee shall not:
1. Sell or loan personal belongings to youth;
  2. Enter into a business relationship or financial transaction with youth or the representative(s) of a youth;
  3. Give special privileges to a youth, unless earned by youth as part of the treatment plan;
  4. Accept a bribe/payment by youth or the representative(s) of a youth for special services rendered by them;
  5. Lend money to a youth or the representative(s) of a youth;
  6. Enter into a dating or sexual relationship with a youth or formerly committed youth under the age of 18; or
  7. Enter into a dating or sexual relationship with an individual 18 years of age or older who is under DJJ care.
- R. Donations made to programs, including money, property, or material goods shall not be accepted by individual employees unless otherwise designated. Only donations which are allowable under the code of ethics may be accepted. Donations of money, property and material goods shall be properly accounted for in facility records.
- S. Employees shall fully cooperate with an investigation conducted by the

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	01/19/06	01/19/06	4 of 4

Internal Investigations Branch, Internal Affairs Officer or Ombudsman,  
subject to Federal and State constitutional protections.

V. **MONITORING MECHANISM**

These procedures shall be monitored by all supervisors.



**STANDARD OPERATING PROCEDURE  
LINCOLN VILLAGE YOUTH DEVELOPMENT  
AND REGIONAL JUVENILE DETENTION CENTER**

**Physical and Mechanical Restraints**

ACA Standard:  
DJJ Policy: 324

ACA 3-JTS-3A-16; 3A-18

SOP NO: 324

**GENERAL:**

Lincoln Village Youth Development Center staff shall be permitted to use approved methods of physical and mechanical restraints on youth who become aggressive toward staff or peers. Staff shall also be permitted to use approved mechanical restraints when transporting potentially aggressive youth or youth who pose a threat of escape.

Physical and/or mechanical restraints shall be used only as a control measure and only when all other actions appropriate to the situation have been ruled out. Mechanical and/or physical restraints are not intended for, and shall be prohibited for use as, a means of discipline and punishment and shall be applied with the least amount of force possible. Youth shall not be physically restrained longer than is absolutely necessary to regain control and return to normal program activities. The use of fixed restraints and the use of chemical agents shall be prohibited.

Approved methods of restraint shall be sanctioned by DJJ as Aikido Control Techniques (ACT). The Training Branch shall be responsible for delivering training to staff on an on-going basis.

Use of mechanical restraints will be permitted to prevent the possibility of serious injury to youth, staff and other youth, or to protect property.

**DEFINITIONS:** Chemical Agents – an active substance, such as tear gas, used to deter activities that might cause personal injury or property damage.

Chemical Restraint – the use of pharmaceuticals to deter activities that might cause personal injury or property damage.

Fixed Restraint – the restraining of a youth to a bed with mechanical devices such as fleece-lined leather, canvas or soft rubber restraints. This technique is commonly referred to as "4- or 5-point restraint.")

**STANDARD OPERATING PROCEDURE**  
**324-Physical and Mechanical Restraints**  
**Page 2 of 5 Pages**

Mechanical restraints – fleece-lined leather, canvas or soft rubber restraints; handcuffs; chains; anklets; or any other devices approved or authorized by the DJJ Deputy Commissioner of Operations or designee used to limit the movement of a youth's body.

**PROCEDURE:**

1. Physical Restraints:
  - a) Lincoln Village Youth Development Center staff that is required to use physical restraint shall be certified in approved methods of restraint before being allowed to physically restrain a youth.
  - b) The Superintendent/Training Coordinator shall work with the Training Branch to ensure staff receive basic and ongoing training in approved methods of restraint
  - c) When staff finds it necessary to restrain a youth, the event shall be documented on an incident report form. The report shall be reviewed by the Superintendent for compliance with policy and procedure.
  - d) If an injury occurs in the course of a restraint incident, it shall be fully documented. Prompt medical attention shall be required when injuries are serious enough to warrant anything other than first aid. The Superintendent/designee shall conduct a thorough review of all incidents involving injury during restraint to determine if such incidents may be avoided in the future.
  - e) Staff injured in an incident shall receive immediate examination and treatment. If the injury warrants more advanced medical intervention, staff shall proceed to the appropriate medical facility. All guidelines and procedures of Worker's Compensation shall be followed.
2. Mechanical Restraints
  - A. Before using mechanical restraint equipment, it shall be determined that no other alternatives are available which will control the youth, and, at the same time, protect staff and other residents. Use of mechanical restraints shall be restricted to:

**STANDARD OPERATING PROCEDURE**  
**324 – Physical and Mechanical Restraints**  
**Page 3 of 5 Pages**

- i. Gaining control of out-of-control youths as a prevention against serious self-injury, injury to others, or property damage.
  - ii. As a precaution against escape or assault during transport.
- B. Prior to applying mechanical restraints, youth are to be advised that their negative behavior necessitates the use of these restraints.
- C. If the issue necessitating the use of restraints is of a medical or psychiatric nature (i.e. therapeutic restraint to prevent self-mutilation or self-abuse or to confine the youth's bodily movements) medical and mental health staff shall be notified and involved in decisions regarding intervention and treatment. The therapeutic restraint shall be accomplished by the use of fleece-lined leather, canvas or soft leather cuff or anklets.
- D. Staff are required to use mechanical restraints shall be certified by the Division of Staff Development in approved methods of restraint before being allowed to apply the restraints upon a youth without assistance of another certified staff. The Superintendent shall work with the Division of Staff Development to ensure staff receives basic and ongoing training in approved methods of restraint. Reference DJJPP 504.
- E. The event shall be documented on an incident report form when staff finds it necessary to mechanically restrain a youth. The incident report shall be completed within the timeframes specified in DJJPP 321 and filed in the youth's Individual Client Record. The specific mechanical restraint equipment used shall be noted in the incident report. The report shall be reviewed by the Superintendent for compliance with policy and procedure.
- F. Youth being transported from Adair Youth Development Center shall always be transported in mechanical restraints. The only exception shall be for youth being transported home or to a community-based placement for furlough upon release from the facility. An incident report will be completed for all transports involving the use of mechanical restraints. Each use of mechanical restraints will be documented in the mechanical restraint log.

**STANDARD OPERATING PROCEDURE**  
**324 – Physical and Mechanical Restraints**  
**Page 4 of 5 Pages**

- G. Minimum force shall be used in the application of mechanical restraints to reduce the possibility of injury to the youth and to the staff. Cuffs and leg shackles shall be double locked. Handcuffs, shackles or hard plastic straps used to subdue and/or transport a youth shall not be affixed to a stationary object in any manner so as to constitute a fixed restraint. It also shall be inappropriate to restrain a youth in an unusual position (e.g., face down, spread eagle, hot tied).
- H. Youth shall not be held in mechanical restraints longer than the time absolutely necessary. In the situation where the mechanical restraints are for the management of violent behavior:
  - i. When no change occurs within the first 30 minutes, staff shall begin the evaluation of the youth for possible referral to appropriate resources.
  - ii. Restraints shall be removed when there is positive change in a youth's behavior or attitude and it is believed that the youth can be controlled without them and it is safe to do so.
- I. If an injury occurs in the course of use of mechanical restraints, it shall be fully documented. Prompt medical attention shall be required when injuries are serious enough to warrant anything other than first aid. The Superintendent shall conduct a thorough review of all incidents involving injury during restraint to determine if such incidents may be avoided in the future.
- J. Authorization for the use of mechanical restraints may be granted by the Administrative Duty Officer, Superintendent or Regional Facilities Administrator.
- K. Mechanical Restraint Equipment Inventory
  - i. The availability, control, and use of mechanical restraint equipment shall be the responsibility of the Superintendent or designee, or the Regional Manager or designee.
  - ii. Mechanical restraints shall be secured in a location that is accessible only by supervisory staff. Documentation shall be maintained in the form of inventory and use

**STANDARD OPERATING PROCEDURE**  
**324-Physical and Mechanical Restraints**  
**Page 5 of 5 Pages**


- log(s) to provide accountability for their whereabouts and use.
- iii. The Superintendent or designee shall review the mechanical restraint inventory and use records monthly and ascertain that equipment listed is secured in the locations noted.
- iv. Reusable restraint equipment shall not be used on another person until it is properly cleaned and disinfected.
- v. An inventory of restraint equipment is to be maintained which notes: Number, type and location of handcuffs, leg shackles, etc.
- vi. A mechanical restraint incident log is to be maintained, which notes:
  - a) Name of the staff authorizing the use of the restraint.
  - b) Number and type (s) of restraint.
  - c) Location of restraint at time of issue.
  - d) Name of youth receiving the restraint.
  - e) Date and time restraint issued.
  - f) Name of staff applying restraint.
  - g) Purpose for which they were used, how they were used, and on whom.
  - h) Date and time of return.
- L. The use of 4 and 5-point restraints commonly known as "fixed restraints" is prohibited at Lincoln Village Youth Development Center (LVYDC).

**3. Chemical Agents**

The use of Chemical Agents and related security devices is prohibited at LVYDC.

**4. Chemical Restraints**

The use of Chemical Restraints is prohibited at LVYDC.

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b> 505 KAR 1:140 3-JDF-3A-16, 3A-17, 3A-18, 3A-26, 3A-27, 3A-28, 3A-30
		<b>AUTHORITY: KRS 15A.065</b>
<b>CHAPTER: Detention Services</b>		
<b>SUBJECT: Restraints</b>		
<b>POLICY NUMBER: DJJ 713</b>		
<b>TOTAL PAGES: 4</b>		
<b>DATE ISSUED: July 15, 2005</b>		<b>EFFECTIVE DATE: 02/03/06</b>
<b>APPROVAL: Bridget Skaggs Brown</b>		<b>, COMMISSIONER</b>

#### I. POLICY

DJJ staff shall be permitted to use approved methods of defense-oriented physical and mechanical restraints on youth that become aggressive toward self, staff or peers. Use of mechanical restraints shall be permitted to prevent the possibility of serious injury to youth, staff and other youth, or to protect the property of the facility.

The use of fixed restraints is prohibited. The use of chemical agents is prohibited. The use of chemical restraints is prohibited.

#### II. APPLICABILITY

This policy shall apply to all state-operated detention centers.

#### III. DEFINITIONS

- A. "Chemical Agent" means an active substance, such as tear gas, used to deter activities that might cause personal injury or property damage.
- B. "Chemical Restraint" means the use of pharmaceuticals to deter activities that might cause personal injury or property damage.
- C. "Fixed Restraint" means the restraining of a youth to a bed with mechanical devices such as fleece-lined leather, canvas or soft rubber restraints. This is commonly referred to as "4- or 5-point restraints".
- D. "Mechanical Restraints" means fleece-lined leather, canvas or soft rubber restraints, handcuffs, chains or anklets, or any other devices approved or authorized by the Office of the Commissioner or designee used to safely and securely limit the movement of a youth's body.

#### IV. PROCEDURES

- A. Level I Use of Force: Physical Restraint

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 713	07/15/05	02/03/06	2 of 4

- ① In the management of aggressive youth, only those skills that are non-punitive in nature and are approved by the DJJ shall be used. DJJ shall be responsible for delivering training to program staff on an ongoing basis.
  2. Facility staff as designated by the Superintendent who are required to use physical restraint shall hold current DJJ certification in approved methods of restraint before being allowed to restrain a youth without assistance of another certified staff.
  3. Physical restraint shall not be used as punishment and shall be applied with the least amount of force possible.
  4. The incident report documenting the use of physical management shall be completed within the timeframes specified in DJJPP 715 and filed in the youth's Individual Client Record. The specific physical restraint technique(s) used shall be noted in the incident report.
  5. If an injury occurs in the course of a restraint, prompt medical attention to all injured parties shall be required. Injuries shall be fully documented on the Incident Report and/or First Report of Injury (WC1A-1) Form. The Superintendent shall conduct a thorough review of all incidents involving injury during restraint to determine if such incidents may be avoided in the future.
- B. Level II Use of Force: Mechanical Restraints
1. Mechanical restraint equipment is intended to be used only as a control measure and only when all other actions appropriate to the situation have been ruled out. It shall not be intended for, and shall be prohibited for use as, a means of discipline and punishment.
  2. Use of mechanical restraints shall be restricted to:
    - a. Gaining control of out-of-control youths as a prevention against serious self-injury, injury to others, or property damage.
    - b. As a precaution against escape or assault during transport.
  3. If paragraph one and two of this subsection authorize the use of mechanical restraints, handcuffs on the wrist, a restraining belt, or leg shackles that meet the requirement of Section III.D of this policy may be applied. Minimum force shall be used in their application to reduce the possibility of injury to the youth and to the staff. Cuffs and leg shackles shall be double locked. The use of any other type of mechanical restraint equipment shall require the prior approval of the Office of the Commissioner.

<b>POLICY NUMBER</b> DJJ 713	<b>ISSUE DATE</b> 07/15/05	<b>EFFECTIVE DATE</b> 02/03/06	<b>PAGE NUMBER</b> 3 of 4
---------------------------------	-------------------------------	-----------------------------------	------------------------------

4. If the issue necessitating the use of restraints is of a medical or psychiatric nature (i.e. therapeutic restraint to prevent self-mutilation or self abuse or to confine the youth's bodily movements) medical and mental health staff shall be notified and involved in decisions regarding intervention. The therapeutic restraint shall be accomplished by the use of fleece-lined leather, canvas or soft leather cuffs or anklets.
5. Youth Worker, Youth Worker Supervisor and other facility staff as designated by the Superintendent who are required to use mechanical restraints shall hold current DJJ certification in the use of mechanical restraints before being allowed to apply the restraints on a youth without assistance of another certified staff.
6. The availability, control, and use of mechanical restraints shall be the responsibility of the Superintendent or designee.
7. The Assistant Superintendent or the Superintendent may grant authorization for the use of mechanical restraints for the purpose of regaining control. However, in an emergency situation the Youth Worker Supervisor may grant approval pending notification of the Facility Superintendent. Staff applying the restraints shall justify that action in a detailed incident report.
8. Mechanical Restraint Inventory Documentation
  - a. Mechanical restraints shall be maintained in a secure location that is accessible only by supervisory staff and documentation maintained providing accountability for their whereabouts and use.
  - b. An inventory of restraint equipment shall be maintained which notes:
    - 1) Number and type of handcuff, leg shackles, restraining belts;
    - 2) Location of handcuffs, leg shackles, restraining belts.
  - c. The Superintendent or designee shall review the mechanical restraint inventory records monthly, ascertain that equipment listed is secured in the locations noted and that the restraint equipment is in proper working condition.
  - d. A mechanical restraint incident log is to be maintained which notes:
    - 1) Name of the staff authorizing the use of the restraint;
    - 2) Number and type(s) of restraint equipment issued;
    - 3) Date and time restraint equipment issued;
    - 4) Name of the staff applying restraint;



POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 713	07/15/05	02/03/06	4 of 4

- 5) Date and time restraint equipment was returned.
- e. The Superintendent or designee shall review the mechanical restraint incident log and corresponding reports monthly.
- f. Reusable restraint equipment shall not be used on another person until it is properly cleaned and disinfected. Commercial products shall be available for disinfecting.

**V. MONITORING MECHANISM**

The Superintendent, Regional Facilities Administrator and the Ombudsman shall monitor compliance with this policy.

# **Evidence of Previous Corrective Action**

- **Copies of Supervisory Conferences**
  - **Copies of Prior Disciplinary  
Actions**

MAJOR CORRECTIVE ACTION REQUEST CHECKLIST

VR  
Vg

Date: 101106

Employee Name: Reginald Windham  
Employee DJJ Training #:                       
Assigned Facility/Office: Lincoln Village YD/RJDC

- I.  REQUEST LETTER SIGNED OR INITIALED BY MANAGEMENT-LETTER MUST INCLUDE THE FOLLOWING SECTIONS: (REQUIRED FOR ALL REQUESTS)
- A.  EMPLOYEE'S PERSONNEL INFORMATION:  
Employee's Name, SSN, DOB, and job title  
Employee's status (permanent, probationary, etc.)  
Employee's Work Location
  - B.  SPECIFICS OF INCIDENT IN DETAIL WITH NAMES, DATES, TIME AND LOCATIONS:  
What did the employee do that was wrong and why was it wrong?  
Specific facts relating to the current problem (Who, What, Where, When and How)  
Dates and time of occurrences  
Name of employee reporting problem  
Names and job titles of witnesses  
Names of Youth involved
  - C.  A LIST OF ALL DJJ POLICIES OR FACILITY/OFFICE PROCEDURES THAT WERE VIOLATED AND WHY: (INCLUDE POLICY NUMBER AND SECTION).
- II.  STATEMENTS: (REQUIRED IF APPLICABLE - EMPLOYEE STATEMENT REQUIRED FOR ALL CASES)
- A.  Witnesses \*\*
  - B.  Victims \*\*
  - C.  Employee for whom discipline is being requested \*\*  
(See Interview in OOI 1768-06)
  - D.  Any other person with knowledge of incident \*\*
- III.  COPIES OF ALL INCIDENT REPORTS OR INVESTIGATIONS CONCERNING THE INCIDENT: (REQUIRED IF APPLICABLE)
- A.  Incident Reports
  - B.  Office of Investigations Investigation  
(Director will include copy of OOI 1768-06)
  - C.  Ombudsman Report
  - D.  Quality Assurance Report
- IV.  ADDITIONAL SUPPORTIVE EVIDENCE SUCH AS: (REQUIRED IF APPLICABLE)
- A.  Work products (Shift Reports)
  - B.  Computer files, E-Mail
  - C.  Case file audits
  - E.  Leave/Overtime request forms \*
  - F.  Timesheets during period in question \*
  - G.  Yearly timecard
  - H.  Medical/Physician's statements \*\*
  - I.  Sign-in/out logs or Call-in logs \*

Scanned & Confirmed  
To: T. Houchens  
Date: 10/11/06

- J.  Vehicle logs
- K.  Written instruments by or to alleged perpetrator
- L.  Photographs of injury, damage, or questionable items
- M.  Contraband

- V.  COPIES OF FACILITY/OFFICE PROCEDURES THAT WERE VIOLATED. (REQUIRED FOR ALL REQUESTS - HIGHLIGHT APPLICABLE SECTION)
- VI.  COPIES OF ALL DJJ POLICIES THAT WERE VIOLATED. (REQUIRED FOR ALL REQUESTS - HIGHLIGHT APPLICABLE SECTION)
- VII.  EVIDENCE OF PREVIOUS CORRECTIVE ACTION. (REQUIRED FOR ALL REQUESTS)
  - A.  Copies of supervisory conferences
  - B.  Copies of verbal or written reprimands
  - C.  Copies of prior disciplinary actions
  - D.  Corrective action plans
  - E.  Responses from employees
- VIII.  ANY ADDITIONAL DOCUMENTS OR EVIDENCE CONCERNING THIS INCIDENT: (REQUIRED IF APPLICABLE).

Note: Items with an "\*" must be included for all time and attendance issues.  
Items with an "\*\*\*" must be included for all abuse or neglect situations.

Kendall Williams  
Signature

10-11-06  
Date

I have reviewed the file and found it to be complete.

\_\_\_\_\_  
Branch Manager/FRA

\_\_\_\_\_  
Date

\_\_\_\_\_  
Division Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy Commissioner

\_\_\_\_\_  
Date



COMMONWEALTH OF KENTUCKY  
 DEPARTMENT OF JUVENILE JUSTICE  
 LINCOLN VILLAGE YOUTH DEVELOPMENT AND REGIONAL JUVENILE DETENTION CENTER  
 820 NEW GLENDALE ROAD  
 ELIZABETHTOWN, KY 42701  
 PHONE: (270) 766-5280 FAX: (270) 766-5236

*A. Cannel*  
*to THouder*  
*10/12/06* (C)

ERNE FLETCHER  
 GOVERNOR

BRIDGET SKAGGS BROWN  
 COMMISSIONER

# Memorandum

**TO:** Bridget Skaggs Brown, Commissioner  
**FROM:** Kendall Williams, Interim Superintendent III, Lincoln Village YD/RJDC (C)  
**DATE:** October 11, 2006  
**SUBJECT:** Request for Major Corrective Action for Reginald Windham, YW II

**A. Employee's Personnel Information**

Employee's SSN: [REDACTED]  
 Employee's DOB: [REDACTED]  
 Employee's Job Title: Youth Worker II  
 Employee's Status: Fulltime, Permanent  
 Employee's Work Location: Lincoln Village Youth Development & Regional Juvenile Detention Center

**B.** Resident [REDACTED] reported to investigator that on 9/06/06 he had just returned from court and was being processed in Intake. Mr. Windham put [REDACTED] shoes on his pants. [REDACTED] stated his shoes were dirty due to the cell being dirty. [REDACTED] asked Mr. Windham to remove the shoes from his pants and Mr. Windham got upset and started yelling. Mr. Windham bumped [REDACTED] shoulder with his chest. [REDACTED] asked Mr. Windham to get out of his face. Mr. Windham then picked [REDACTED] up and slammed him face first onto the floor. [REDACTED] stated two residents were looking out of their windows in the intake area. These residents were [REDACTED] and [REDACTED]. Caller stated Ms. Prince was also present.

Interview with Mr. Windham resulted in him telling investigator that he was called to Intake to pat down two residents that had returned from court. He said [REDACTED] continued to move and talk without permission and he stated [REDACTED] was non-compliant with facility rules. [REDACTED] told Mr. Windham not to wash his clothes. Mr. Windham re-directed [REDACTED] several times regarding moving his hands and shaking his head. Mr. Windham stated [REDACTED] kept removing his hands from behind his back. As he was talking to [REDACTED] he said [REDACTED] moved one of his hands from behind his back and he then restrained [REDACTED] using Control 1. Ms. Prince called for staff assistance. Mr. Windham stated [REDACTED] continued to curse while on the floor. He also stated that Ms. Prince was in the area and witnessed the restraint. Investigator W. Wright asked Mr. Windham if his Incident Report was accurate and he replied, "Yes sir." Investigator Wright then played the video of the restraint for Mr. Windham and asked Mr. Windham to show where [REDACTED] moved either of his hands. Mr. Wright replayed the video several times and noted to Mr. Windham that [REDACTED] arms were still behind his back. Mr. Windham stated he thought that [REDACTED] had moved, but said [REDACTED] was cursing and being defiant.

The allegation that Mr. Windham used inappropriate or excessive force against resident [REDACTED] was concluded as founded. In addition, Ms. Krystal Dailey witnessed resident [REDACTED] telling Mr. Windham that he was breaking his arm. Mr. Windham made the comment, "Maybe I will." Mr. Windham's comment constitutes a verbal threat to [REDACTED]. Based on the video reviewed, [REDACTED] did not move either of his hands in a threatening manner. The video depicts Mr. Windham talking forcibly to [REDACTED]. When [REDACTED] moves his head away from Mr. Windham, Mr. Windham grabs him and forcibly takes [REDACTED] to [REDACTED].



the floor. The video camera does not display the total restraint nor does it show [REDACTED] being slammed on his head. Interview statements from Ms. Karen Prince and [REDACTED] stated [REDACTED] did not move prior to the restraint taking place.

A memo of concern was issued from Investigator Wright to Staff Assistant Tom Gilsdorf regarding Mr. Windham falsifying the Incident Report on resident [REDACTED] dated 9/06/06 by writing, "I Mr. Windham approached [REDACTED] and he dropped his hands and step toward me." As stated, the video shows that [REDACTED] did not step towards Mr. Windham or move either of his hands.

C. DJJ Policy and/or Facility Office Procedure Violations

The following policies were violated by Mr. Reginald Windham:

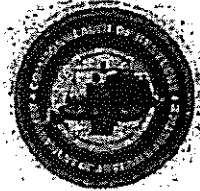
DJJ PP 102 Employee Code of Ethics, IV (A) Staff shall respect and protect the civil and legal rights of all youth in the care or custody of the Department; and IV (B) Staff shall serve each youth with appropriate concern for their welfare.

DJJ PP 104 Employee Code of Conduct, IV (B), IV (F), IV (M), IV (N), IV (O), and IV (P) – See attached policy for details.

DJJ PP 208 Youth Rights, IV, 8: Youth shall be treated in a humane manner and shall have the right to be protected from exploitation, neglect, physical, sexual, and emotional abuse. This shall include corporal punishment, intentional injury, use of intimidation, threatening, or abuse language toward the youth, either verbally, in writing, or by gesture. Any suspected abuse or neglect of youth shall be reported in accordance with KRS 620.030 (Reference DJJPP 140 or 731).

It is requested that Mr. Reginald Windham receive significant disciplinary action, up to and including dismissal, due to the nature of these infractions.

cc: file



Commonwealth of Kentucky  
Department of Juvenile Justice  
Administrative Services

**SUPERVISORY CONFERENCE**

Facility/Office: Lincoln Village YDC / RJDC  
Region: CENTRAL  
Employee's Name: Reginald Windham  
Employee's SSN: [REDACTED]  
Date of Conference: 04/13/06  
Date of Last Conference(s): N/A

Issue: Time & Attendance  Poor Work Performance  Misconduct   
Other (Specify): Medication Error

Has the employee received a supervisory conference for a similar violation(s)?  
Yes  No  If yes, attach a copy of the prior supervisory conference.

**Specifics of Incident:**

Staff failed to sign MAR to verify if youth received or did not receive medications at the appropriate times

**What happened:**

After receiving an e-mail from the Charge Nurse that the MAR had not been initialed on several residents Mr. Williams was contacted and the MAR's were investigated to discover that initials were missing from staff.

When did this occur: Date: March 06 Time: 8a

When did it happen:

Who was involved:

Who witnessed the incident:

**Supporting Documentation:** (Attach any of the following documents):

Timesheets  Log Reports  Incident Reports  Witness Statements

Copies of all specific DJJPP Policies and/or SOP's violated:

DJJ 407, Health Services S.O.P. #'s D-01 & D-02, Health Service Protocol Manual Chapter :

Administration of Medications Subsections 6B & 6E.

Other Written Evidence:

Copies of the MAR

**Recommended Corrective Action:** (List specific steps the employee needs to accomplish in order to improve their performance or behavior):

Youth Worker will receive remedial training on passing of medications with Medical staff present and follow DJJ and LVRJDC Policies and Procedures.

**Target Date for Improvement:** (Specify Date) 04/13/06

**Other Issues Discussed:** (Items separate from the Incident)

**Employee Response:** *I don't recall issuing med's and not signing off on the form. I'll be looking forward to remedial training*

**Employee Signature:** *[Signature]* **Date:** 4/13/06  
**Supervisor Signature:** *[Signature]* **Date:** 4/13/06





JUSTICE AND PUBLIC SAFETY CABINET

Steven L. Beshear  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
Fax No. (502) 564-4840

J. Michael Brown  
Secretary

TO: Ron Haws  
Department of Juvenile Justice

FROM: Abidah S. Bryant, Administrative Specialist I *ASB*  
Office of Investigations

DATE: June 1, 2010

SUBJECT: Office of Investigations Completed Investigative Report

Attached for your review is a completed investigation regarding:

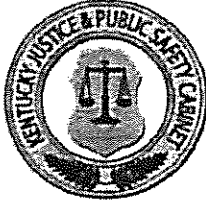
<u>Investigation #</u>	<u>Name</u>	<u>Facility</u>
2213-10	[REDACTED]	Lincoln Village YDC

The investigative finding is **SUBSTANTIATED**. Please notify my office of any personnel action or other action that is taken as the result of this investigation. This report is being forwarded to your agency for your review and any action that may be deemed appropriate by your agency.

Please notify the alleged offender, victim and reporting source of the finding in this investigation.

Attachment

cc: DJJ Legal Staff



**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report #2213-10**

**Investigation Number:** 2213-10      **Date/Time Received:** 05/03/10 12:56 p.m.  
**Investigator:** Walter Wright      **Date/Time Incident Occurred:** 04/27/2010 5:00 p.m.

**Method Report Received:** Hotline call by Ms. Kristie Stutler

Attached is the report of the investigation of the special incident (s):

Staff uses inappropriate or excessive force that could result in an injury.  
(Type of allegation)

Regarding: [REDACTED]

Resident at: Lincoln Village Youth Development Center (LVYDC)  
(Facility)

The allegation(s) are: **SUBSTANTIATED** – means that an incident occurred.

- 1)  Copy to Commissioner, Dept. of Juvenile Justice 06-01-10  
(date)
- 2)  Notification of the finding to CFC 06-01-10  
(date)

Mr. Reggie Windham

Offender

**Criminal history and history of prior reports/allegations on the offender**

**OFFENDER QUERY**

INV. #	REPORT DATE	VICTIM	FACILITY	REPORT TYPE	OFFENDER	INVEST FINDINGS
1768	9/8/2006	[REDACTED]	Lincoln Village	Physical	Windham, Reggie	Founded

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

**Allegation:**

On 05/03/10, Ms. Stutler, Superintendent, called to report that on 4/27/10, Mr. Reggie Windham, was involved in a restraint with [REDACTED]. Ms. Stutler stated that Mr. Windham wrote in his report that he secured [REDACTED] and pulled her into the cell due to her resisting staff. Ms. Stutler stated according to the debriefing conducted by Jeff Wilson, SSWII, "Mr. Windham lost control of youth and then dragged resident [REDACTED] into the isolation room by her foot/leg." Mr. Jeffrey Wilson, SSW2, witnessed this incident.

**Chronology of the Investigation:**

05/03/10 - Ms. Stutler stated that Ms. Grady, Assistant Superintendent, went to view the incident on camera, but from the camera angle, nothing inappropriate could be seen.

**Note: There is no video.**

05/04/10 - This case was assigned to W. Wright by Barney Kinman, OOI Supervisor.

05/04/10 - W. Wright traveled to LVYDC to conduct interviews.

05/07/10 - W. Wright traveled to LVYDC to interview Mr. Windham.

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

**Interview Report**

- [REDACTED] alleged victim, [REDACTED] resident. [REDACTED] has been housed at LUYDC for 1 month. The interview was conducted by W. Wright in the visitation room on 05/04/10 at LUYDC in Elizabethtown, KY at 1:20 p.m. [REDACTED] can be reached at [REDACTED] upon her release from DJJ. The following is a brief synopsis of this interview. For complete details, please refer to the digital recording.

[REDACTED] stated while she was on room restriction on her pod, she threw her food tray against the wall (no explanation why she did this). Staff came and escorted her to intake. While on intake, Mr. Wilson asked her for her pictures of her niece and nephew, but [REDACTED] refused to give them to him.

[REDACTED] stated while she and Mr. Wilson were still talking, Mr. Windham came over and told her to get into her cell. [REDACTED] stated she told Mr. Windham that she still needed to speak with Mr. Wilson. Mr. Windham then grabbed her right arm. [REDACTED] stated when he grabbed her arm; she jerked away from him and lost her balance and fell to the floor. [REDACTED] stated that Mr. Windham then dragged her into the cell by either one or two of her feet. [REDACTED] could not specifically remember. [REDACTED] stated during this time, Mr. Wilson was standing at the intake door, and Ms. McNeal was standing near the intake counter.

Once inside of the cell, she stood up, and Mr. Windham pushed her down onto the bed. [REDACTED] stated that she then started kicking at Mr. Windham. Additional staff then arrived to assist Mr. Windham with restraining her. [REDACTED] stated that Mr. Windham then took her down to the floor. [REDACTED] stated while she was on the floor, she purposefully hit her head on the floor. Someone then placed a sweater between her head and the floor to prevent her from hurting herself. This investigator asked [REDACTED] if she felt that the staff workers were trying to hurt her on purpose during the restraint. [REDACTED] stated no.

[REDACTED] stated she did not have any marks or bruises until a few days after the restraint. [REDACTED] stated that she now has a bruise on each leg. [REDACTED] also stated that she has a small knot on her forehead from purposefully hitting her head on the floor. This investigator had the facility to take pictures of her legs and send to OOI (see attached photographs). [REDACTED] stated that Mr. Wilson witnessed the whole incident because he was standing nearby.

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

**Interview Report**

- **Ms. Rhonda McNeal** - [REDACTED] Youth Worker II – Staff Witness. Ms. McNeal has been employed with DJJ for 3 years and can be reached at [REDACTED]. The interview was conducted by W. Wright in the conference room on 04/05/10 at LVYDC in Elizabethtown, KY at 1:58 p.m. The following is a brief synopsis of this interview. For complete details, please refer to the digital recording.

Ms. McNeal said she vaguely recalled the incident. Ms. McNeal stated while she was on intake processing a female resident (name unknown), Mr. Wilson and Mr. Windham were trying to get pictures from [REDACTED]. [REDACTED] was refusing to give her photographs to Mr. Wilson and Mr. Windham.

Ms. McNeal stated that Mr. Windham walked over to [REDACTED] and grabbed her arm. Ms. McNeal could not recall which arm he grabbed. [REDACTED] started struggling and dropped down to the floor. Ms. McNeal stated she believed that Mr. Windham then placed [REDACTED] in a Control-1 and escorted her into the cell.

Ms. Neal followed Mr. Windham and [REDACTED] into the cell to assist Mr. Windham. Ms. McNeal stated she recalled Mr. Kennington securing [REDACTED] legs. Ms. McNeal recalled [REDACTED] intentionally hitting her head on the floor. Ms. McNeal stated she placed a sweatshirt between [REDACTED] head and the floor to prevent her from continuing to hit her head. Once [REDACTED] had calmed down, she was placed onto her bed. While sitting on her bed, [REDACTED] leaned her head back and tried to hit her head against the wall. Ms. McNeal stated she placed her hand behind [REDACTED] head to prevent her from hitting her head against the wall. Ms. McNeal stated she started talking to [REDACTED] to calm her down. Ms. McNeal stated once [REDACTED] had calmed down a little, she left, and Mr. Wilson stayed behind to continue to speak with her [REDACTED].

Ms. McNeal did not recall seeing any staff act inappropriately towards [REDACTED].

**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

**Interview Report**

- **Mr. Jeffrey Wilson** - [REDACTED] Social Service Worker II – Staff Witness. Mr. Wilson has been employed with DJJ for 5 years and can be reached at [REDACTED]. The interview was conducted by W. Wright in the conference room on 05/04/10 at LVYDC in Elizabethtown, KY at 2:23 p.m. The following is a brief synopsis of this interview. For complete details, please refer to the digital recording.

Mr. Wilson stated [REDACTED] became upset when she was not allowed to call her DJJ Worker. [REDACTED] had said, "This is bullshit!" and received room restrictions for cursing. While on room restriction, [REDACTED] threw food all over her room and started kicking her door. [REDACTED] was then upgraded to isolation.

Mr. Windham was called to assist Mr. Wilson. Mr. Windham and Mr. Wilson walked [REDACTED] to intake. Once on intake, [REDACTED] refused to step inside of her cell. According to Mr. Wilson [REDACTED] was standing about 5 to 6 feet outside of her cell. Mr. Wilson stated [REDACTED] was asked several times by him and Mr. Windham to step into her cell, but she refused to comply. Mr. Wilson stated that Mr. Windham and Ms. McNeal approached [REDACTED]

Mr. Windham then grabbed her left arm. [REDACTED] went to the floor (on her own). Mr. Windham then grabbed her right foot and dragged her into the center of her cell. Mr. Wilson stated that Ms. McNeal was standing close to Mr. Windham and [REDACTED] when this occurred. Mr. Windham then released [REDACTED] and started to walk out of her cell. [REDACTED] quickly got up and attempted to run past Mr. Windham and out the door. In the process of doing this, [REDACTED] bumped into Mr. Windham. Mr. Windham then grabbed hold to one of her arms and guided her back to her bed. [REDACTED] then kicked him in the groin area and started to run out of her cell again.

Mr. Wilson stated he was standing in the cell doorway when [REDACTED] attempted to run out of her cell. Mr. Wilson stated he placed his hands against her shoulders so that she could not leave the cell. Mr. Windham then secured her left arm, and Mr. Wilson secured the right arm, and they then took [REDACTED] down to the floor. While on the floor, [REDACTED] kept attempting to bang her head on the floor. Mr. Wilson stated that Ms. McNeal had someone to get a piece of clothing to prevent [REDACTED] from hitting her head on the floor. Once [REDACTED] had calm down, she was placed on her bed. [REDACTED] then hit her head against the wall once, but after being verbally re-directed by Mr. Wilson, she did not hit her head again. [REDACTED] then apologized for her behavior, including kicking Mr. Windham.

W. Wright asked Mr. Wilson if Mr. Kennington was involved in the restraint.

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

**Interview Report**

Mr. Wilson (continued):

Mr. Wilson stated he did not recall Mr. Kennington touching [REDACTED] but if he did, it was only briefly. Mr. Wilson stated he only recalled Mr. Windham, Ms. McNeal, and himself involved in the restraint.

Mr. Wilson stated the following day; he wrote what Mr. Windham had done in the critical incident debriefing summary. Mr. Wilson stated he also he went to Ms. Grady, Assistant Superintendent, to inform her of Mr. Windham's actions of dragging [REDACTED] by her foot.

Mr. Wilson stated that he did not feel that Mr. Windham was attempting to harm [REDACTED] when he dragged her into the cell, but his technique was not an approved technique.

**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

**Interview Report**

- **Mr. Robert Kennington** - [REDACTED] Youth Worker II - Staff Witness. Mr. Kennington has been employed with DJJ for 11 years and can be reached at [REDACTED]. The interview was conducted by W. Wright in the conference room on 05/04/10 at LUYDC in Elizabethtown, KY at 3:02 p.m. The following is a brief synopsis of this interview. For complete details, please refer to the digital recording.

Mr. Kennington stated that he was on Pod #500 when he received a call from Mr. Adkins who was working in Control, stating that there was a restraint occurring in Intake and that he needed to go and assist staff. Mr. Kennington stated when he arrived in the intake cell, he observed Mr. Windham securing [REDACTED] feet. Mr. Wilson had her right arm secured in a T-stance, and Ms. McNeal had her left arm secured. Mr Kennington stated he relieved Mr. Windham with securing her feet.

Mr. Kennington stated that Mr. Wilson and Ms. McNeal started calmly talking to [REDACTED] and she [REDACTED] started calming down. Once, [REDACTED] calmed down, staff released her.

Mr. Kennington stated that it did not appear that anyone was trying to cause harm to [REDACTED]



**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

**Interview Report**

- **Mr. Michael Adkins** - [REDACTED] Youth Worker II - Staff Witness. Mr. Adkins has been employed with DJJ for 5 years and can be reached at [REDACTED]. The interview was conducted by W. Wright in the conference room on 05/04/10 at LYYDC in Elizabethtown, KY at 3:19 p.m. The following is a brief synopsis of this interview. For complete details, please refer to the digital recording.

Mr. Adkins stated that he was working in Control when the incident occurred. Mr. Adkins recalled seeing resident [REDACTED] being escorted into intake. Once in intake, he recalled seeing [REDACTED] standing outside of cell #423 pointing her finger at Mr. Windham who was standing by the intake counter. Mr. Adkins stated that Ms. McNeal and Mr. Wilson were standing near [REDACTED]. Mr. Adkins stated that it appeared that Mr. Wilson and Ms. McNeal were motioning for [REDACTED] to step inside of her cell but she was refusing to do so.

Mr. Adkins stated that he then called Mr. Richardson and Mr. Kennington and requested for them to go to intake to assist staff with [REDACTED]. Mr. Adkins stated while they were on their way to intake, he looked up at his monitor and saw Mr. Windham walking over to [REDACTED] who was still standing outside of her cell. Mr. Adkins stated that Mr. Windham appeared to place [REDACTED] in a Control-1 and then escorted her to her cell. Mr. Wilson and Ms. McNeal then went into the cell to assist Mr. Windham. Mr. Adkins stated he did not know what happened after this because he had to switch the camera over to let staff enter the intake area.

Mr. Adkins was asked if he witnessed Mr. Windham grab [REDACTED] feet. He stated no. Mr. Adkins stated that he only saw Mr. Windham grab hold to one of [REDACTED]'s arms (possibly the left arm) and swing her into the cell.

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

**Interview Report**

- **Mr. Reggie Windham** - ██████████ Youth Worker Supervisor – Alleged Offender. Mr. Windham has been employed with DJJ for 5 years and can be reached at ██████████. The interview was conducted by W. Wright in the conference room on 05/07/10 at LVYDC in Elizabethtown, KY at 11:18 a.m. The following is a brief synopsis of this interview. For complete details, please refer to the digital recording.

Mr. Windham started this interview by saying that the restraint with ██████████ was one of the worst restraints that he had ever participated in. He further stated that the situation could have been handled a little bit better (no explanation given). Mr. Windham stated that resident ██████████ was being very disrespectful and disruptive on her pod so she was taken to intake. Once in intake, she refused to go into her cell. Mr. Windham stated that both he and Mr. Wilson verbally directed her to step into her cell several times but she refused and continued to talk back to them.

Mr. Windham stated that he walked over to ██████████ and told her to go into her cell. Mr. Windham stated that he had no intention to restrain ██████████. She refused again so Mr. Windham then grabbed her by her right arm and was going to lead her into her cell. ██████████ jerked away from Mr. Windham and made herself fall down to the floor. While on the floor, ██████████ started kicking at him. Mr. Windham was asked if ██████████ actually kicked him. Mr. Windham could not recall if ██████████ kicked him. Mr. Windham stated he grabbed ██████████ feet by instinct to get her into the cell. Mr. Windham did not recall if he grabbed one or both of ██████████ feet. Mr. Windham stated that other staff should have assisted him when she attempted to jerk away from him.

Mr. Windham stated that Mr. Wilson and Ms. McNeal then followed him and ██████████ into her cell. ██████████ tried to self harm herself by hitting her head on the floor. Mr. Windham stated Ms. McNeal placed a sweatshirt under ██████████ head to prevent her from continuing to hit her head. Mr. Windham stated that ██████████ attempted to hit her head against the wall while sitting on the bed. After ██████████ had calm down, she was placed on her bed and started talking to Mr. Wilson.

Mr. Windham stated if he could do it over, he would have “coordinated” with Ms. McNeal and Mr. Wilson prior to restraining ██████████.

Mr. Windham made no comments regarding pushing ██████████ down as she alleged in her interview.

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

**Findings:**

Based on the information obtained, review of records and Mr. Windham's own admission, the following is recommended in relation to the allegation:

**SUBSTANTIATED.**

On 05/03/10, Ms. Stutler, Superintendent, called to report that on 4/27/10, Mr. Reggie Windham, was involved in a restraint on resident [REDACTED] and wrote in his report that he secured [REDACTED] feet and pulled her into the cell due to her resisting staff.

[REDACTED] stated when she was refusing to step into her intake cell, Mr. Windham came over and grabbed her right arm. [REDACTED] stated when he grabbed her arm, she jerked away from him and lost her balance and fell to the floor. [REDACTED] stated that Mr. Windham then dragged her into the cell by either one or two of her feet. Once inside of the cell, she stood up, and Mr. Windham pushed her down onto the bed. [REDACTED] stated that she then started kicking at Mr. Windham. Additional staff then arrived to assist Mr. Windham with restraining her. [REDACTED] stated during the restraint, she purposefully hit her head on the floor.

Ms. McNeal stated that Mr. Windham walked over to [REDACTED] and grabbed her arm. [REDACTED] started struggling and dropped down to the floor. Ms. McNeal stated she believed that Mr. Windham then placed [REDACTED] in a Control-1 and escorted her into the cell. Ms. McNeal recalled [REDACTED] intentionally hitting her head on the floor.

Mr. Wilson stated while on intake, [REDACTED] refused to step inside of her cell. Mr. Windham then grabbed her left arm, and she went on her own to the floor. Mr. Windham then grabbed her right foot and dragged her into the center of her cell. Mr. Wilson stated during the restraint, Mr. Windham secured her left arm, and he secured the right arm. They then took [REDACTED] down to the floor. While on the floor [REDACTED] kept attempting to bang her head on the floor. Mr. Wilson stated that Ms. McNeal had someone to get a piece of clothing to prevent [REDACTED] from hitting her head on the floor. Mr. Wilson stated the following day he wrote what Mr. Windham had done in the critical incident debriefing summary. Mr. Wilson stated he also he went to Ms. Grady, Assistant Superintendent, to inform her of Mr. Windham's actions of dragging [REDACTED] by her foot. Mr. Wilson stated that he did not feel that Mr. Windham was attempting to harm [REDACTED] when he dragged her into the cell, but his technique was not an approved technique.

Mr. Kennington stated when he arrived in the intake cell, he observed Mr. Windham securing [REDACTED] feet. Mr. Wilson had her right arm secured in a T-stance, and Ms. McNeal had her left arm secured. Mr. Kennington stated he relieved Mr. Windham with securing her feet.

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10

**Findings (continued):**

Mr. Adkins stated that he was working in Control when the incident occurred. Mr. Adkins recalled seeing Mr. Windham walking over to [REDACTED] who was standing outside of her cell. Mr. Adkins stated that Mr. Windham appeared to place [REDACTED] in a Control-1 and then escorted her to her cell. Mr. Wilson and Ms. McNeal then went into the cell to assist Mr. Windham. Mr. Adkins stated he did not know what happened after this because he had to switch the camera over to let staff enter the intake area.

Mr. Windham stated that [REDACTED] refused to go into her cell while on intake. Mr. Windham stated that he walked over to [REDACTED] and told her to go into her cell. [REDACTED] refused again so he then grabbed her by her right arm and was going to lead her into her cell. [REDACTED] jerked away from him and made herself fall down to the floor. While on the floor, [REDACTED] started kicking at him. Mr. Windham stated he grabbed [REDACTED] feet by instinct to get her into the cell. Mr. Windham stated if he could do it over, he would have "coordinated" with Ms. McNeal and Mr. Wilson prior to restraining [REDACTED]

The **Substantiated** finding in this investigation is based on Mr. Windham's own admission, staff and resident witness's interviews. Mr. Windham admitted to dragging [REDACTED] into her cell during the day in question.

The investigation determined at the time of the incident, [REDACTED] was refusing staff instructions and when Mr. Windham made his initial contact with her, she fell to the floor. Once she was on the floor, she began kicking at Mr. Windham. Mr. Windham admits, and he documents in his incident report, he dragged her by her feet into the cell. The distance that she was dragged was less than 10 feet. Mr. Windham stated he grabbed her feet by instinct and stated if he could do this over again, he would have "coordinated" his actions better with the existing staff.

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

Signature: Walter W. [Signature] Date: 5-20-10  
Office of Investigations Investigator

The affixed signatures below verify this report has been reviewed and submitted to the Office of Legal Services for the Justice and Public Safety Cabinet.

Signature: Bailey Kim [Signature] Date: 5-20-10  
Office of Investigations Executive Staff Advisor

Signature: [Signature] Date: 5-26-10  
Office of Investigations Executive Director 12:35 HR

The affixed signature below verifies review of the Case Report and agreement with its finding(s). The Report will be forwarded to the requesting agency for whatever action deemed necessary.

Signature: Vicki L. [Signature] Date: 5/26/2010  
Attorney, Office of Legal Services

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

**Justice and Public Safety Cabinet  
Office of Investigations  
Case Report # 2213-10**

**Interview List:**

- [REDACTED] alleged victim
- Ms. Rhonda McNeal - staff witness
- Mr. Jeffrey Wilson - staff witness
- Mr. Robert Kennington - staff witness
- Mr. Michael Adkins - staff witness
- Mr. Reggie Windham - alleged offender

**Attachments/Information Reviewed**

- Copy of the Isolation/Incident Report Form dated 04/27/10.
- Copy of Critical Incident Debriefing Summary dated 04/28/10.
- Copy of Resident's Written Response to Critical Incident Report dated 04/27/10.
- Copy of Mr. Kennington's addendum dated 04/27/10.
- Copy of e-mail regarding from Ms. Stutler to W. Wright regarding Mr. Windham dragging [REDACTED] into her cell dated 05/03/10.
- Photographs of [REDACTED] injuries.
- Photographs of the intake area and cell #423.
- CD containing the interviews conducted.

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

**Copy of the  
Isolation/Incident Report  
Form dated 04/27/10**

DEPARTMENT OF JUVENILE JUSTICE



Rev. 01/10

Isolation / Incident Report Form

enter facility name

Youth First Name: [redacted] Youth Last Name: [redacted] Gender: [redacted] Male [redacted] Female [redacted] DJJ/SSH [redacted]
Date of Incident: 4/27/2010 Time of Incident: 1700hrs. Youth Status: Other
Division: Central Program/Office: DJJ/LVRJDC Initiating Employee: Mr. R.Windham
Other Staff Involved: Mr. Wilson, Ms. McNeal, Mr. Kennington

1. Check All Events That Apply:

- AWOL/Escape, Assault by Youth on Youth, Assault by Youth on Staff, Major Property Destruction, Possession of Contraband, Major Injury, Sexual Assault, Suicide Attempt, Death of Resident, Physical Restraint, Mechanical Restraint, Therapeutic Restraint, Major Offense, Use of Isolation, Other

2. Describe the Incident in detail with the information below:

a) Specific place. Intake #423
b) All earlier behaviors and actions prior to the incident. Include the specifics of the incident. On 4/27/2010, at approximately 1700hr. I, Mr. R.Windham YWIII, was informed by Ms. Richards that resident [redacted] was disrupting the pod by hitting on the door with her shower shoe, yelling out cursing at staff, and threw her food all over the floor. I, Mr. Windham enter pod 400 and asked resident [redacted] What was her problem? resident [redacted] continued cursing at staff. Mr. Windham YW3, told her to exit her cell and walk to intake. While being escorted by Mr. Windham YWIII, Mr. Wilson SSWII, Ms. Jefferson SSWII and McNeal YWII, She continued to curs and talk disrespectful to staff. Once arriving to intake resident [redacted] refused to enter cell #1423. after being ask several times by all staff present. to step in. She refused and continue to argue with staff. at this time. Mr. Windham secured her left arm and parsley released it, resident resist and felled to the floor own her own. Mr. Windham secured her feet and pulled her in the the cell 423. resident [redacted] attempted to kick Mr. Windham YW3, While being pulled. Mr. Wilson SSWII, secured youth right arm in ACT#2, Mr. Windham secured youth right arm ACT#1. resident [redacted] was trying to purposely injure herself by hitting her head on the floor. Ms. McNeal YWII, secured youth head until calm down. Mr. Windham released right arm to Ms. McNeal in ACT#2. Mr. Windham YWIII, got a sweatshirt to lay her head on while on the floor. resident [redacted] appeared to be calm. Mr. Windham and Wilson assisted youth off the floor to the bunk. at that time resident [redacted] hit her head on the wall. trying to injure herself again. youth was assisted off the bunk by Mr. Wilson and Windham. Mr. Wilson SSWII secured her left arm using ACT#3. Mr. Windham YWIII, until resident [redacted] calm down and complied with staff direction.

c) Other youth involved (if applicable):

3. If restraint was used:

- a) Which techniques were used? (Note techniques are listed from least restrictive to most restrictive force)
Alkido Control Training (ACT)
Therapeutic Restraints
Mechanical Restraints:
[checked] Control 1, [checked] Control 2, Fleece/canvas lined cuffs, Fleece/canvas lined anklets, Foam Helmet, Hand cuffs, Chains



DEPARTMENT OF JUVENILE JUSTICE



Rev. 01/10

Isolation / Incident Report Form

4. Were there injuries as a result of this incident?  Yes  No

a) List names of those injured and extent of injuries and complete body check list.

\_\_\_\_\_  
\_\_\_\_\_

Page 1 of 2

b) If pictures were taken, explain by whom and where the pictures are being kept.

\_\_\_\_\_  
\_\_\_\_\_

5. Was placement in intensive supervision used?  Yes  No

6. Was placement in isolation used (for residential programs/detention centers only)?  Yes  No

a) If isolation over 4 hours, isolation was authorized by: \_\_\_\_\_

b) Date in: 4/27/2010 \_\_\_\_\_ Time in: 1700 \_\_\_\_\_ Date out: \_\_\_\_\_ Time out: \_\_\_\_\_

7. Has an incident similar to this occurred previously?  Yes  No

If yes, please note previous incidents as applicable:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Staff Making Report:

*[Handwritten Signature]*  
Signature

4-27-10 1700  
Date/Time

9. Employee's Immediate Supervisor Signature/Comments:

\_\_\_\_\_  
Signature Date/Time

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Youth Signature

[Redacted Signature]

4-27-10 1700  
Date/Time

Treatment Director (if applicable)

\_\_\_\_\_  
Signature Date/Time

Program Director/ Superintendent

\_\_\_\_\_  
Signature Date/Time

ADDENDUM TO ISOLATION/INCIDENT REPORT FORM

INCIDENT REGARDING: [REDACTED]

DATE OF INCIDENT: 4/27/10 TIME OF INCIDENT: 1200

WITNESS COMMENT

Upon arrival on Pod 400, resident [REDACTED] was placed on Room Restriction by Ms. P. Richards. I heard youth kicking her cell door, when I looked into her room, youth had thrown her food all over her room. Mr. Windham (Shift Supervisor), instructed youth to step out of her cell and to walk to isolation, youth refused to walk at first. Mr. Windham directed youth several times to step before she finally did. When in intake, Mr. Windham instructed youth to step into a isolation room, youth refused after 3-4 redirects. Mr. Windham attempted to use ACT and youth began to struggle and resist his attempt. I assisted Mr. Windham by moving youth to the floor by using an ACT #2 on youth's right arm. Once on the floor, I. Mr. Wilson transitioned to a #3 T-Strap, I held youth in a #3 T-Strap until she became calm and compliant. Youth did kick Mr. Windham during this restraint.

NAME OF PERSON MAKING REPORT: Jeffrey Wilson

TITLE OF PERSON MAKING REPORT: SSUIT

DATE FORM COMPLETED: 4/27/10

May. 3. 2010 3:27PM

No. 5734 P. 1

820 New Glendale Road  
Elizabethtown, KY 42701  
270-786-5280  
270-785-5236

**Lincoln Village**

# Fax

To: Walter Wright From: K. Stutler  
Fax: \_\_\_\_\_ Pages: 7  
Phone: 502 564 0250 Date: \_\_\_\_\_  
Re: \_\_\_\_\_ cc: \_\_\_\_\_

Urgent  For Review  Please Comment  Please Reply  Please Recycle

• Comments:

Info you requested.

**Copy of Critical Incident  
Debriefing Summary  
dated 04/28/10**

**DEPARTMENT OF JUVENILE JUSTICE  
CENTRAL REGION  
CRITICAL INCIDENT DEBRIEFING SUMMARY**

Debriefing meetings should occur following all critical incidents before the end of the shift. All staff involved in the incident, along with the on-site ADO, should participate in the debriefing. It is the responsibility of the highest-ranking supervisor on shift when the incident occurred to facilitate the debriefing and complete this summary. This summary, along with a copy of the critical incident report packet, should be forwarded to the Division Director within 48 hours of the occurrence of the incident.

**Date and Time of Debriefing Meeting:** 4/27/2010 @ 6:00 p.m. and 4/28/10 @ 4:00 p.m.

**Resident Name:** [REDACTED] (Detention).

**Date and Time of Incident Being Debriefed:** 4/27/2010 @ 5:00 p.m.

**1. Type of Incident (select all that apply):**

- AWOL/AWOL Plot/AWOL Attempt
- Youth on Youth Assault
- Youth on Staff Assault
- Sexual Assault
- Major Property Destruction (over \$300)
- Major Injury (requiring medical treatment beyond standard first aid)
- Restraint (all beyond Basic Escort)
- Possession of Contraband (e.g. Drugs, Weapons, Flammables, or other potentially dangerous materials)
- Suicide Attempt
- Death of a resident
- Medication Error (or other incident meeting the criteria outlined in DJJ Policy 715)
- Other: Restraint and Isolation placement.

**2. List staff attending the debriefing:** Mr. R. Windham, Ms. P. Richards and Ms. R. McNeal.

**3. Who conducted/supervised the debriefing?** Mr. Wilson SSWII, ADO.

**4. Did all staff follow proper protocol throughout the incident?** No

**5. If not, where was protocol not followed?** While youth began to struggle after Mr. R. Windham attempted to place youth in an ACT control, Mr. Windham lost control of youth, and then dragged resident [REDACTED] into the Isolation room by her foot/leg. It appeared that Mr. Windham was not

**DEPARTMENT OF JUVENILE JUSTICE  
CENTRAL REGION  
CRITICAL INCIDENT DEBRIEFING SUMMARY**

using approved ACT methods. After this point and into the restraint, it appeared that Mr. Windham used proper ACT methods.

- 6. Did all staff involved feel that they knew what procedures to follow during the incident? Yes. However, Ms. McNeal stated that she thought the restraint could have been managed better if the first two initial staff (Mr. Windham and Ms. McNeal) had communicated with each other, having a plan and being in place before initiating the restraint. Ms. McNeal stated that Mr. Windham kind of jumped too quick, not giving her time to be in place and ready.
- 7. Did staff feel adequately trained to handle this incident according to policy and procedure? Yes
- 8. How could this incident have been prevented? Youth could have followed staff's instructions and walked into her isolation cell without refusing multiple times and telling staff that she was not going into the isolation cell.
- 9. Did staff feel that the policies and procedures that are in place were adequate to deal with the incident? Yes.
- 10. If not, what changes were recommended?
- 11. Other relevant comments:

  
 Jeffrey Wilson, SSWII \_\_\_\_\_ 4/28/2010 \_\_\_\_\_  
 Debriefing Facilitator Signature Date

**SUPERINTENDENT REVIEW/COMMENTS:**

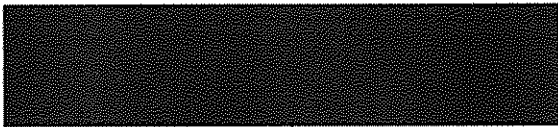
---

Facility Superintendent Signature \_\_\_\_\_ Date \_\_\_\_\_

**Copy of Resident's  
Written Response to  
Critical Incident Report  
dated 04/27/10**

**Resident's Written Response to Critical Incident Report**

I was put in isolation because  
when I was in room 103  
I was knocking on the door and Miss  
Richards was ignoring me so I kicked  
the door and started yelling and  
she came to the door and told me  
on my number so she could come  
me and Miss Richards was with  
her and she said Mr. Richards  
and they told me I shouldn't  
stand there at the door and when  
they brought me to the room I refused  
to come to the room so they put me  
in and I was there for  
and they told me I shouldn't  
my head on the door and  
they were there



**RESIDENT'S SIGNATURE**

4-27-10

**DATE**

**STAFF'S SIGNATURE**

**STAFF'S SIGNATURE**



**Copy of Mr. Kennington's  
addendum dated 04/27/10**

ADDENDUM TO ISOLATION/INCIDENT REPORT FORM

INCIDENT REGARDING: \_\_\_\_\_

DATE OF INCIDENT: 4-22-10 TIME OF INCIDENT: 1655

WITNESS COMMENT At approximately 1655, J. Robert Kennington, ywz was contacted by Mr Adkins, ywz, Control Room Operator, to secure Residents in their rooms and go to Intake. J. Robert Kennington, ywz Arrived @ Intake, call 423, and observed \_\_\_\_\_ on the floor, prone position, secured by Mr Wilson, Jy, Warden, MS O'Neil, ywz, and feet secured by Mr Windham, ywz. I tapped Mr Windham ywz to get up and J. Robert Kennington, ywz, secured Resident \_\_\_\_\_ feet @ 1658. J. Robert Kennington, ywz, released \_\_\_\_\_ feet @ 1700. End of Statement \_\_\_\_\_ J. Robert Kennington

NAME OF PERSON MAKING REPORT: \_\_\_\_\_

TITLE OF PERSON MAKING REPORT: \_\_\_\_\_

DATE FORM COMPLETED: 4-22-10

**Copy of e-mail regarding  
from Ms. Stutler to W.  
Wright regarding Mr.  
Windham dragging [REDACTED]  
[REDACTED] into her cell dated  
05/03/10**

**Wright, Walter (Justice)**

**From:** Stutler, Kristie G (DJJ)  
**Sent:** Monday, May 03, 2010 1:13 PM  
**To:** Wright, Walter (Justice)  
**Subject:** Incident

Here is the incident that I called you on:

On 4/27 youth [REDACTED] was on POD being a chronic disruption. She walked unassisted to intake to be placed on Isolation. Once in intake youth fell to the floor. According to the report written by Mr. Reggie Windham, Mr. Windham "secured her feet and pulled her in the cell". According to the debriefing done by Jeff Wilson, SSWII, "Mr. Windham lost control of youth and then dragged resident [REDACTED] into the isolation room by her foot/leg".

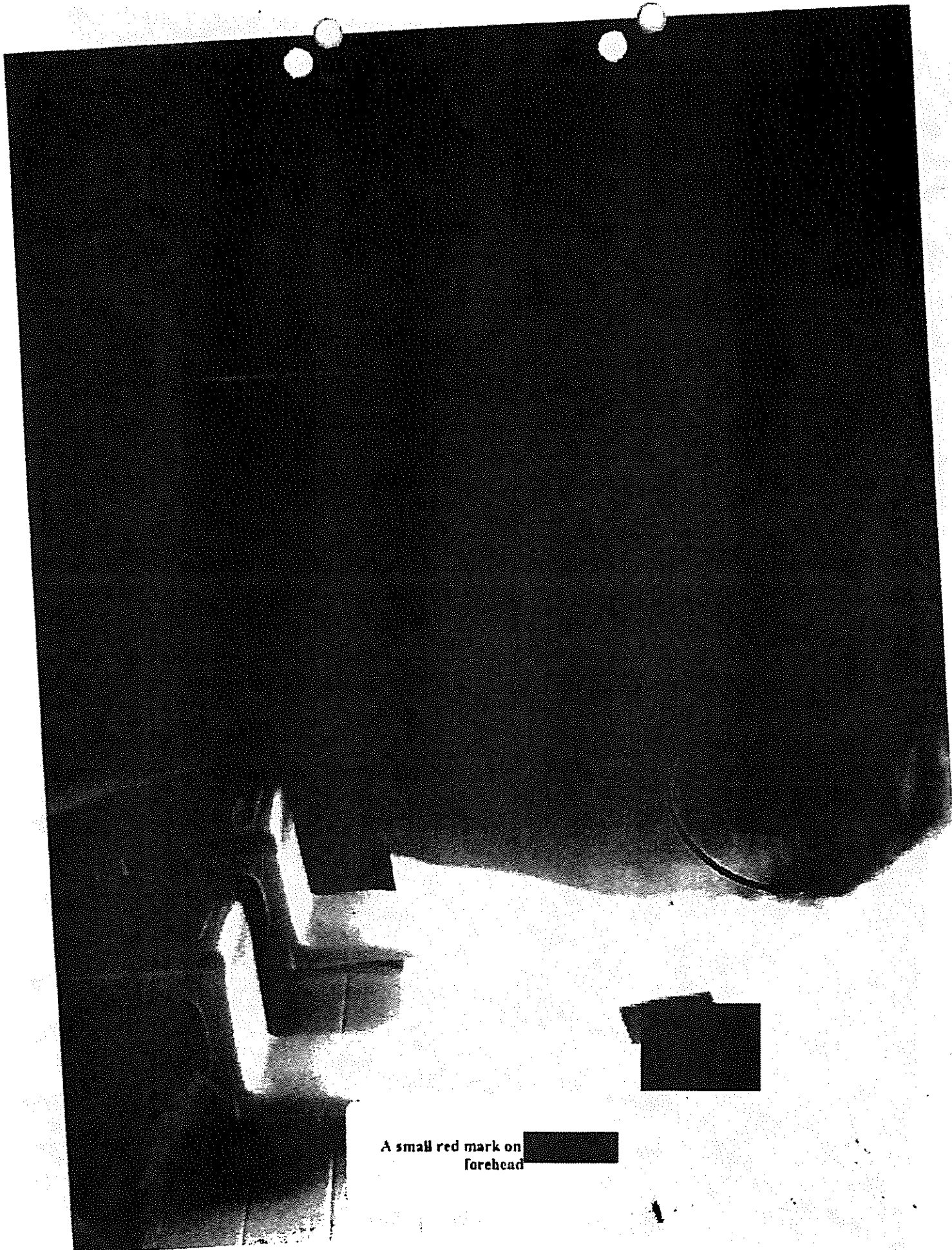
Ms. Grady got a report that something had gone awry with this incident late last week and was pulling together documentation. She went to view it on camera and from the angle, you cannot see anything inappropriate. It appears that the youth was struggling a great deal, however, of course I have huge concerns about anyone dragging a kid anywhere. On the phone I had told you that I thought the others secured her arms while she was being dragged. However, I misread the report because of misplacement of periods in the body of the report. It sounds like they secured her arms once she was in the cell. I am following up regardless – but wanted to check with you on if this needed to be an OOI investigation. I wasn't sure since he openly stated what he did. The youth isn't making any allegations – she just says she was mad and "was struggling the whole way". Let me know. I will hold off on any follow up until I hear from you! Thanks I Kristie

KRISTIE STUTLER, SUPERINTENDENT  
Lincoln Village RJDC  
820 New Glendale Rd, Elizabethtown, KY  
Phone (270) 766-5280 / Fax (270) 766-5236

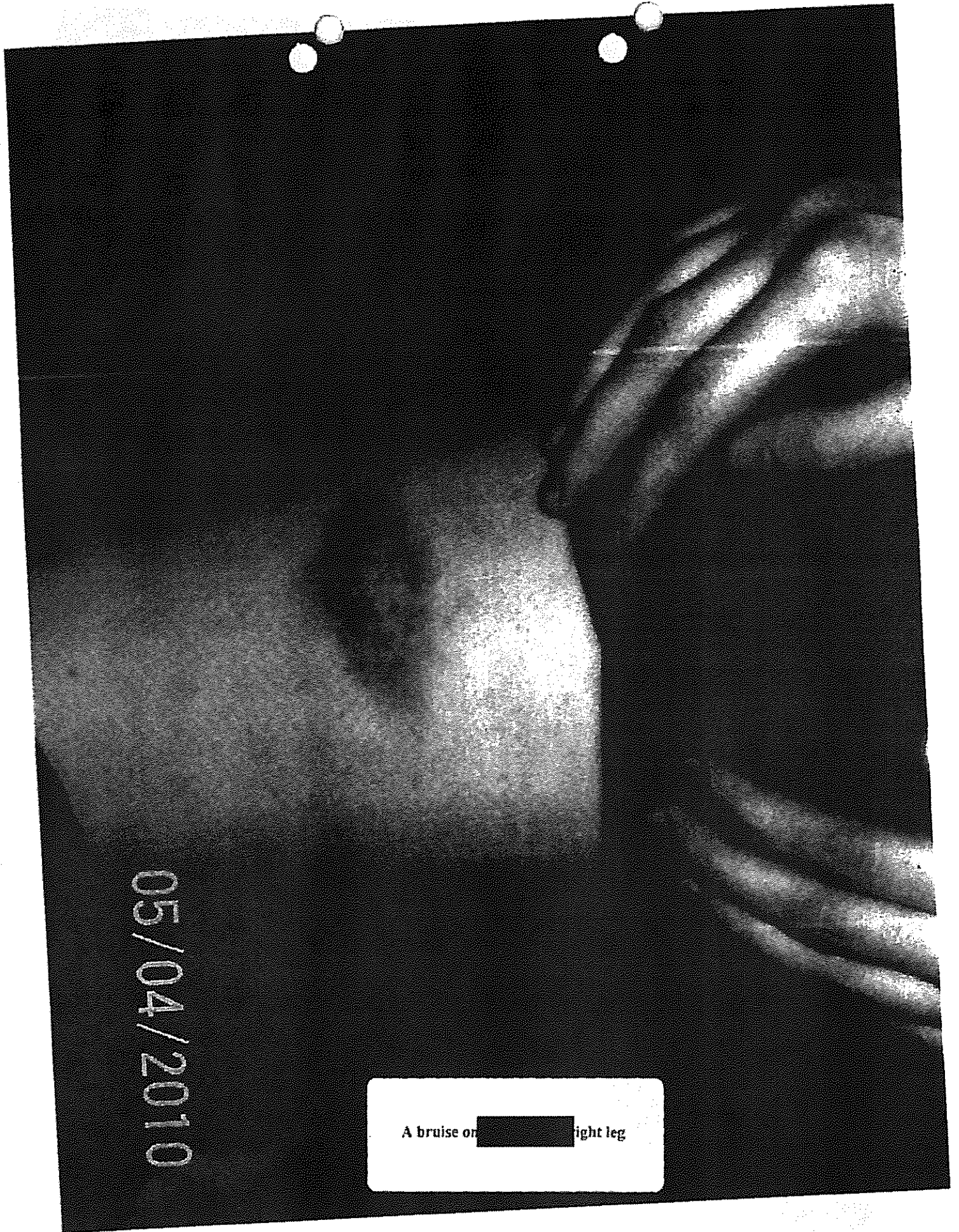
**Photographs of [REDACTED]  
[REDACTED] injuries**



A small red mark on [redacted]  
forehead



A small red mark on [redacted]  
forehead [redacted]

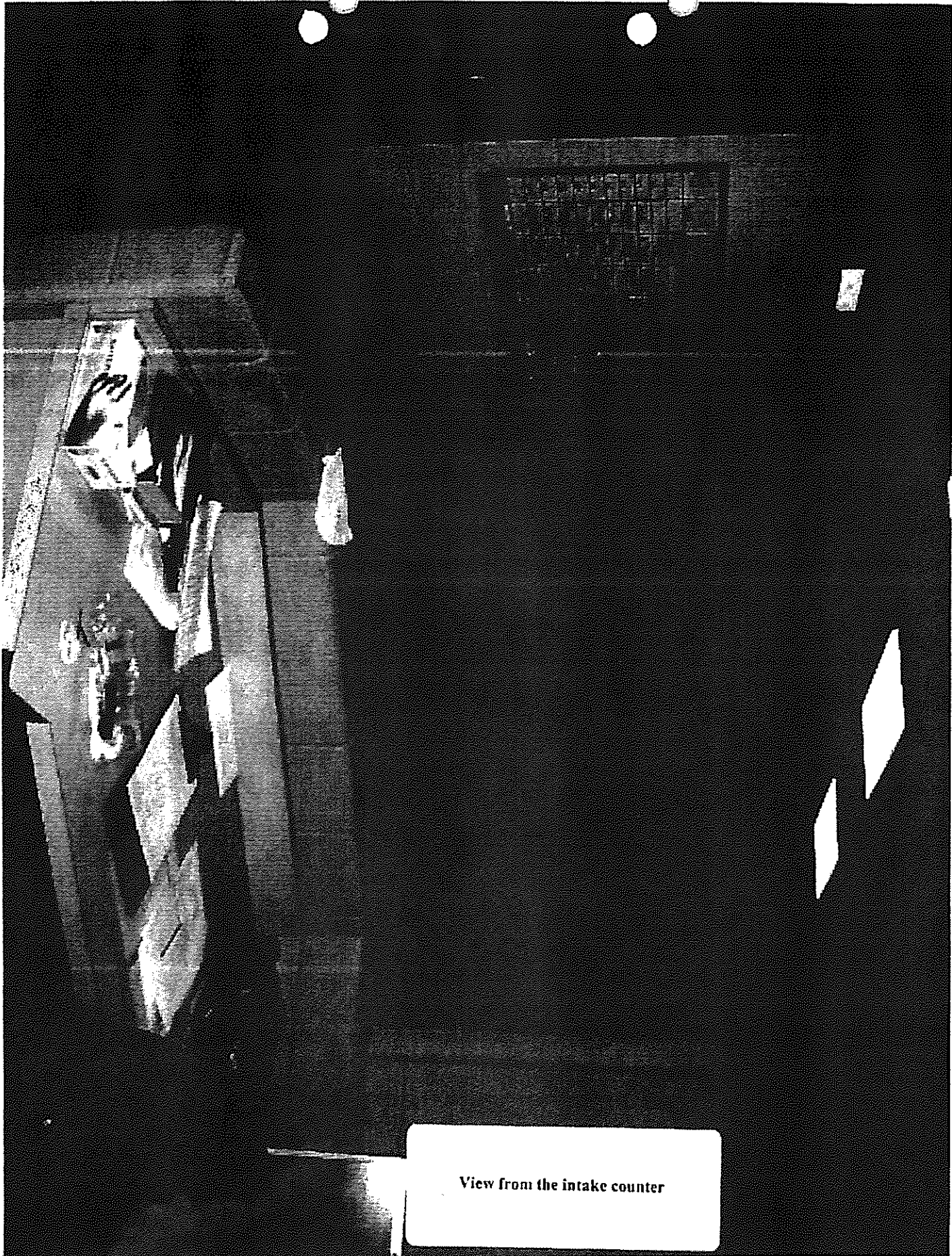


05/04/2010

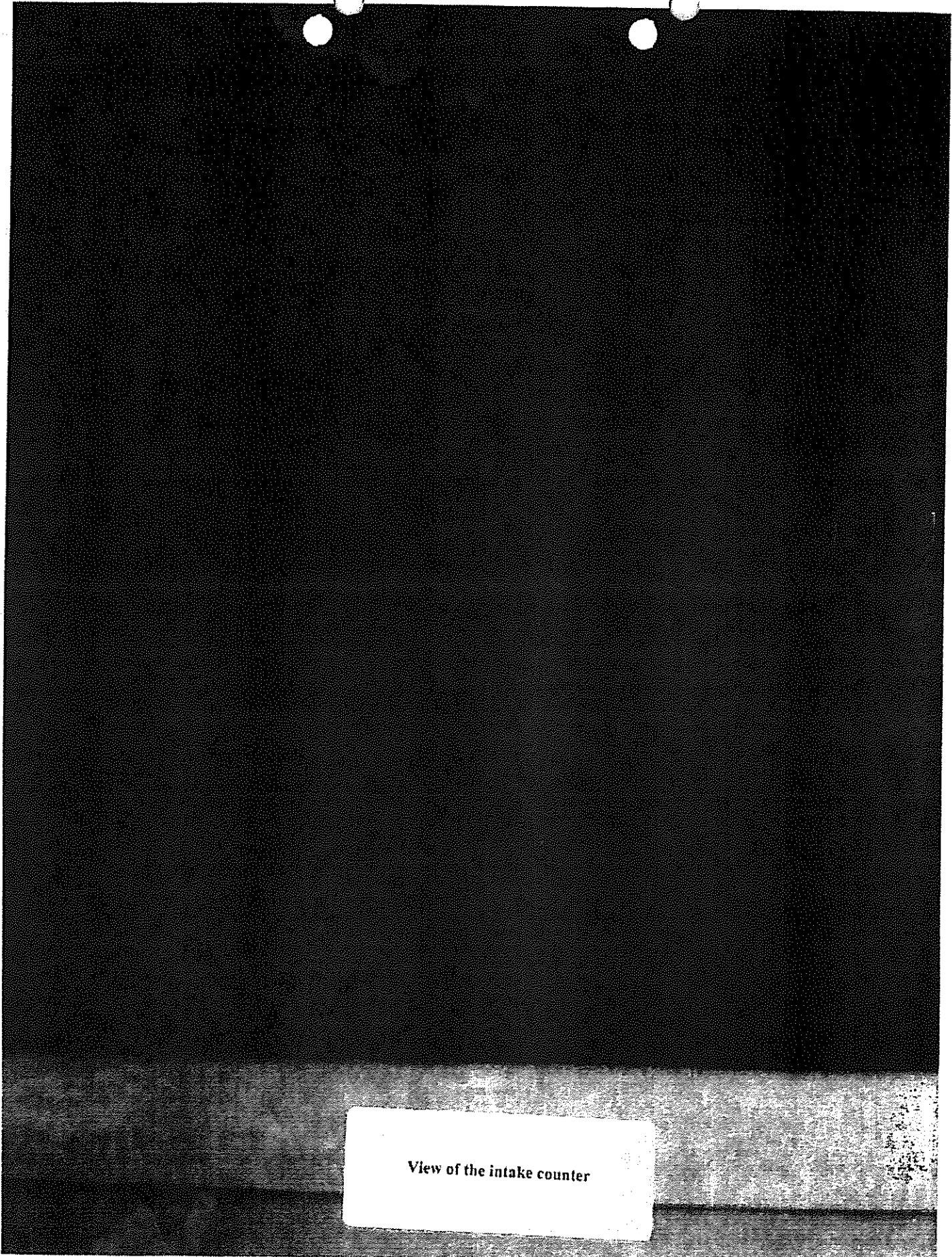
A bruise on [redacted] right leg



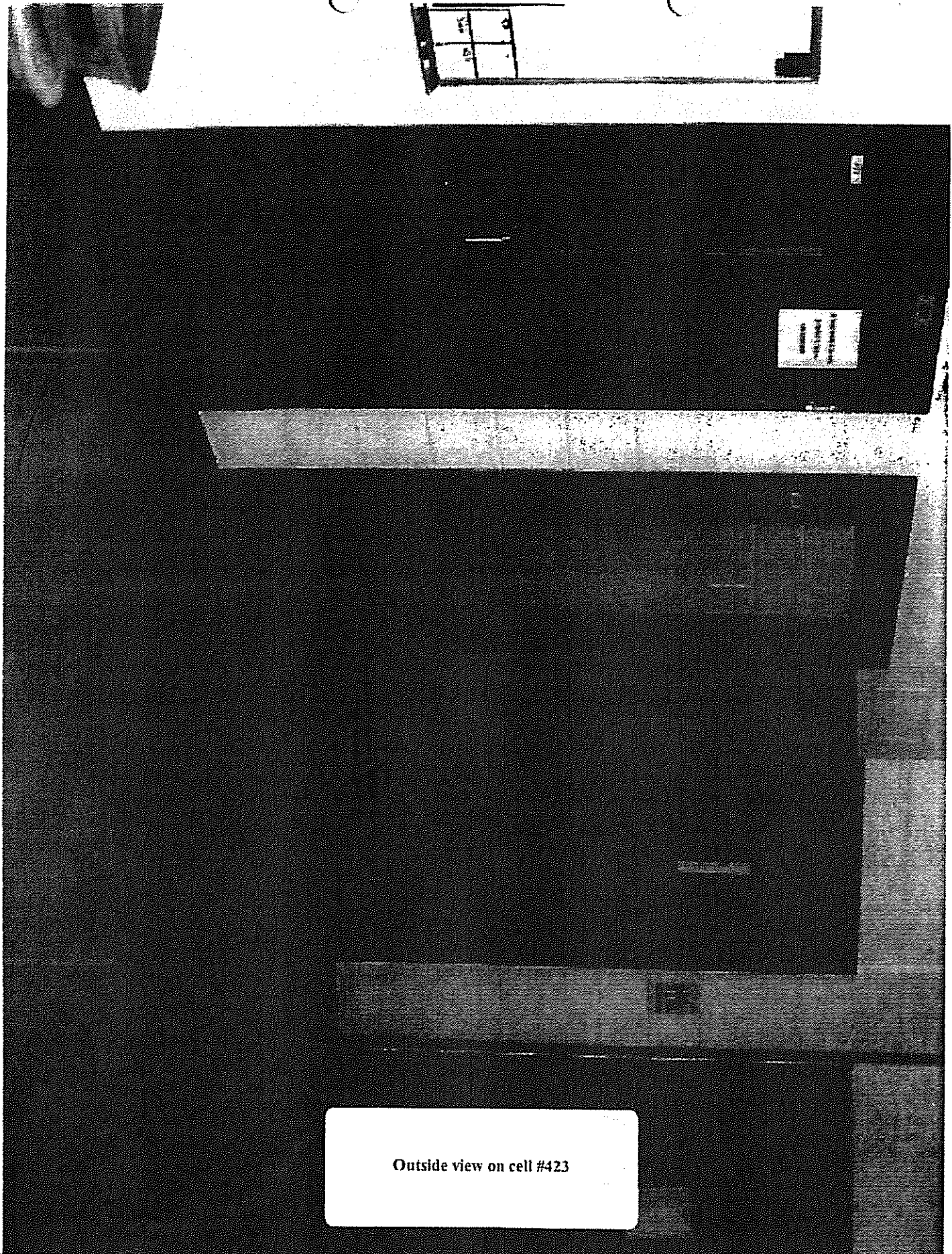
**Photographs of the intake  
area and cell #423**



View from the intake counter



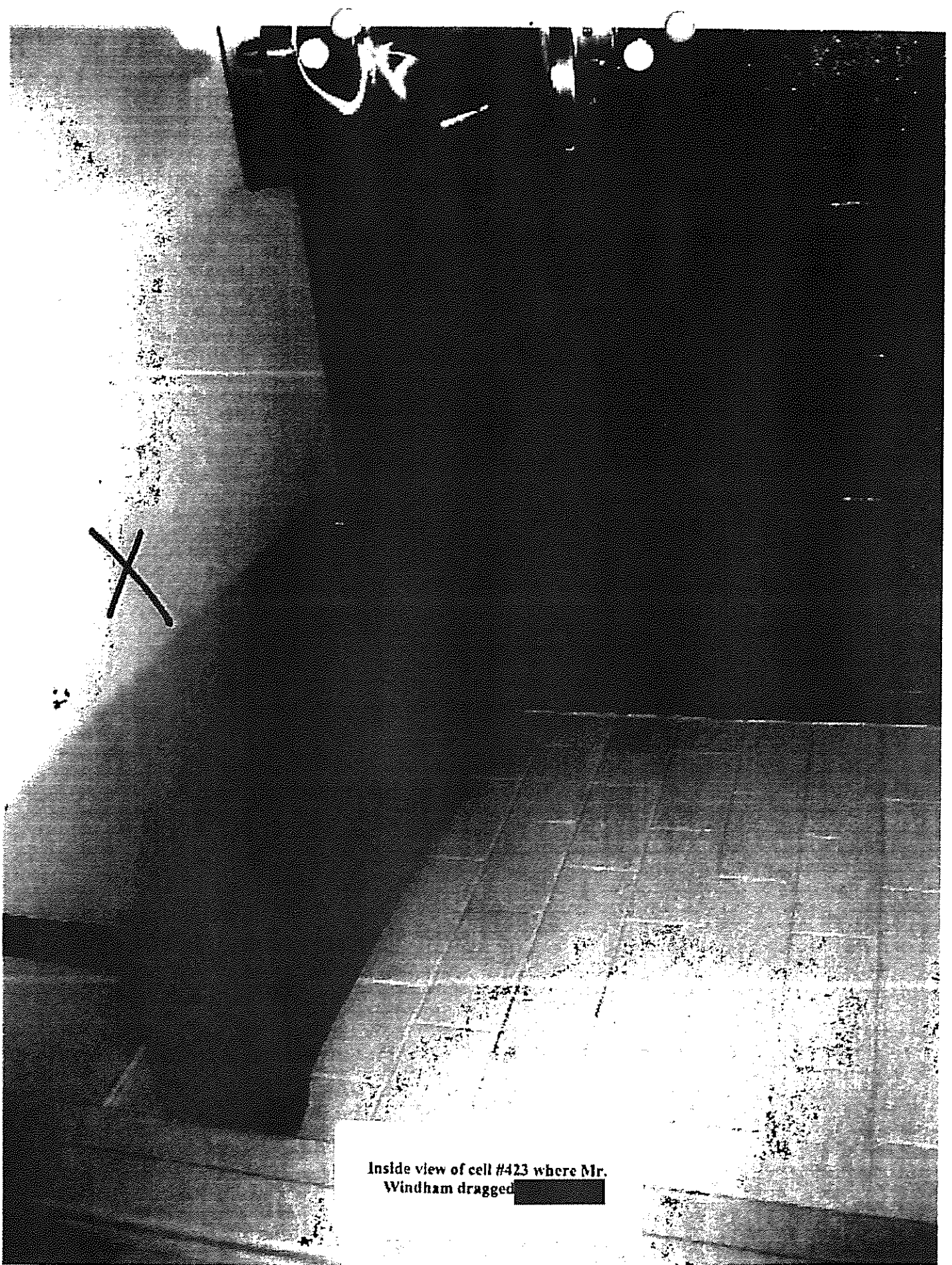
**View of the intake counter**



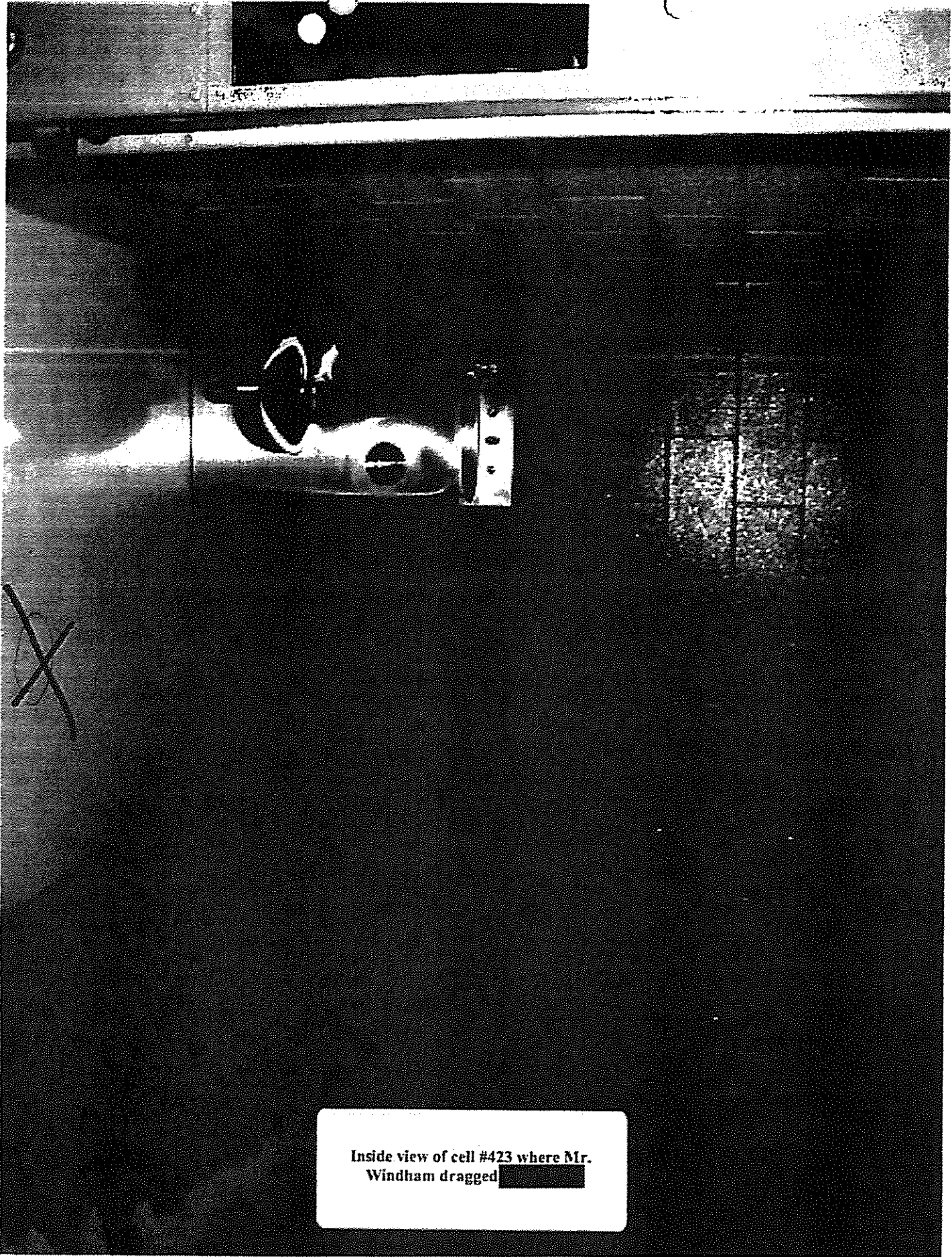
Outside view on cell #423

423

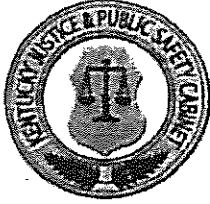
View looking into cell #423



Inside view of cell #423 where Mr. Windham dragged [REDACTED]



Inside view of cell #423 where Mr. Windham dragged [REDACTED]



**JUSTICE & PUBLIC SAFETY CABINET  
OFFICE OF INVESTIGATIONS  
\*\*\*\* CONFIDENTIAL \*\*\*\*  
SPECIAL INCIDENT REPORTING FORM**

Report Date: 5/3/2010 Incident Date(s): 4/27/10 Time Report Received: 1256

1. Alleged Victim(s):	Sex	Age	Date of Birth
[REDACTED]	[REDACTED]		

1. Current Facility: Lincoln Village Juvenile Detention Center Phone: \_\_\_\_\_

2. Facility where incident occurred: Lincoln Village Juvenile Detention Center

3. Allegation (describe the nature of the alleged Special Incident i.e. what happened, when, injuries if any) (Circle appropriate allegation - Staff: a. uses inappropriate or excessive force which results in an injury; **b. uses inappropriate or excessive force that could result in an injury**; c. engages in any sexual activity to include contacts or interactions which uses or allows, permits or encourages the use of a resident for the sexual gratification of the Offender or another person; d. uses inappropriate consequences such as excessive exercise, harsh physical work, or other physical consequences outside of accepted practices of DJJ; e. allows or encourages a resident to engage in illegal activity such as use of drugs or alcohol or gambling; f. does not provide appropriate supervision, medical care, food, clothing, shelter or education; g. uses humiliating, demeaning, profane or racially charged language and/or gestures directed at resident; h. uses verbal threats of harm directed at resident; i. exhibits a pattern of harassing conduct directed at a resident; j. use or attempts to use a resident for the staff's personal gain; k. accepts a bribe from a youth or indicates a bribe would be accepted; l. enters any unlawful transaction with a youth as set forth in KRS 530.064, 530.065, and 530.00; m. enters a business relationship with a resident; n. extends unearned privileges to a resident in return for something done for staff.)

Ms. Stutler, Superintendent, called to report that on 4/27/10, Mr. Reggie Windham was involved in a restraint on resident [REDACTED]. Ms. Stutler stated that Mr. Windham wrote in his report that he secured [REDACTED] feet and pulled her into the cell due to her resisting staff. Ms. Stutler stated according to the debriefing done by Jeff Wilson, SSWII, "Mr. Windham lost control of youth and then dragged resident [REDACTED] into the isolation room by her foot/leg." Mr. Jeffrey Wilson, SSW2, witnessed the incidents.

4. Alleged Offender(s):  
a. Name: Windham, Reggie Facility: Lincoln Village Juv. Det. Ctr.

b. Name: \_\_\_\_\_ Facility: \_\_\_\_\_

c. Name: \_\_\_\_\_ Facility: \_\_\_\_\_

5. Person Taking Report : Wright, Walter

6. Investigator Assigned: Wright, Walter Assigned: 5/4/2010 Phone #: 502/564-6688

7. Report sent to:  Law Enforcement  County Attorney



# OOI Intake

2213-10

Date	Time Made	Date Retrieved:	Time Retrieved
5/3/2010	1256	05/03/2010	1256

Victims	Phone Number:			
Incident #	Alleged Victim Last	Alleged Victim First	Victim Sex	Victim DOB
14096	[REDACTED]	[REDACTED]	F	

Current Facility: Lincoln Village YDC

Incident Facility: Lincoln Village YDC

**Allegation**  
Ms. Stutler, Superintendent, called to report that on 4/27/10, Mr. Reggie Windham was involved in a restraint on resident [REDACTED]. Ms. Stutler stated that Mr. Windham wrote in his report that he secured [REDACTED] and pulled her into the cell due to her resisting staff. Ms. Stutler stated according to the debriefing done by Jeff Wilson, SSWII, "Mr. Windham lost control of youth and then dragged resident [REDACTED] into the isolation room by her foot/leg." Mr. Jeffrey Wilson, SSW2, witnessed this incidents. Stutler stated that "Ms. Grady got a report that something had gone awry with this incident late last week and was pulling together documentation. Ms. Grady went to view it on camera, but from the angle, nothing inappropriate can be seen. W. Wright requested all documentation to be sent to OOI. At 1528, Ms. Stutler faxed the incident report and addendum to OOI.

**Action Taken**

Witness			
Incident #	Last Name	First Name	Staff Or Resident
14096	Wilson	Jeffrey	Staff

Offender				
14096	Windham	Reggie		Lincoln Village

Complainant			
14096	Ms. Stutler		Superintendent

- SI DJJ Ombudsman
- DJJ Ombudsman
- No Further Action
- OIG

- Special Incident *wright*
- Grievance Referral
- CHFS/Law Enforcement
- OOI Preliminary Inquiry

Person Taking Call  
W. Wright

OOI Staff Assigned:  
W. Wright

5-4-10 BK



## JUSTICE AND PUBLIC SAFETY CABINET

Steven L. Beshear  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
Fax No. (502) 564-4840

J. Michael Brown  
Secretary

May 4, 2010

Hon. Steve Bland  
Hardin County Attorney  
109 East Dixie Avenue  
Elizabethtown, KY 42701

SUBJECT: **Alleged Abuse/Neglect of Child in Residential Facility**  
[REDACTED] (Lincoln Village Juvenile Detention Center)

Dear Reader:

As required in 500 KAR 13:020, attached you will find a copy of an allegation of a Special Incident received by the Justice and Public Safety Cabinet regarding resident(s) in a juvenile residential/detention facility. This information is being forwarded to your agency for your review and any action you deem appropriate by your agency on any criminal issue. **An administrative investigation of this allegation will be conducted by staff in the Justice and Public Safety Cabinet, Office of Investigations.**

If you have questions or need further information, please contact the investigator indicated on the attached paperwork at (502) 564-6688.

Sincerely,

A handwritten signature in cursive script, appearing to read "Abidah S. Bryant".

Abidah S. Bryant, Administrative Specialist I  
Office of Investigations

Attachment  
cc: file



## JUSTICE AND PUBLIC SAFETY CABINET

Steven L. Beshear  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
Fax No. (502) 564-4840

J. Michael Brown  
Secretary

May 4, 2010

Kentucky State Police Post 4  
P. O. Box 1297  
Elizabethtown, KY 42702-0490

SUBJECT: **Alleged Abuse/Neglect of Child in Residential Facility**  
[REDACTED] (Lincoln Village Juvenile Detention Center)

Dear Reader:

As required in 500 KAR 13:020, attached you will find a copy of an allegation of a Special Incident received by the Justice and Public Safety Cabinet regarding resident(s) in a juvenile residential/detention facility. This information is being forwarded to your agency for your review and any action you deem appropriate by your agency on any criminal issue. **An administrative investigation of this allegation will be conducted by staff in the Justice and Public Safety Cabinet, Office of Investigations.**

If you have questions or need further information, please contact the investigator indicated on the attached paperwork at (502) 564-6688.

Sincerely,

A handwritten signature in cursive script, appearing to read "Abidah S. Bryant".

Abidah S. Bryant, Administrative Specialist I  
Office of Investigations

Attachment  
cc: file

COMMONWEALTH OF KENTUCKY  
**REQUEST FOR PERSONNEL POSITION**

date typed

Employee Only

See reverse side for explanation of codes

01-10952 01 05-10-04

Emp. # 54523  Pos.  Cabinet/Department Social Security Number Effective date Only Position Number Effective Date

01 From: 1. last name 2. first name 3. middle initial 4. social security number 5. racial origin code 6. sex codes  
 To: WINDHAM REGINALD E [redacted] [redacted] [redacted]  
 Next:

02 From: 7. apt. sta. or apt box # 8. st. rural / rta. or p.o. box 9. home city 10. home state 11. home zip code  
 To: [redacted] [redacted] [redacted] [redacted] [redacted]  
 Next:

03 From: 12. effective date 13. nature of action code 14. description of action  
 To: 03/17/07 K17 SUSPEND  
 01/25/07 S01 RET SUSPEN  
 Next:

04 From: 15. position number cabinet - department - division - branch - section - unit - serial 16. class code 17. abbreviated class title 18. home county code 19. home area code & phone number  
 To: 54-523 03-02-00-00-072 6402 YTH NRP II [redacted]  
 6402 YTH UPR II [redacted]  
 Next:

05 From: 20. increment date 21. promotional increase date 22. remarks 23. A. FLSA code 22. B. RET code  
 To: 1/21/07 RETURN FROM 5 DAY SUSP 0 1  
 1/20/07 3 1  
 Next:

06 From: 23. pay type code 24. pay grade 25. salary/rate 27. lump sum payment(s) YTD 28. emp stat code 29. full part code 30. emp merit code 31. pos merit code 32. led fund code 33. date of birth (mm-dd-yy)  
 To: 9 10 2227 06 [redacted] B 1 1 1 0 [redacted]  
 8 10 2227 06 [redacted] B 1 1 1 0 [redacted]  
 Next:

07 From: 34. register number 35. weekend premium rate 36. previous state service 37. shift code 38. 2nd shift rate 39. 3rd shift rate 40. state tax code 41. local tax code 42. work week code 43. OT code 44. work county code 45. work area code & phone number  
 To: [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]  
 Next:

08 From: 46. work street address 47. work city 48. work state 49. work zip code  
 To: [redacted] [redacted] [redacted] [redacted]  
 Next:

09 From: 50. cabinet 51. department 52. division  
 To: JUSTICE & PU DEPARTMENT OF JUVENILE SERVICES  
 DIVISION OF CENTRAL REGION  
 JUSTICE & PU DEPARTMENT OF JUVENILE SERVICES  
 DIVISION OF CENTRAL REGION

APPROVALS FOR CURRENT REQUEST	APPROVALS FOR NEXT REQUEST	FOR PERSONNEL CABINET USE ONLY	
APPOINTING AUTHORITY OR DESIGNEE [Signature] DATE	DIVISION DIRECTOR DATE	PROC DATE	STAFFING SERVICES DATE
PERSONNEL CABINET / SECRETARY [Signature] DATE	APPOINTING AUTHORITY OR DESIGNEE DATE	CLASS DATE	NMER DATE
	ADDITIONAL SIGNATURE IF REQUIRED DATE	C & R DATE	SEC. OFF DATE
	PERSONNEL CABINET / SECRETARY DATE	REG DATE	COMP. DATE

DJJ-7  
(08/01)

# DEPARTMENT OF JUVENILE JUSTICE PERSONNEL/POSITION ACTION REQUEST

Employee Only  
 Employee and Position

54523

01/25/06

Position Only

Cabinet/Department		Social Security Number		Effective Date		Position Number		Effective Date															
1. last name		2. first name		3. middle initial		4. social security number		5. racial origin code		6. sex code													
01	Windham	Reginald		E		0		[REDACTED]		[REDACTED]													
7. box or apartment number		8. home street address/route number/po box			9. home city		10. home state		11. home zip code														
02	[REDACTED]		[REDACTED]			[REDACTED]		[REDACTED]		[REDACTED]													
12. effective date			13. nature of action code			14. description of action																	
03	01/25/06		S31			Ret Suspension																	
15. position number cabinet-department-division-branch-section-unit-serial		16. class code		17. abbreviated class title		18. home county code		19. home area code & phone number															
04	CURRENT 54-523-03-02-00-00-072		6402		Yth Wkr II		[REDACTED]		[REDACTED]														
20. increment date		21. promotional increase date		22. remarks				22A. FLSA code		22B. RET code													
05	11/01/07				Return from 5 Day Susp				0		I												
23. pay type code		24. pay grade		25. salary/rate		26. % of increase		27. lump sum payment(s) YTD		28. emp stat code		29. full/part code		30. emp merit code		31. pos merit code		32. fed fund code		33. date of birth (mm-dd-yy)			
06	S		10		2287.06						B		F		I		I		0		[REDACTED]		
34. register number		35. worker's comp code		36. previous state service		37. shift code		38. 2nd shift rate		39. 3rd shift rate		40. state tax code		41. local tax code		42. work week code		43. OT code		44. work county code		45. work area code & phone number	
07											18		011		2		3		047		270-766-5280		
46. work street address				47. work city				48. work state				49. work zip code											
08	820 New Glendale Rd				Elizabethtown				KY				42701										

SIGNATURES

TITLE

DATE

Initiated

PERSONNEL ADMINISTRATOR

Reviewed

Division Director/Designee

Approved/Deputy Commissioner/Date

*Calvin B Moore*  
Personnel Branch Manager/Designee

Approved/Deputy Commissioner/Date

*1/18/07*  
Date

Approved/Commissioner/Date

COMMONWEALTH OF KENTUCKY  
**REQUEST FOR PERSONNEL POSITION ACTION**

date typed

Employee Only

See reverse side for explanation of codes

EMPLOYEE ID: NSH0041

Emp. 54523  Pos.  Cabinet/Department Social Security Number Effective date Only Position Number Effective Date

01 From: WINDHAM REGINALD E [redacted] [redacted] [redacted]  
 To: [redacted]  
 Next: [redacted]

02 From: [redacted] [redacted] [redacted] [redacted] [redacted]  
 To: [redacted]  
 Next: [redacted]

03 From: 11/01/06 013 INCREMENT  
 To: 01/17/07 K19 SUSPEND  
 Next: [redacted]

04 From: 54-523 03-02-00-00-072 6402 YTH WKR II [redacted]  
 To: [redacted]  
 Next: [redacted]

05 From: 11/01/07 5 DAY SUSPENSION 1/17, 18, 19, 20, 24/07  
 To: [redacted]  
 Next: [redacted]

06 From: 5 10 2287.06 B F 1 1 0 [redacted]  
 To: [redacted]  
 Next: [redacted]

07 From: [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]  
 To: [redacted]  
 Next: [redacted]

08 From: [redacted] [redacted] [redacted] [redacted]  
 To: [redacted]  
 Next: [redacted]

09 From: JUSTICE & PU DEPARTMENT OF JUVENILE JUSTICE  
 DIVISION OF CENTRAL REGION  
 To: [redacted]

APPROVALS FOR CURRENT REQUEST  
 NORMAN E ARFLACK  
 APPOINTING AUTHORITY OR DESIGNEE  
 01/24/07  
 DATE  
 BRIAN J GRALL  
 PERSONNEL CABINET / SECRETARY  
 01/24/07  
 DATE

APPROVALS FOR NEXT REQUEST  
 DIVISION DIRECTOR  
 DATE  
 APPOINTING AUTHORITY OR DESIGNEE  
 DATE  
 ADDITIONAL SIGNATURE IF REQUIRED  
 DATE  
 PERSONNEL CABINET / SECRETARY  
 DATE

FOR PERSONNEL CABINET USE ONLY  
 PROC DATE STAFFING SERVICES DAT  
 CLASS DATE NMER DAT  
 C & R DATE SEC. OFF DAT  
 REG DATE COMP. DAT

DJJ-7

(08/01)

# DEPARTMENT OF JUVENILE JUSTICE PERSONNEL/POSITION ACTION REQUEST

Employee Only  
 Employee and Position

54523

01/17/06

Position Only

	Cabinet/Department	Social Security Number	Effective Date	dual code	Position Number	Effective Date
01	1. last name Windham	2. first name Reginald	3. middle initial E	0	4. social security number [REDACTED]	5. racial origin code [REDACTED]

02	7. box or apartment number	8. home street address/route number/po box	9. home city	10. home state	11. home zip code
----	----------------------------	--	--------------	----------------	-------------------

03	12. effective date 01/17/06	13. nature of action code K19	14. description of action Suspension
----	--------------------------------	----------------------------------	---

	15. position number cabinet-department-division-branch-section-unit-serial	16. class code	17. abbreviated class title	18. home county code	19. home area code & phone number
04	CURRENT 54-523-03-02-00-00-072	6402	Yth Wkr II	[REDACTED]	[REDACTED]
	REQUESTED				

05	20. increment date 11/01/07	21. promotional increase date	22. remarks 5 Day Suspension (1/17, 18, 19, 20&24/07)	22A. FLSA code 0	22B. RET code 1
----	--------------------------------	-------------------------------	--	---------------------	--------------------

	23. pay type code	24. pay grade	25. salary/rate	26. % of increase	27. lump sum payment(s) YTD	28. emp stat code	29. full/part code	30. emp merit code	31. pos merit code	32. fed fund code	33. date of birth (mm-dd-yy)
06	S	10	2287.06			B	F	I	I	0	[REDACTED]

07	34. register number	35. worker's comp code	36. previous state service	37. shift code	38. 2nd shift rate	39. 3rd shift rate	40. state tax code 18	41. local tax code 011	42. work week code 2	43. OT code 3	44. work county code 047	45. work area code & phone number 270-766-5280
----	---------------------	------------------------	----------------------------	----------------	--------------------	--------------------	--------------------------	---------------------------	-------------------------	------------------	-----------------------------	---

08	46. work street address 820 New Glendale Rd	47. work city Elizabethtown	48. work state KY	49. work zip code 42701
----	--	--------------------------------	----------------------	----------------------------

SIGNATURES

TITLE

DATE

Initiated

Reviewed

Division Director/Designee

Approved/Deputy Commissioner/Date

*Chaloni B Moore*

Personnel Branch Manager/Designee

Approved/Deputy Commissioner/Date

1/18/07

Date

Approved/Commissioner/Date



## JUSTICE AND PUBLIC SAFETY CABINET

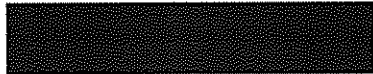
**Ernie Fletcher**  
Governor

**Department of Juvenile Justice**  
1025 Capital Center Drive  
Third floor  
Frankfort, Kentucky 40601-8205  
Phone (502) 573-2738  
Fax (502) 573-4308  
www.kentucky.gov

**Bridget Skaggs Brown**  
Commissioner

January 12, 2007

Mr. Reginald E. Windham



Dear Mr. Windham:

The first paragraph of my letter to you dated January 10, 2007 is hereby amended to read:

Based on the authority of KRS 18A.095 (2) and (9), and 101 KAR 1:345, Section 4, you are hereby notified that you are officially suspended from duty and pay for a period of five (5) working days, effective beginning of business January 17, 2007, and continuing January 18, 19 20, and again on January 24, 2007.

The rest of my letter remains unchanged.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bridget Skaggs Brown".

Bridget Skaggs Brown  
Commissioner

BSB/TL

cc: Hon. Brian Crall  
Dale Liechty  
LaDonna Koebel  
Kevin Garvin  
Kendall Williams



Executive Director of Personnel Board





## JUSTICE AND PUBLIC SAFETY CABINET

Ernie Fletcher  
Governor

### Department of Juvenile Justice

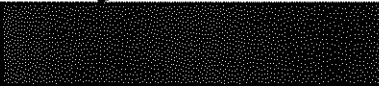
1025 Capital Center Drive, 3<sup>rd</sup> Floor  
Frankfort, Kentucky 40601-8205  
Phone (502) 573-2738  
Fax (502) 573-4308  
www.kentucky.gov

BG Norman E. Arfack  
Secretary

Bridget Skaggs Brown  
Commissioner

January 10, 2007

Mr. Reginald E. Windham



Dear Mr. Windham:

Based on the authority of KRS 18A.095 (2) and (9), and 101 KAR 1:345, Section 4, you are hereby notified that you are officially suspended from duty and pay for a period of five (5) working days, effective beginning of business January 16, 2007, and continuing January 17, 18, 19, and through close of business January 20, 2007.

In accordance with 101 KAR 1:345, Section 1, you are being suspended from your position as Youth Worker II, at the Lincoln Village Regional Juvenile Detention Center/Youth Development Center, for the following specific reason:

**Misconduct i.e.**, as reported by Kevin Garvin, Central Region Director, the Office of Investigations ("OOI") conducted an investigation (#1768-06) of the allegations made by Youth\* that you used inappropriate and excessive force which resulted in an injury and that you used verbal threats of harm directed to him. Investigator Walter Wright concluded this investigation was founded on September 26, 2006. Youth\* reported to the OOI Investigator that on September 6, 2006, he had just returned from Court and was being processed in Intake when you put Youth's\* shoes on his pants. Youth\* stated his shoes were dirty due to the cell being dirty. Youth\* stated that he asked you to remove the shoes from his pants and you became upset and started yelling. You then bumped \*Youth's shoulder with your chest. Youth\* asked you to get out of his face. You then grabbed Youth\* and forcibly took to him to the floor. This was witnessed by Karen Prince, Youth Worker III; Krystal Dailey, Cook II; and Youth\*\*.

You told Mr. Wright that you were called to Intake to pat down two (2) youths that had returned from Court. You stated that Youth\* continued to move and talk without permission and stated that Youth\* was non-

Mr. Reginald E. Windham  
Suspension  
January 10, 2007  
Page 2

compliant with facility rules. You re-directed Youth\* several times regarding moving his hands and shaking his head. You stated to Mr. Wright that Youth\* kept moving his hands from behind his back. You further stated, as you were talking to Youth\*, he moved one of his hands from behind his back and you restrained Youth\* using Control-1. Mr. Wright asked you if your Incident Report was accurate and you replied, "Yes, sir." Mr. Wright then played a video of the restraint and asked you to show him on the video where Youth\* had moved his hands. Mr. Wright replayed the video several times and noted to you that Youth's\* arms were still behind his back. You stated to Mr. Wright that you thought Youth\* had moved, but said that Youth\* was cursing and being defiant. When Mr. Wright showed Ms. Prince a copy of the Incident Report completed by you, she told Mr. Wright, "That's not true." Ms. Prince disagreed with what you had stated in the Incident Report about Youth\* moving his hands. Mr. Wright provided a Memorandum of Concern dated September 21, 2006 to Tom Gilsdorf, Commissioner's Staff Assistant, stating that you had falsified the Incident Report on Youth\* dated September 6, 2006 by writing, "*I Mr. Windham approached Youth\* and he dropped his hands and step toward me.*" The video showed that Youth\* did not step toward you nor did he move his hands.

Further, Ms. Prince and Ms. Dailey overheard Youth\* telling you that you "were breaking his fucking arm." Ms. Dailey overheard you make the comment, "Maybe I will." Your comment to Youth\* constituted a verbal threat to him. Based upon the video reviewed, Youth\* did not move either of his hands in a threatening manner and further depicted you talking forcibly to Youth\*.

Following the restraint, Patricia Calhoun, Licensed Practical Nurse, completed a Post Restraint Body Checklist which listed the following: Raised with red marks on left shoulder blade area with slight abrasions. Red abrasion to lower left side with no bleeding noted. Scratches and abrasions to right top shoulder, right arm and noted old scar, slight bleeding noted. Red half centimeter knot to right side of head. Complaints of head hurting; two ibuprofen given; complaints of left arm pain. This is a violation of Department of Juvenile Justice Policies #102, "Employee Code of Ethics"; #104, "Employee Code of Conduct;" and #208, "Youth Rights".

Furthermore, you received a supervisory conference on April 13, 2006 for failing to document on the MAR.

Mr. Reginald E. Windham  
Suspension  
January 10, 2007  
Page 3

\*To keep confidential the identity of the youths as required by law, the names of the youths referred to are transmitted by the attached list marked "CONFIDENTIAL" which is not to be disclosed without proper authorization.


A copy of this notice is being furnished to the Personnel Cabinet in accordance with personnel rules. As an employee with status, you may appeal this action to the Personnel Board within sixty (60) days after receipt of this notice, not including the date the notice is received. Appeals must be made by completing the attached form and directing it to the address indicated on the form. (See KRS 18A.095 and 101 KAR 1:365, Appeal and Hearing Procedures).

Sincerely,

  
Bridget Skaggs Brown  
Commissioner

BSB/TL

Attachment

cc: Hon. Brian J. Crall  
Dale Liechty  
LaDonna Koebel  
Kevin Garvin  
Kendall Williams  
  
Executive Director of Personnel Board

Mr. Reginald E. Windham  
Suspension  
January 10, 2007  
Page 4

**CONFIDENTIAL**

As required by state law, the names of the youths referred to in the letter dated January 10, 2007, to Reginald E. Windham, an employee for the Department of Juvenile Justice, Lincoln Village Regional Juvenile Detention Center/Youth Development Center, are confidential and not to be disclosed without the prior written consent of the appropriate authority in the Department of Juvenile Justice, Justice and Public Safety Cabinet, Commonwealth of Kentucky. It is provided here pursuant to the notice provisions of Chapter 18A, Kentucky Revised Statutes, and Title 101, Kentucky Administrative Regulation.

Names of Youths

Youth\* - [REDACTED]  
Youth\*\* - [REDACTED]



## JUSTICE AND PUBLIC SAFETY CABINET

**Ernie Fletcher**  
Governor

**Department of Juvenile Justice**  
1025 Capital Center Drive  
Third floor  
Frankfort, Kentucky 40601-8205  
Phone (502) 573-2738  
Fax (502) 573-4308  
www.kentucky.gov  
January 12, 2007

**Bridget Skaggs Brown**  
Commissioner

Mr. Reginald E. Windham  


Dear Mr. Windham:

The first paragraph of my letter to you dated January 10, 2007 is hereby amended to read:

Based on the authority of KRS 18A.095 (2) and (9), and 101 KAR 1:345, Section 4, you are hereby notified that you are officially suspended from duty and pay for a period of five (5) working days, effective beginning of business January 17, 2007, and continuing January 18, 19 20, and again on January 24, 2007.

The rest of my letter remains unchanged.

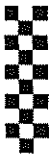
Sincerely,

A handwritten signature in cursive script, appearing to read "Bridget Skaggs Brown".

Bridget Skaggs Brown  
Commissioner

BSB/TL

cc: Hon. Brian Crall  
Dale Liechty  
LaDonna Koebel  
Kevin Garvin  
Kendall Williams  
Personnel File  
Executive Director of Personnel Board



**CONFIRMATION SHEET**

This is to acknowledge receipt of a letter dated January 10, 2007, and addressed to, Mr. Reginald E. Windham, from the Commissioner of the Department of Juvenile Justice regarding a five (5) day suspension.

Signed (Employee): 

Delivered by: John Weatherington on 1-10-07  
Date

(in the event employee refuses to sign):

Witnessed by: \_\_\_\_\_ on \_\_\_\_\_  
Date

\* \* \* Communication Result Report ( Jan. 10. 2007 2:31PM ) \* \* \*

23

Date/Time: Jan. 10. 2007 2:29PM

File No.	Mode	Destination	Pg (s)	Result	Page Not Sent
1768	Memory TX	92707665236	P. 8	OK	

Reason for error

- E. 1) Hang up or line fail
- E. 2) Busy
- E. 3) No answer
- E. 4) No facsimile connection
- E. 5) Exceeded max. E-mail size

### FAX

<b>JUSTICE AND PUBLIC SAFETY CABINET</b>
<b>DEPARTMENT OF JUVENILE JUSTICE</b>
PERSONNEL BRANCH
CAPITAL COMPLEX EAST, 3 <sup>RD</sup> FLOOR
1025 CAPITAL CENTER DRIVE
FRANKFORT, KY 40601
TELEPHONE NUMBER: 502/573-3747
FAX: 502/573-2831

TO: Kendall Williams	FROM: Tanya Lawrence
ORGANIZATION: Lincoln Village YDC	
FAX NUMBER: 270-766-5236	
DATE: 01/10/07	PAGES: 8 [including cover sheet]
Please hand-deliver and return the Confirmation Sheet to the above fax number to my attention. THANKS!! - Tanya	

IF THERE ARE ANY QUESTIONS OR YOU DO NOT RECEIVE ALL DOCUMENTS, PLEASE CALL 502/573-3747
CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR USE OF THE ADDRESSEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR EMPLOYEE/AGENT OF THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DUPLICATION OR DISTRIBUTION OF THIS COMMUNICATION IS UNAUTHORIZED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO THAT WE CAN ARRANGE FOR ITS RETURN.



## JUSTICE AND PUBLIC SAFETY CABINET

Ernie Fletcher  
Governor

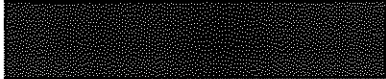
Department of Juvenile Justice  
1025 Capital Center Drive, 3<sup>rd</sup> Floor  
Frankfort, Kentucky 40601-8205  
Phone (502) 573-2736  
Fax (502) 573-4308  
www.kentucky.gov

BG Norman E. Arflack  
Secretary

Bridget Skaggs Brown  
Commissioner

January 10, 2007

Mr. Reginald E. Windham



Dear Mr. Windham:

Based on the authority of KRS 18A.095 (2) and (9), and 101 KAR 1:345, Section 4, you are hereby notified that you are officially suspended from duty and pay for a period of five (5) working days, effective beginning of business January 16, 2007, and continuing January 17, 18, 19, and through close of business January 20, 2007.

In accordance with 101 KAR 1:345, Section 1, you are being suspended from your position as Youth Worker II, at the Lincoln Village Regional Juvenile Detention Center/Youth Development Center, for the following specific reason:

**Misconduct** i.e., as reported by Kevin Garvin, Central Region Director, the Office of Investigations ("OOI") conducted an investigation (#1768-06) of the allegations made by Youth\* that you used inappropriate and excessive force which resulted in an injury and that you used verbal threats of harm directed to him. Investigator Walter Wright concluded this investigation was founded on September 26, 2006. Youth\* reported to the OOI Investigator that on September 6, 2006, he had just returned from Court and was being processed in Intake when you put Youth's\* shoes on his pants. Youth\* stated his shoes were dirty due to the cell being dirty. Youth\* stated that he asked you to remove the shoes from his pants and you became upset and started yelling. You then bumped \*Youth's shoulder with your chest. Youth\* asked you to get out of his face. You then grabbed Youth\* and forcibly took to him to the floor. This was witnessed by Karen Prince, Youth Worker III; Krystal Dailey, Cook II; and Youth\*\*.

You told Mr. Wright that you were called to Intake to pat down two (2) youths that had returned from Court. You stated that Youth\* continued to move and talk without permission and stated that Youth\* was non-



Mr. Reginald E. Windham  
Suspension  
January 10, 2007  
Page 2

compliant with facility rules. You re-directed Youth\* several times regarding moving his hands and shaking his head. You stated to Mr. Wright that Youth\* kept moving his hands from behind his back. You further stated, as you were talking to Youth\*, he moved one of his hands from behind his back and you restrained Youth\* using Control-1. Mr. Wright asked you if your Incident Report was accurate and you replied, "Yes, sir." Mr. Wright then played a video of the restraint and asked you to show him on the video where Youth\* had moved his hands. Mr. Wright replayed the video several times and noted to you that Youth's\* arms were still behind his back. You stated to Mr. Wright that you thought Youth\* had moved, but said that Youth\* was cursing and being defiant. When Mr. Wright showed Ms. Prince a copy of the Incident Report completed by you, she told Mr. Wright, "That's not true." Ms. Prince disagreed with what you had stated in the Incident Report about Youth\* moving his hands. Mr. Wright provided a Memorandum of Concern dated September 21, 2006 to Tom Gilsdorf, Commissioner's Staff Assistant, stating that you had falsified the Incident Report on Youth\* dated September 6, 2006 by writing, "*I Mr. Windham approached Youth\* and he dropped his hands and step toward me.*" The video showed that Youth\* did not step toward you nor did he move his hands.

Further, Ms. Prince and Ms. Dailey overheard Youth\* telling you that you "were breaking his fucking arm." Ms. Dailey overheard you make the comment, "Maybe I will." Your comment to Youth\* constituted a verbal threat to him. Based upon the video reviewed, Youth\* did not move either of his hands in a threatening manner and further depicted you talking forcibly to Youth\*.

Following the restraint, Patricia Calhoun, Licensed Practical Nurse, completed a Post Restraint Body Checklist which listed the following: Raised with red marks on left shoulder blade area with slight abrasions. Red abrasion to lower left side with no bleeding noted. Scratches and abrasions to right top shoulder, right arm and noted old scar, slight bleeding noted. Red half centimeter knot to right side of head. Complaints of head hurting; two ibuprofen given; complaints of left arm pain. This is a violation of Department of Juvenile Justice Policies #102, "Employee Code of Ethics"; #104, "Employee Code of Conduct;" and #208, "Youth Rights".

Furthermore, you received a supervisory conference on April 13, 2006 for failing to document on the MAR.

Mr. Reginald E. Windham  
Suspension  
January 10, 2007  
Page 3

\*To keep confidential the identity of the youths as required by law, the names of the youths referred to are transmitted by the attached list marked "CONFIDENTIAL" which is not to be disclosed without proper authorization.

A copy of this notice is being furnished to the Personnel Cabinet in accordance with personnel rules. As an employee with status, you may appeal this action to the Personnel Board within sixty (60) days after receipt of this notice, not including the date the notice is received. Appeals must be made by completing the attached form and directing it to the address indicated on the form. (See KRS 18A.095 and 101 KAR 1:365, Appeal and Hearing Procedures).

Sincerely,

  
Bridget Skaggs Brown  
Commissioner

BSB/TL

Attachment

cc: Hon. Brian J. Crall  
Dale Liechty  
LaDonna Koebel  
Kevin Garvin  
Kendall Williams  
Personnel File  
Executive Director of Personnel Board

Mr. Reginald E. Windham  
Suspension  
January 10, 2007  
Page 4

**CONFIDENTIAL**

As required by state law, the names of the youths referred to in the letter dated January 10, 2007, to Reginald E. Windham, an employee for the Department of Juvenile Justice, Lincoln Village Regional Juvenile Detention Center/Youth Development Center, are confidential and not to be disclosed without the prior written consent of the appropriate authority in the Department of Juvenile Justice, Justice and Public Safety Cabinet, Commonwealth of Kentucky. It is provided here pursuant to the notice provisions of Chapter 18A, Kentucky Revised Statutes, and Title 101, Kentucky Administrative Regulation.

Names of Youths

Youth\* - [REDACTED]  
Youth\*\* - [REDACTED]

**PERSONNEL ACTION DRAFT**

**DATE:** December 18, 2006  
**EMPLOYEE NAME:** Reginald Windham  
**SSN:** [REDACTED] **RACE:** [REDACTED] **SEX:** M  
**POSITION TITLE:** Youth Worker II  
**REGION:** Central **LOCATION:** Lincoln Village YDC/RJDC  
**STATUS:** Merit **INVESTIGATION:** OOI #1768-06  
**ACTION TAKEN:** **EFFECTIVE:**

*5 day suspension  
approved.  
S. H. Brown  
1-2-07.*

**CHARGE AND SPECIFICITY:**

Misconduct i.e, as reported by Kevin Garvin, Central Region Director, the Office of Investigations ("OOI") conducted an investigation (#1768-06) of the allegations made by Youth\* that you used inappropriate and excessive force which resulted in an injury and that you used verbal threats of harm directed to him. Investigator Walter Wright concluded this investigation was founded on September 26, 2006. Youth\* reported to the OOI Investigator that on September 6, 2006, he had just returned from court and was being processed in Intake when you put Youth's\* shoes on his pants. Youth\* stated his shoes were dirty due to the cell being dirty. Youth\* stated that he asked you to remove the shoes from his pants and you became upset and started yelling. You then bumped \*Youth's shoulder with your chest. Youth\* asked you to get out of his face. You then grabbed Youth\* and forcibly took to him to the floor. This was witnessed by Karen Price, Youth Worker III; Krystal Dailey, Cook II; and Youth\*\*.

You told Mr. Wright that you were called to Intake to pat down two youth that had returned from court. You stated that Youth\* continued to move and talk without permission and stated that Youth\* was non-compliant with facility rules. You re-directed Youth\* several times regarding moving his hands and shaking his head. You stated to Mr. Wright that Youth\* kept moving his hands from behind his back. You further stated, as you were talking to Youth\*, he moved one of his hands from behind his back and you restrained Youth\* using Control-1. Mr. Wright asked you if your Incident Report was accurate and you replied, "Yes, sir." Mr. Wright then played video of the restraint and asked you to show him on the video where Youth\* had moved his hands. Mr. Wright replayed the video several times and noted to you that Youth's\* arms were still behind his back. You stated to Mr. Wright that you thought Youth\* had moved, but said that Youth\* was cursing and being defiant. When Mr. Wright showed Ms. Prince a copy of the Incident Report completed by you, she told Mr. Wright, "That's not true." Ms. Prince disagreed with what you had stated in the Incident Report about Youth\* moving his hands. Mr. Wright provided a Memorandum of Concern dated September 21, 2006 to Tom Gilsdorf, Commissioner's Staff Assistant, stating that you had falsified the Incident Report on Youth\* dated September 6, 2006 by writing, "I Mr. Windham approached

*Youth\* and he dropped his hands and step toward me.* " The video showed that Youth\* did not step towards you nor did he move his hands.

Further, Ms. Prince and Ms. Dailey overheard Youth\* telling you that you "were breaking his fucking arm." Ms. Dailey overheard you make the comment, "Maybe I will." Your comment to Youth\* constituted a verbal threat to him. Based upon the video reviewed, Youth\* did not move either of his hands in a threatening manner and further depicted you talking forcibly to Youth\*.

Following the restraint, Patricia Calhoun, Licensed Practical Nurse completed a Post Restraint Body Checklist which listed the following report: *"Raised with red marks on left shoulder blade area with slight abrasions. Red abrasion to lower left side with no bleeding noted. Scratches and abrasions to right top shoulder, right arm and noted old scar, slight bleeding noted. Red half centimeter knot to right side of head. Complaints of head hurting; two ibuprofen given; complaints of left arm pain."* This is a violation of Department of Juvenile Justice Policy # 102, "Employee Code of Ethics", #104 "Employee Code of Conduct," and # 208 "Youth Rights".

Furthermore, you received a supervisory conference on April 13, 2006 for failing to document on the MAR.

CONFIDENTIALITY PAGE

Youth\* - [REDACTED]

Youth \*\* - [REDACTED]

cc: Kevin Garvin  
Kendall Williams

**MAJOR CORRECTIVE ACTION REQUEST CHECKLIST**

DF-06-162

Date: 101106

Employee Name: Reginald Windham

Employee DJJ Training #:                     

Assigned Facility/Office: Lincoln Village YD/RJDC

I.  REQUEST LETTER SIGNED OR INITIALED BY MANAGEMENT-LETTER MUST INCLUDE THE FOLLOWING SECTIONS: (REQUIRED FOR ALL REQUESTS)

A.  EMPLOYEE'S PERSONNEL INFORMATION:  
Employee's Name, SSN, DOB, and job title  
Employee's status (permanent, probationary, etc.)  
Employee's Work Location

B.  SPECIFICS OF INCIDENT IN DETAIL WITH NAMES, DATES, TIME AND LOCATIONS:  
What did the employee do that was wrong and why was it wrong?  
Specific facts relating to the current problem (Who, What, Where, When and How)  
Dates and time of occurrences  
Name of employee reporting problem  
Names and job titles of witnesses  
Names of Youth involved

C.  A LIST OF ALL DJJ POLICIES OR FACILITY/OFFICE PROCEDURES THAT WERE VIOLATED AND WHY: (INCLUDE POLICY NUMBER AND SECTION).

II.  STATEMENTS: (REQUIRED IF APPLICABLE - EMPLOYEE STATEMENT REQUIRED FOR ALL CASES)

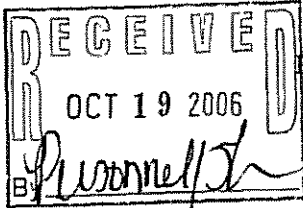
- A.  Witnesses \*\*
- B.  Victims \*\*
- C.  Employee for whom discipline is being requested \*\*  
(See Interview in OOI 1768-06)
- D.  Any other person with knowledge of incident \*\*

III.  COPIES OF ALL INCIDENT REPORTS OR INVESTIGATIONS CONCERNING THE INCIDENT: (REQUIRED IF APPLICABLE)

- A.  Incident Reports
- B.  Office of Investigations Investigation  
(Director will include copy of OOI 1768-06)
- C.  Ombudsman Report
- D.  Quality Assurance Report

IV.  ADDITIONAL SUPPORTIVE EVIDENCE SUCH AS: (REQUIRED IF APPLICABLE)

- A.  Work products (Shift Reports)
- B.  Computer files, E-Mail
- C.  Case file audits
- E.  Leave/Overtime request forms \*
- F.  Timesheets during period in question \*
- G.  Yearly timecard
- H.  Medical/Physician's statements \*\*
- I.  Sign-in/out logs or Call-in logs \*



- J.  Vehicle logs
- K.  Written instruments by or to alleged perpetrator
- L.  Photographs of injury, damage, or questionable items
- M.  Contraband

- V.  COPIES OF FACILITY/OFFICE PROCEDURES THAT WERE VIOLATED. (REQUIRED FOR ALL REQUESTS - HIGHLIGHT APPLICABLE SECTION)
- VI.  COPIES OF ALL DJJ POLICIES THAT WERE VIOLATED. (REQUIRED FOR ALL REQUESTS - HIGHLIGHT APPLICABLE SECTION)
- VII.  EVIDENCE OF PREVIOUS CORRECTIVE ACTION. (REQUIRED FOR ALL REQUESTS)
  - A.  Copies of supervisory conferences
  - B.  Copies of verbal or written reprimands
  - C.  Copies of prior disciplinary actions
  - D.  Corrective action plans
  - E.  Responses from employees
- VIII.  ANY ADDITIONAL DOCUMENTS OR EVIDENCE CONCERNING THIS INCIDENT: (REQUIRED IF APPLICABLE).

Note: Items with an "\*" must be included for all time and attendance issues.  
Items with an "\*\*\*" must be included for all abuse or neglect situations.

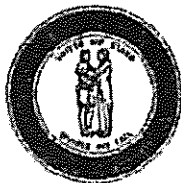
Kendall Williams  
Signature

10-11-06  
Date

I have reviewed the file and found it to be complete.

\_\_\_\_\_  
Branch Manager/FRA  
Kevin Martin  
Division Director  
Dale Steady  
Deputy Commissioner

\_\_\_\_\_  
Date  
10-11-06  
Date  
10-19-06  
Date



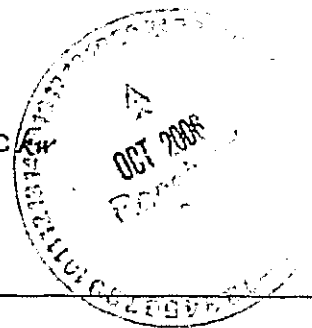
COMMONWEALTH OF KENTUCKY  
 DEPARTMENT OF JUVENILE JUSTICE  
 LINCOLN VILLAGE YOUTH DEVELOPMENT AND REGIONAL JUVENILE DETENTION CENTER  
 820 NEW GLENDALE ROAD  
 ELIZABETHTOWN, KY 42701  
 PHONE: (270) 766-5280 FAX: (270) 766-5236

ERNE FLETCHER  
 GOVERNOR

BRIDGET SKAGGS BROWN  
 COMMISSIONER

# Memorandum

**TO:** Bridget Skaggs Brown, Commissioner  
**THROUGH:** Kevin Garvin, Director, Central Region Division *KG*  
**FROM:** Kendall Williams, Interim Superintendent III, Lincoln Village YD/RJDC  
**DATE:** October 11, 2006  
**SUBJECT:** Request for Major Corrective Action for Reginald Windham, YW II



**A. Employee's Personnel Information**

Employee's SSN: [REDACTED]  
 Employee's DOB: [REDACTED]  
 Employee's Job Title: Youth Worker II  
 Employee's Status: Fulltime, Permanent  
 Employee's Work Location: Lincoln Village Youth Development & Regional Juvenile Detention Center

**B.** Resident [REDACTED] reported to investigator that on 9/06/06 he had just returned from court and was being processed in Intake. Mr. Windham put [REDACTED] shoes on his pants. [REDACTED] stated his shoes were dirty due to the cell being dirty. [REDACTED] asked Mr. Windham to remove the shoes from his pants and Mr. Windham got upset and started yelling. Mr. Windham bumped [REDACTED] shoulder with his chest. [REDACTED] asked Mr. Windham to get out of his face. Mr. Windham then picked [REDACTED] up and slammed him face first onto the floor. [REDACTED] stated two residents were looking out of their windows in the intake area. These [REDACTED] Caller stated Ms. Prince was also present.

Interview with Mr. Windham resulted in him telling investigator that he was called to Intake to pat down two residents that had returned from court. He said [REDACTED] continued to move and talk without permission and he stated [REDACTED] was non-compliant with facility rules. [REDACTED] told Mr. Windham not to wash his clothes. Mr. Windham re-directed [REDACTED] several times regarding moving his hands and shaking his head. Mr. Windham stated [REDACTED] kept removing his hands from behind his back. As he was talking to [REDACTED] he said [REDACTED] moved one of his hands from behind his back and he then restrained [REDACTED] using Control. Ms. Prince called for staff assistance. Mr. Windham stated [REDACTED] continued to curse while on the floor. He also stated that Ms. Prince was in the area and witnessed the restraint. Investigator W. Wright asked Mr. Windham if his Incident Report was accurate and he replied, "Yes Sir." Investigator Wright then played the video of the restraint for Mr. Windham and asked Mr. Windham to show where [REDACTED] moved either of his hands. Mr. Wright replayed the video several times and noted to Mr. Windham that [REDACTED] arms were still behind his back. Mr. Windham stated he thought that [REDACTED] had moved, but said [REDACTED] was cursing and being defiant.

The allegation that Mr. Windham used inappropriate or excessive force against resident [REDACTED] was concluded as founded. In addition, Ms. Krystal Dailey witnessed resident [REDACTED] telling Mr. Windham that he was breaking his arm. Mr. Windham made the comment, "Maybe I will." Mr. Windham's comment constitutes a verbal threat to [REDACTED]. Based on the video reviewed, [REDACTED] did not move either of his





hands in a threatening manner. The video depicts Mr. Windham talking forcibly to [REDACTED]. When [REDACTED] moves his head away from Mr. Windham, Mr. Windham grabs him and forcibly takes [REDACTED] to the floor. The video camera does not display the total restraint nor does it show [REDACTED] being slammed on his head. Interview statements from Ms. Karen Prince and resident [REDACTED] stated [REDACTED] did not move prior to the restraint taking place.

A memo of concern was issued from Investigator Wright to Staff Assistant Tom Gilsdorf regarding Mr. Windham falsifying the Incident Report on resident [REDACTED] dated 9/06/06 by writing, "I Mr. Windham approached resident [REDACTED] and he dropped his hands and step toward me." As stated, the video shows that resident [REDACTED] did not step towards Mr. Windham or move either of his hands.

**C. DJJ Policy and/or Facility Office Procedure Violations**

The following policies were violated by Mr. Reginald Windham:

DJJ PP 102 Employee Code of Ethics, IV (A) Staff shall respect and protect the civil and legal rights of all youth in the care or custody of the Department; and IV (B) Staff shall serve each youth with appropriate concern for their welfare.

DJJ PP 104 Employee Code of Conduct, IV (B), IV (F), IV (M), IV (N), IV (O), and IV (P) – See attached policy for details.

DJJ PP 208 Youth Rights, IV, 8: Youth shall be treated in a humane manner and shall have the right to be protected from exploitation, neglect, physical, sexual, and emotional abuse. This shall include corporal punishment, intentional injury, use of intimidation, threatening, or abuse language toward the youth, either verbally, in writing, or by gesture. Any suspected abuse or neglect of youth shall be reported in accordance with KRS 620.030 (Reference DJJPP 140 or 731).

It is requested that Mr. Reginald Windham receive significant disciplinary action, up to and including dismissal, due to the nature of these infractions.

cc: file



9-28-06  
cc: J. Hodgkin  
P. Burks  
~~V. Moore~~

## JUSTICE AND PUBLIC SAFETY CABINET

**Ernie Fletcher**  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
Fax No. (502) 564-4840

**BG Norman E. Arflack**  
Secretary

TO: Bridget Skaggs Brown, Commissioner  
Department of Juvenile Justice

FROM: Deanna F. Douthett, Victims' Advocate III  
Office of Investigations

DATE: September 26, 2006

SUBJECT: Completed Investigation



Attached for your review is a completed investigation regarding:

<u>Investigation #</u>	<u>Name</u>	<u>Facility</u>
1768-06	[REDACTED]	Lincoln Village Youth Dev. Center

The investigation was found to be **founded** with memo of concerns attached. Please notify my office of any personnel action or other action that is taken as the result of this investigation. This report is being forwarded to your agency for your review and any action that may be deemed appropriate by your agency.

Please notify the alleged perpetrator, victim and reporting source of the finding in this investigation. If you have any questions or need further information, please let me know.

Attachment

cc: DJJ Legal Office



## JUSTICE AND PUBLIC SAFETY CABINET

**Ernie Fletcher**  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
Fax No. (502) 564-4840

**BG Norman E. Arflack**  
Secretary

TO: Tom Gilsdorf, Staff Assistant  
Department of Juvenile Justice

FROM: Walter K. Wright, Investigator *UKW*  
Office of Investigations Branch

THRU: Steve Odaniel, Executive Director *SO*  
Office of Investigations Branch

DATE: September 21, 2006

RE: Lincoln Village YDC (#1768-06)

The following concern was noted during the above investigation:

- ♦ Mr. Windham falsified the Incident Report on resident [REDACTED] dated 09/06/06 by writing, "I Mr. Windham approached resident [REDACTED] and he dropped his hands and step toward me." As stated in my case report (#1768-06), the video show that resident [REDACTED] did not step towards Mr. Windham, nor did he move his hands. In addition, Ms. Ms. Karen Prince and [REDACTED] stated [REDACTED] did not move.

cc: File



## JUSTICE AND PUBLIC SAFETY CABINET

**Ernie Fletcher**  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
Fax No. (502) 564-4840

**BG Norman E. Arflack**  
Secretary

September 26, 2006

Renee Sartin  
Salt River Trail Region  
445 Hwy 44 E  
Suite 209  
Shepherdsville, KY 40265

Dear Region Administrator:

In accordance with the Memorandum of Understanding between the Cabinet for Health and Family Services and the Justice & Public Safety Cabinet, the Office of Investigations has completed an administrative investigation involving a resident at the Lincoln Village Youth Development Center, a facility located in your region. The investigator has determined the allegation to be founded. This report is being forwarded to your agency for your review and any action that may be deemed appropriate by your agency.

Please notify this office if this investigation meets CHFS criteria, subsequently adding alleged offender into the child abuse registry. If you have any questions, please let me know, I can be reached at 502/564-6688.

Sincerely,

A handwritten signature in black ink, appearing to read "Deanna F. Douthitt".

Deanna F. Douthitt, Victims' Advocate III  
Office of Investigations

Attachment  
Cc: File



## JUSTICE AND PUBLIC SAFETY CABINET

Ernie Fletcher  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
Fax No. (502) 564-4840

BG Norman E. Arflack  
Secretary

September 26, 2006

Ken Howard  
Hardin County Attorney  
PO Box 884  
100 Public Square  
Elizabethtown, KY 42702-0884

Dear Mr. Howard:

In accordance with 500 KAR 13:020, the Justice & Public Safety Cabinet, Office of Investigations has completed an administrative investigation involving a resident at the Lincoln Village Youth Development Center, located in your county. The investigator has determined the allegation to be founded/substantiated. This report is being forwarded to your office for your review and any action that you deem appropriate.

Please notify this office if this investigation warrants any action from your office. If you have any questions, please let me know, I can be reached at 502/564-6688.

Sincerely,

A handwritten signature in black ink, appearing to read "Deanna F. Douthitt".

Deanna F. Douthitt, Victims' Advocate III  
Office of Investigations

Attachment  
Cc: File

**Justice and Public Safety Cabinet  
Office of Investigation  
Case Report #1768-06**

**Investigation Number:** 1768-06      **Date/Time Received:** 09/08/06 12:47pm

**Investigator:** W. Wright      **Date/Time Incident Occurred:** 09/06/06

**Method Report Received:** Hotline

Attached is the report of the investigation of the special incident (s):

Staff uses inappropriate or excessive force which results in an injury. Staff uses verbal threats of harm directed at resident.

(type of allegations)

Regarding: Resident [REDACTED]  
[REDACTED]

Resident at: Lincoln Village YDC  
(facility)

The allegations were found to be: **Founded**

- 1)  Copy to Commissioner, Dept. of Juvenile Justice 9/20/06  
(date)
- 2)  Notification of the finding to CFC 9/20/06  
(date)

\_\_\_\_\_  
**Mr. Reggie Windham**  
Offender

**Criminal history and history of prior reports/allegations on the offender.**

**No Priors.**

Created on 09/14/2006

If this report contains any reference to a polygraph examination, that portion of the report cannot be copied for distribution.

**Justice and Public Safety Cabinet  
Office of Investigation  
Case Report # 1768-06**

**ALLEGATION:**

It is alleged that Mr. Reggie Windham restrained resident [REDACTED] for no reason and slammed him face first onto the floor.

**INTERVIEW LIST:**

- [REDACTED]
- Ms. Karen Prince
- Mr. Reggie Windham
- Ms. Krystal Dailey
- [REDACTED]

**SUMMARY OF INVESTIGATION:**

W. Wright took the initial hotline complaint on 09/08/06 at 12:47pm.

On 09/08/06, W. Wright called Mr. Kendall Williams and requested the incident report to be faxed to OOI. On 09/08/06, W. Wright received a faxed copy of the incident report dated 09/06/06.

On 09/12/06, W. Wright traveled to Lincoln Village YDC to conduct interviews.

On 09/14/06, W. Wright conducted a telephone interview with Ms. Krystal Dailey.

On 09/19/06, W. Wright called the [REDACTED]'s resident and spoke with Mr. [REDACTED], [REDACTED]'s father. Mr. [REDACTED] approved W. Wright to call back once [REDACTED] arrived home from school to speak with him. On 09/19/06, W. Wright called [REDACTED] ([REDACTED]) to discuss the restraint of [REDACTED].

Justice and Public Safety Cabinet  
Office of Investigation  
Case Report #1768-06

Interview Report

- ██████████ (alleged victim) ██████████ ██████████ was interviewed via telephone when he called the hotline on 09/08/06 by W. Wright at OOI in Frankfort, KY at 12:47pm. ██████████ has been at Lincoln Village YDC for 6 days.

~~Note: This interview was not recorded due to W. Wright's computer rebooting.~~

██████████ stated he had just returned from court and was being processed in Intake. Mr. Windham put ██████████'s shoes on his pants. ██████████ stated his shoes were dirty due to the cell being dirty. ██████████ asked Mr. Windham to remove the shoes from his pants. Mr. Windham got upset and started yelling.

Mr. Windham also bumped ██████████'s shoulder with his chest. ██████████ asked Mr. Windham to get out of his face. Mr. Windham then picked ██████████ up and slammed him face first onto the floor. ██████████ stated two residents were looking out of their windows in the intake area. These residents were, ██████████ and ██████████. Caller stated Ms. Prince was also present.



**Justice and Public Safety Cabinet  
Office of Investigation  
Case Report #1768-06**

**Interview Report**

- **Prince, Karen** – (Staff Witness), [REDACTED] Ms. Prince was interviewed on 09/12/06 by W. Wright at Lincoln Village YDC in Elizabethtown, KY at 10:46am. Ms. Prince is a Youth Worker III and has been at Lincoln Village YDC for 4 years. She can be reached at [REDACTED]. The following is a brief synopsis of this interview. For complete details of the interview please refer to the recording.

Ms. Prince stated residents [REDACTED] and [REDACTED] had just returned from court and was being pat down by Mr. Windham. Ms. Prince stated [REDACTED] was visibly upset about something. He had told staff not to wash his clothes. Ms. Prince stated she had re-directed [REDACTED] regarding not to turn around. Mr. Windham had re-directed [REDACTED] several times also. Mr. Windham walked over to [REDACTED] and started yelling at him. Ms. Prince stated Mr. Windham was about two inches away from [REDACTED]'s face. Ms. Prince stated [REDACTED] had started crying, and she could see the tears on his face, and his lips quivering.

Ms. Prince stated [REDACTED] was not talking and had his hands behind his back. Mr. Windham told [REDACTED] that he needed to follow directions, and said, "I will not tolerate it!" [REDACTED] asked Mr. Windham to get out of his face. Mr. Windham then slammed [REDACTED] to the floor. Ms. Prince stated there was no attitude in [REDACTED]'s voice when he asked Mr. Windham to get out of his face.

Ms. Prince stated she called staff assistance, and Mr. Weatherington showed up. Ms. Prince recalled [REDACTED] asking staff to let go of him because he was not moving (during the restraint). [REDACTED] said, "You are breaking my fucking arm!" Mr. Weatherington told staff to put [REDACTED] in restraints. Ms. Prince got the soft restraints. [REDACTED] turned to [REDACTED] and asked if his back was bleeding. [REDACTED] told him yes.

Ms. Prince took [REDACTED] to a pod and told him she would have the nurse come in to take his vitals and pictures. Ms. Prince stated Ms. Dailey was sitting behind the counter in a chair during the incident. Ms. Prince stated Ms. Dailey heard what was going on.

W. Wright showed Ms. Prince a copy of the incident report completed by Mr. Windham. Ms. Prince said, "That's not true." Ms. Prince said she disagreed with what Mr. Windham said about resident [REDACTED] moving his hands.

Justice and Public Safety Cabinet  
Office of Investigation  
Case Report #1768-06

Interview Report

- **Windham, Reginald** - (Alleged Offender), [REDACTED] Mr. Windham was interviewed on 09/12/06 by W. Wright at Lincoln Village YDC in Elizabethtown, KY at 11:26am. Mr. Windham is a Youth Worker II and has been at Lincoln Village YDC for 1-1/2 years. He can be reached at [REDACTED]. The following is a brief synopsis of this interview. For complete details of the interview please refer to the recording.

Mr. Windham stated he was called to intake to pat down two residents that had returned from court. Resident [REDACTED] continued to move and talk without permission. Mr. Windham stated [REDACTED] was non-compliant with facility rules. [REDACTED] told Mr. Windham not to wash his clothes. Mr. Windham re-directed [REDACTED] several times regarding moving his hands and shaking his head. Mr. Windham stated [REDACTED] kept removing his hands from behind his back.

As Mr. Windham was talking to [REDACTED] [REDACTED] moved one of his hands from behind his back. Mr. Windham then restrained [REDACTED] using Control-1. Ms. Prince called for staff assistance. Mr. Windham stated [REDACTED] continued to curse while on the floor.

Mr. Windham also stated that Ms. Prince was in the area and witnessed the restraint.

W. Wright asked Mr. Windham if his Incident Report was accurate. He said, "Yes sir." W. Wright played the video of the restraint to Mr. Windham. W. Wright asked Mr. Windham to show where [REDACTED] moved either of his hands. W. Wright replayed the video several times and noted to Mr. Windham that [REDACTED]'s arms were still behind his back. Mr. Windham stated he thought that [REDACTED] had moved. Mr. Windham stated [REDACTED] was cursing and being defiant.

Justice and Public Safety Cabinet  
Office of Investigation  
Case Report #1768-06

Interview Report

- **Dailey, Krystal** – (Staff Witness), [REDACTED] Ms. Dailey was interviewed on 09/14/06 by W. Wright via telephone at OOI in Frankfort, KY at 10:10am. Ms. Dailey is a Cook II and has been at Lincoln Village YDC for 4 years. She can be reached at [REDACTED]. The following is a brief synopsis of this interview. For complete details of the interview please refer to the recording.

Ms. Dailey stated she was in the back filing papers. [REDACTED] asked staff not to wash his clothes. Ms. Dailey recalled [REDACTED] getting re-directed followed by a brief conversation. [REDACTED] was asked to go into his cell. [REDACTED] stepped without permission. Mr. Windham approached [REDACTED]. Ms. Dailey stated she looked away, and when she looked again, Mr. Windham and [REDACTED] were going to the floor.

Ms. Dailey heard [REDACTED] say that he hit his head. She then heard [REDACTED] tell Mr. Windham that he was going to break his arm. Mr. Windham then said, "Maybe I need to break your arm." Ms. Dailey stated Ms. Prince called for staff assistance.

W. Wright asked Ms. Dailey if it appeared that [REDACTED] was out of control. She stated not that she was aware of. W. Wright asked Ms. Dailey if she recalled [REDACTED] using profanity. She stated not that she was aware of.

**Justice and Public Safety Cabinet  
Office of Investigation  
Case Report #1768-06**

**Interview Report**

- [REDACTED] – (resident witness), [REDACTED] [REDACTED] was interviewed on 09/19/06 via telephone from W. Wright's cell phone in Lexington, KY at 6:10pm. [REDACTED]'s residence number is [REDACTED]. [REDACTED] was at Lincoln Village YDC from 09/02/06 until 09/10/06.

[REDACTED] stated he recalled [REDACTED] taking off his shoes and jeans when they had come back from court. [REDACTED] stated he was standing next to [REDACTED]. Mr. Windham had slammed [REDACTED]'s shoes on his jeans. [REDACTED] had removed his shoes from on top of his jeans. Mr. Windham got in [REDACTED]'s face and said, "This aint Holiday Inn!" [REDACTED] told Mr. Windham to leave him alone. Everything then settled down for a minute.

Mr. Windham then told [REDACTED] to approach him. As [REDACTED] started to approach Mr. Windham, Mr. Windham approached [REDACTED] and started yelling at him because he did not ask for permission to cross the line. Mr. Windham nudged [REDACTED] with his shoulder. [REDACTED] told Mr. Windham not to touch him. Mr. Windham told [REDACTED] that he would slam him. [REDACTED] told Mr. Windham to get out of his face.

Mr. Windham then slam to the floor. [REDACTED] to the ground. [REDACTED] started cursing at Mr. Windham and told him that he would never say, "Yes Sir" to him again. [REDACTED] remembered one female staff worker being present the whole time and had called for staff assistance. He could not remember her name.

[REDACTED] stated [REDACTED] did not move prior to the restraint.

**Justice and Public Safety Cabinet  
Office of Investigation  
Case Report #1768-06**

**Findings:**

Based on the information obtained and review of records, the following is recommended in relation to the allegations:

After reviewing documentation and conducting interviews, the allegation that Mr. Windham used inappropriate or excessive force against resident [REDACTED] shall be concluded as **FOUNDED**. In addition, Ms. Krystal Dailey witnessed resident [REDACTED] tell Mr. Windham that he was breaking his arm. Mr. Windham made the comment, "Maybe I will." Mr. Windham's comment constitutes a verbal threat to [REDACTED] **FOUNDED**.

~~Based on the video reviewed, [REDACTED] did not move either of his hands in a threatening manner. The video depicts Mr. Windham talking forcibly to [REDACTED]. When [REDACTED] moves his head away from Mr. Windham, Mr. Windham grabs him and forcibly takes [REDACTED] to the floor. The video camera does not display the total restraint nor does it show [REDACTED] being slammed on his head.~~

A Memo of Concern will be sent to Mr. Tom Gilsdorf, Staff Assistance, regarding Mr. Windham falsifying the Incident Report by writing, "I Mr. Windham approached resident [REDACTED] and he dropped his hands and step towards me." As stated previously, the video shows that resident [REDACTED] did not step towards Mr. Windham, nor did he move his hands. In addition, Ms. Ms. Karen Prince and resident [REDACTED] stated [REDACTED] did not move.

Signature: Walter K. Whit Date: 9-25-06  
Office of Investigations Investigator

Signature: Bauney Kimm Date: 9-25-06  
Office of Investigations Investigative Manager

Signature: [Signature] Date: 9-25-06  
Office of Investigations Executive Director

Signature: [Signature] Date: 9/26/06  
Attorney, Office of General Counsel

**Justice and Public Safety Cabinet  
Office of Investigation  
Case Report #1768-06**

**Attachments/Information Reviewed**

- Copy of the Incident Report Form from Mr. Reginald Windham dated 09/06/2006.
- Copy of the Post Restraint Body Checklist dated 09/06/06 by Ms. Patricia Calhoun. (Zero blood noted).
- Copy of the Critical Incident Debriefing Summary dated 09/06/06 by Mr. Weatherington.
- Handwritten statements from Ms. Karen Prince and Ms. Krystal Dailey.
- Photographs of [REDACTED], and one of Mr. Windham.
- Copy of the video recording.
- Recorded interviews.

Rev 01/06

# Department of Juvenile Justice

## Incident Report Form

NAME OF YOUTH: \_\_\_\_\_ DJJ#: \_\_\_\_\_  
DATE OF INCIDENT: 09/06/06 TIME OF INCIDENT: 1245  
PROGRAM/OFFICE: LVYDC YOUTH STATUS:  PO  PROBATED  
 YO  COMMITTED

### 1. Check All Events That Apply

- |   |  |
|---|--|
| <input type="checkbox"/> AWOL/ESCAPE                | <input type="checkbox"/> SUICIDE ATTEMPT   |
| <input type="checkbox"/> ASSAULT BY YOUTH ON YOUTH  | <input type="checkbox"/> DEATH OF RESIDENT   |
| <input type="checkbox"/> ASSAULT BY YOUTH ON STAFF  | <input type="checkbox"/> PHYSICAL RESTRAINT  |
| <input type="checkbox"/> MAJOR PROPERTY DESTRUCTION | <input type="checkbox"/> MECHANICAL RESTRAINT                                      |
| <input type="checkbox"/> POSSESSION OF CONTRABAND   | <input type="checkbox"/> THERAPEUTIC RESTRAINT                                     |
| <input type="checkbox"/> MAJOR INJURY               | <input type="checkbox"/> MAJOR OFFENSES (COMMUNITY ONLY)                           |
| <input type="checkbox"/> SEXUAL ASSAULT             | <input type="checkbox"/> CONSENSUAL SEX  |
| <input type="checkbox"/> USE OF ISOLATION           | <input checked="" type="checkbox"/> OTHER, Including Medication Error<br>Isolation |

### 2. Describe the incident in detail with the information below:

a) Specific place:

Intake

b) All earlier behaviors and actions prior to the incident. Include the specifics of the incident:

On 09/06/06 at approx. 1245 hrs. I Mr. Windham was call to intake. to pat-down two male residents return from court. Resident [redacted] was told that He need to comply with the facility rules several times by Ms. Prince and me. ~~He continued to be defiant. By talking and moving without permission.~~ Mr. Windham approached resident [redacted] and he dropped his hands and step toward me. I Mr. Windham grab his left arm in A ACT control 1 to the floor. Mr. Weatherington assisted and placed resident [redacted] in soft hand restraints and put hem in intake cell #423.

c) Other youth involved (if applicable):

na

d) List all other staff involved:

Mr. Weatherington

### 3. If restraint was used,

a) Which techniques were used? (Note techniques are listed from least restrictive to most restrictive force)

#### Aikido Control Training (ACT)

- Control 1  
 Control 2

#### Therapeutic Restraints

- Fleece/Canvas lined cuffs  
 Fleece/Canvas lined anklets

#### Mechanical Restraints

- Hand Cuffs  
 Chains

Rev 09/04

Control 3

Foam Helmet

Anklets

Suicide Prevention Smock

Suicide Prevention Blanket

Restraint Chair

b) Explain why each technique was used:

Mr. Windham grab Res. [redacted] Right arms ACT#1 to the floor resident continued to move and talk with out permission.

c) If restraint was used, what amount of time was required to control the youth? Minutes

4. Were there injuries as a result of this incident?  YES  NO

a) List names of those injured and extent of injuries and complete body check list:

n/a

b) If pictures were taken, explain by whom and where the pictures are being kept:

yes

5. Was placement in Intensive supervision used?  YES  NO

6. Was placement in isolation used (for residential programs/detention centers only)?

YES  NO

a) If isolation over 4 hours, isolation was authorizes by:

b) Date In: 9/6/2006 Time In: 1245 Date Out: Time out:

7. Has an accident similar to this occurred previously?  YES  NO

If yes, please note previous incidents as applicable:

8. Staff member making report:

Reginald Windham

Print Name

  
Signature

09/06/06

Date/Time

9. Employee's immediate supervisor's comments:

John Weatherington

Print Name

Signature

09/06/2006

Date/Time

10. TO BE SUBMITTED WITHIN ONE WORK SHIFT:

YOUTH'S FOLDER (original)  
EMPLOYEE'S SUPERVISOR



POST RESTRAINT BODY CHECKLIST-MALE  
LINCOLN VILLAGE REGIONAL JUVENILE DETENTION CENTER

1. Indicate on the diagram all bruises, scratches, red marks, or any markings.

2. List all complaints of the resident: yo HA, yo shoulder pain

3. Note any treatment given (first aid, etc.): 1% IBUPROFEN GIVEN

STAFF SIGNATURE/TITLE Patricia Clark DATE 9/6/06 TIME 1350

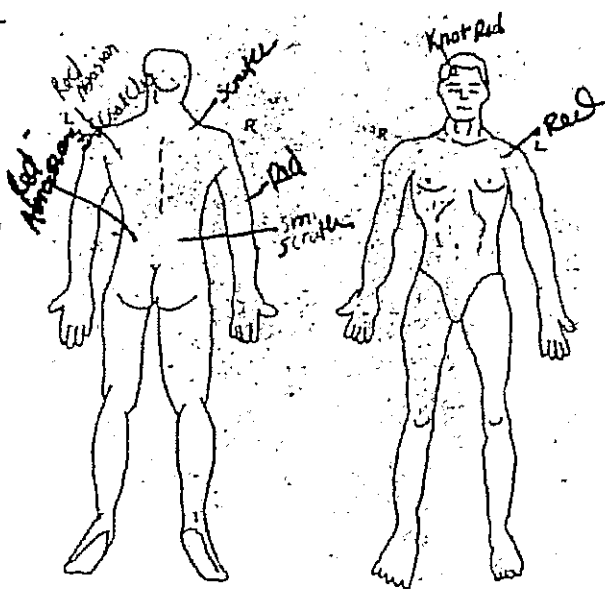
4. Medical staff evaluation (observation, findings, treatment given, etc.) T 99.1 B/137/91 P 78  
Red = red marks on shoulder blade area & slight abrasions. Red Abreaction to lower left side of bladder, noted scratches and abrasions to (R) TOP shoulder (R) ARM & noted old scar st. bladder. NOTED Red 1/2 on KNOT TO (L) side of head. yo head hurting  
1% IBUPROFEN given (L) ARM pain Good ROM. NOTED Good mobility and movement to all extremities. no more complaints voiced

Patricia Clark 9/6/06  
SIGNATURE/TITLE DATE  
PHYSICIAN/NURSE

RESIDENT NAME [REDACTED]  
DOB [REDACTED]

Body Front

Body Back



DEPARTMENT OF JUVENILE JUSTICE  
CENTRAL REGION  
CRITICAL INCIDENT DEBRIEFING SUMMARY

Debriefing meetings should occur following certain critical incidents before the end of the shift. All staff involved in the incident, along with the on-site ADO, should participate in the debriefing. It is the responsibility of the highest-ranking supervisor on shift when the incident occurred to facilitate the debriefing and complete this summary. This summary, along with a copy of the critical incident report packet, should be forwarded to the Division Director within 48 hours of the occurrence of the incident.

Date and Time of Debriefing Meeting: 1315

Resident: [REDACTED]

1. Type of Incident (select all that apply):

- AWOL
- AWOL Plot or Attempt
- Youth on Youth Assault
- Youth on Staff Assault
- Restraint (all beyond Basic Escort)
- Possession of Contraband (e.g. Drugs, Weapons, Flammables, or other potentially dangerous materials)
- Death of a resident

2. List staff attending the debriefing: Mr. Weatherington, Mrs. Brown, and Mr. Windham

3. Did all staff follow proper protocol throughout the incident? If not, where was protocol not followed? Yes, staff assistance was called to intake. Mr. Windham had the resident secured until staff arrived. Resident was using profanity and displayed aggressive behaviors. Soft restraints to the hands were applied until resident calm down.

---

---

4. Did all staff involved feel that they knew what procedures to follow during the incident? Did staff feel adequately trained to handle this incident according to policy and procedure? Yes,

DEPARTMENT OF JUVENILE JUSTICE  
CENTRAL REGION  
CRITICAL INCIDENT DEBRIEFING SUMMARY

5. How could this incident have been prevented? Resident exhibited aggression toward staff; resident continued to use profanity when staff directed him to remain quit.
6. Did staff feel that the policies and procedures that are in place were adequate to deal with the incident? If not, what changes were recommended? Yes, staff tried to use verbal intervention to calm the resident.

\_\_\_\_\_

\_\_\_\_\_

7. Other relevant comments:

John Weatherington  
Debriefing Facilitator Signature

9 06 06  
Date

SUPERINTENDENT REVIEW/COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Facility Superintendent Signature

\_\_\_\_\_  
Date

On 09/06/06 at approx. 1240pm, I, Karen Prince, was present when resident [REDACTED] entered the intake area from court. He had an attitude with staff (he was moving and talking without permission) he had been redirected by me and Mr. Windham, who was there to complete a pat down of the resident. Mr. Windham approached the resident with a stern tone explaining how the resident new the rules of the facility and that he should comply. Resident [REDACTED] became visually upset (as if he was going to cry) and slightly leaned away from staff, asking Mr. Windham to step away from his face. At this time Mr. Windham restrained the resident to the floor, left arm in an Akido T-Stance. I called for staff assistant to the intake area. When staff arrived, resident [REDACTED] was cussing toward Mr. Windham stating "You're breaking my f--- arm. Get off me." Mr. Weathington stated that the resident needs to be in restraints, in which I showed him there was a pair of soft restraints on the counter. The resident was placed in soft restraints by Mr. Weathington.

Karen Prince YWIII

*Karen Prince YWIII*

I Mrs. Dailey was in intake filing papers when resident [REDACTED] returned from court. Mr. Windham and Mrs. Prince were also present. Resident [REDACTED] had to be redirected several times for talking without permission. Mr. Windham was in Mr. [REDACTED] face and said I will take you down. Mr. Windham asked resident [REDACTED] to step into the cell and Mr. [REDACTED] stepped without permission. Once again Mr. Windham got in his face and said I will take you down. I looked away for a moment and when I looked back, Mr. Windham and resident [REDACTED] were going to the floor. I heard something hit the floor, and I heard resident [REDACTED] say hit his head. Resident [REDACTED] also was saying your going to break my arm. I heard Mr. Windham say maybe I will. At that time Mrs. Prince called for staff assistance and I left intake.

Kristal Dailey

# Fax

**To:** WALTER WRIGHT **From:** KENDALL WILLIAMS

---

**Fax:** 502-564-0250 **Pages:** (including cover) 2

---

**Phone:** **Date:** 09-14-06

---

**SUBJECT** Dailey Statement

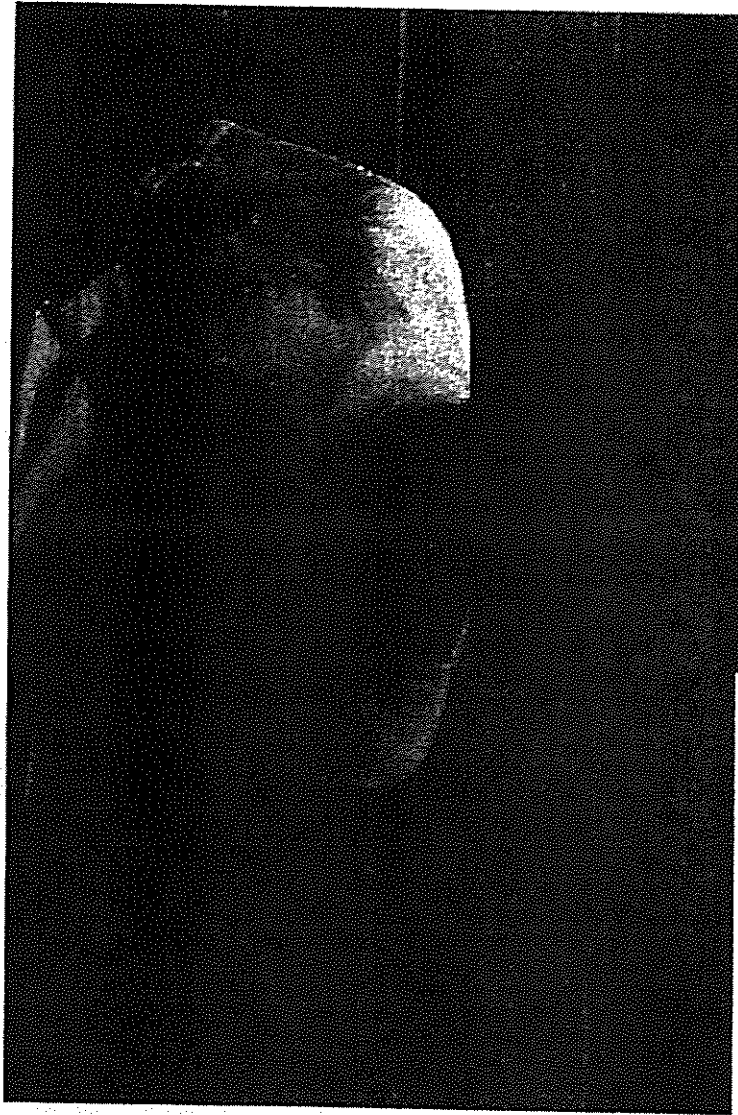
---

Urgent     For Review     Please Comment     Please Reply     As Requested

---

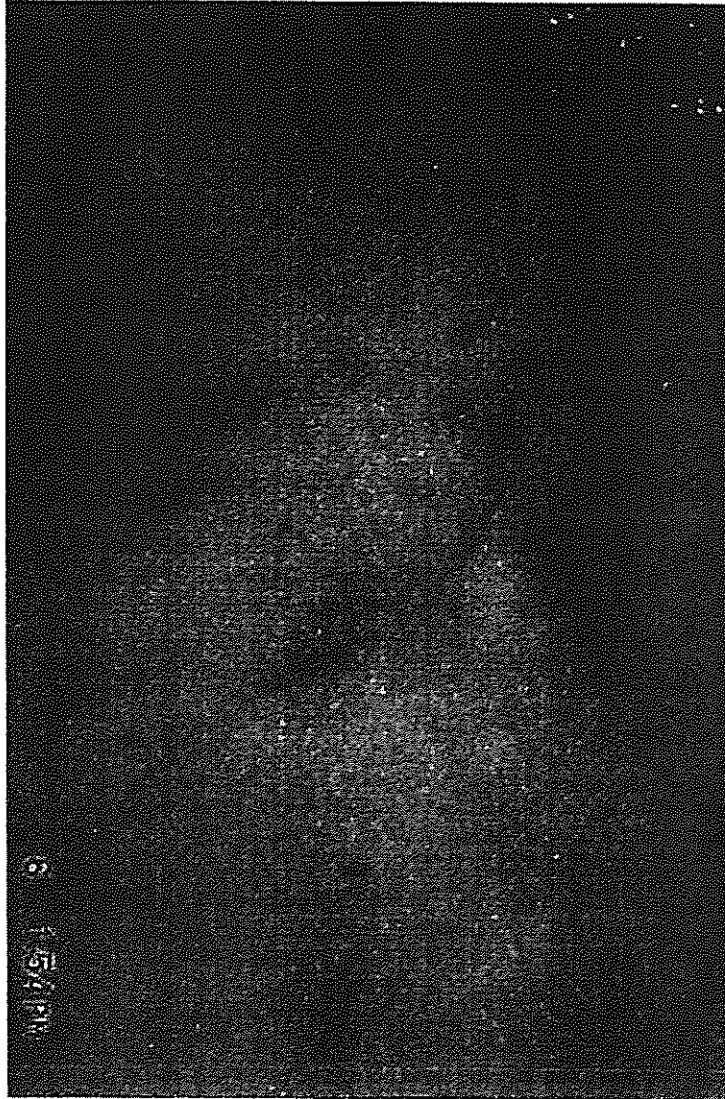
C

C



C

C

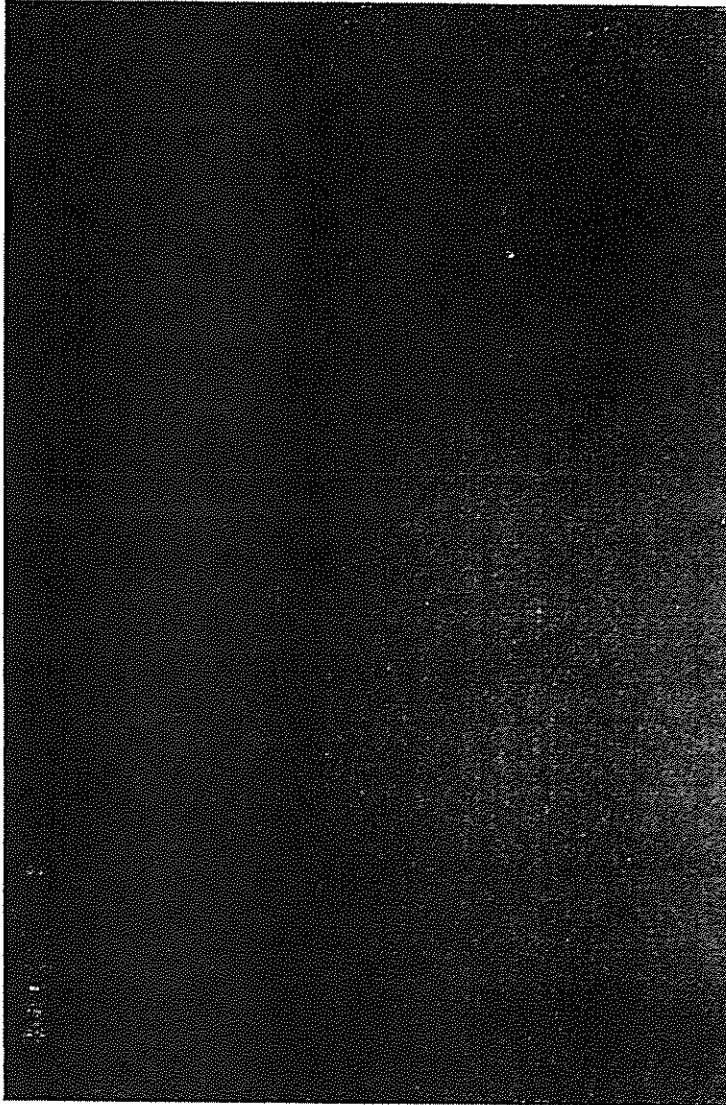




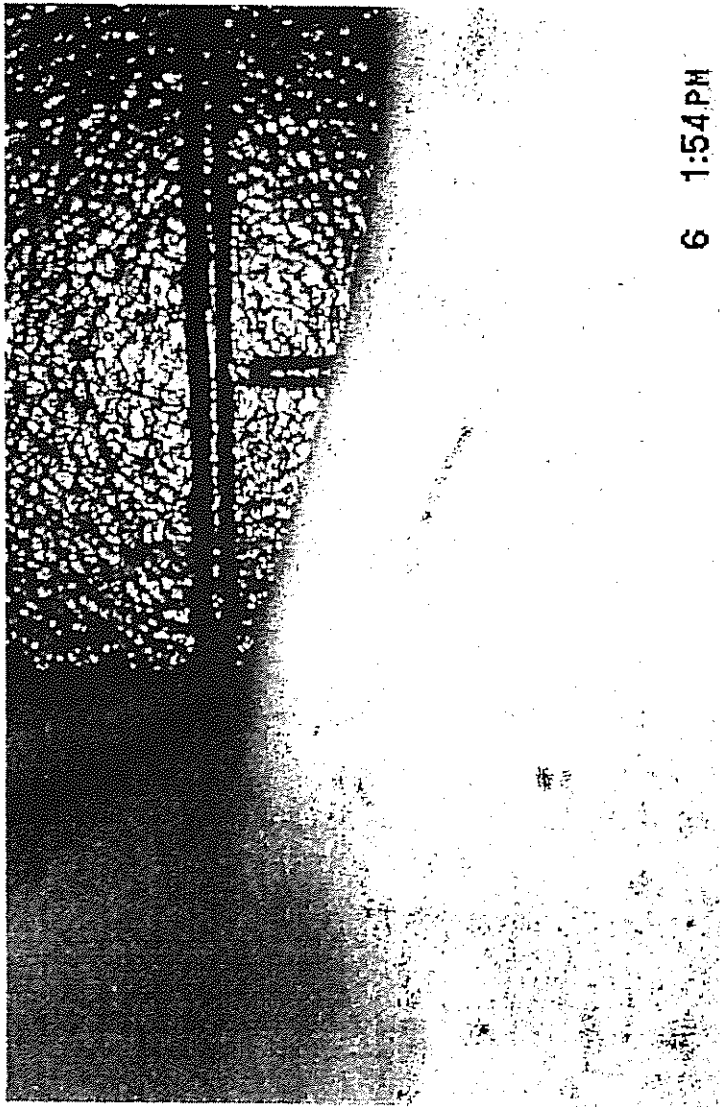
C

C

1950-1951



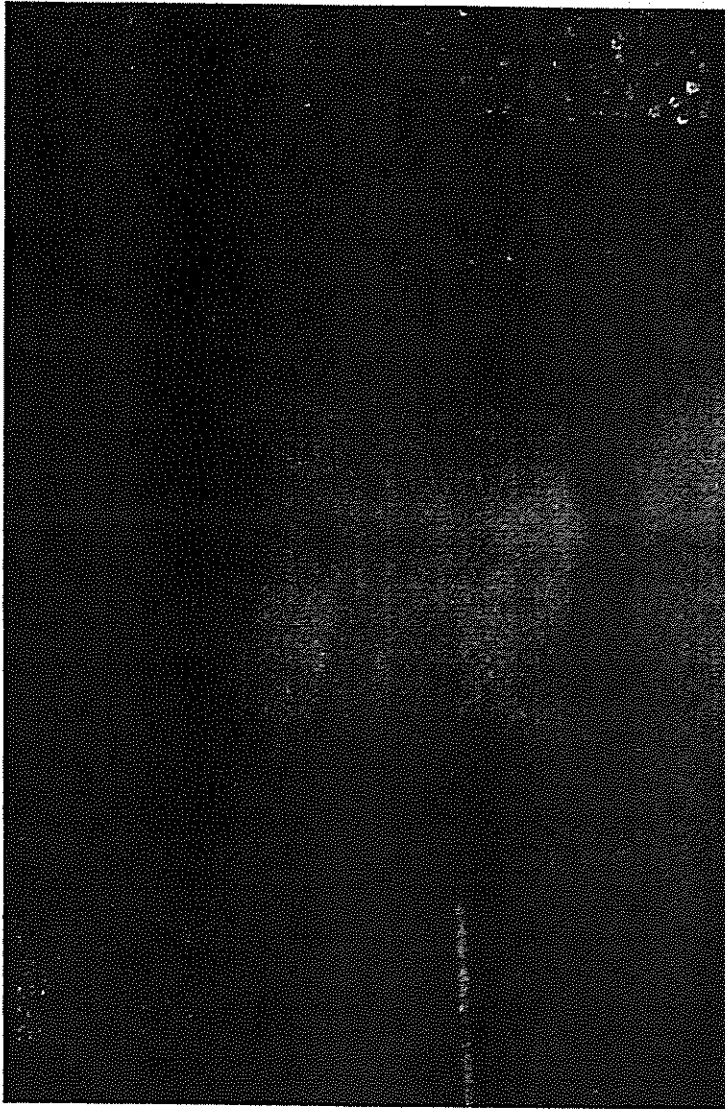
1951



6 1:54 PM

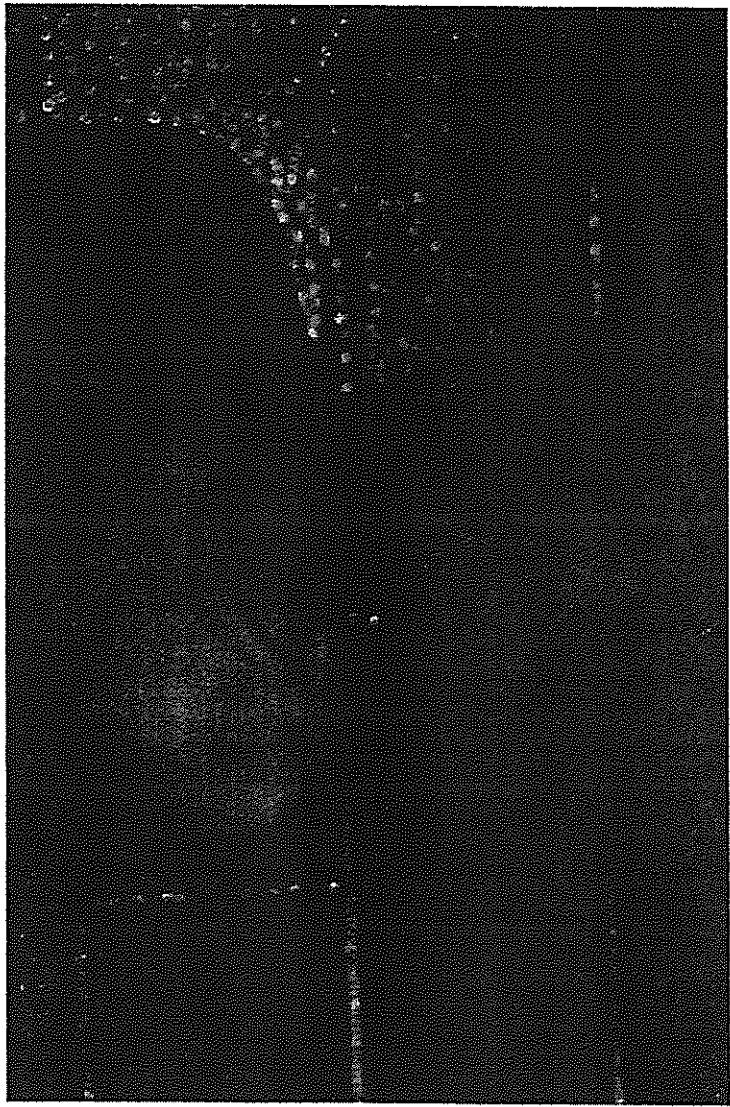
C

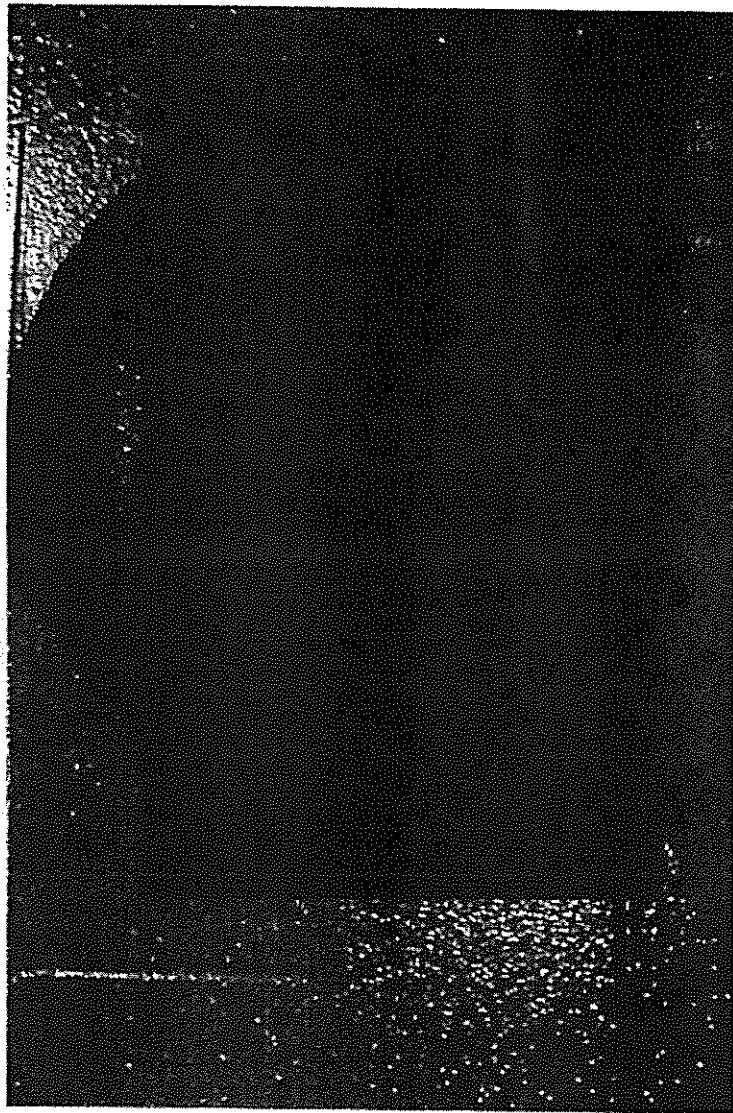
C

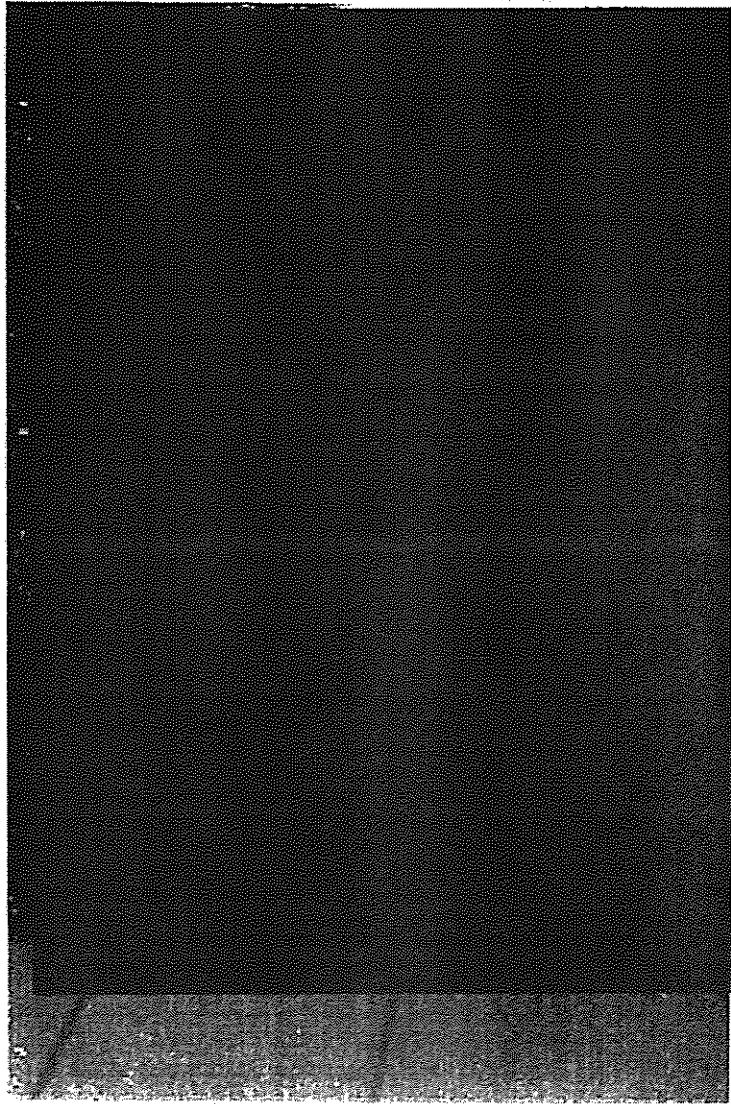


C

C

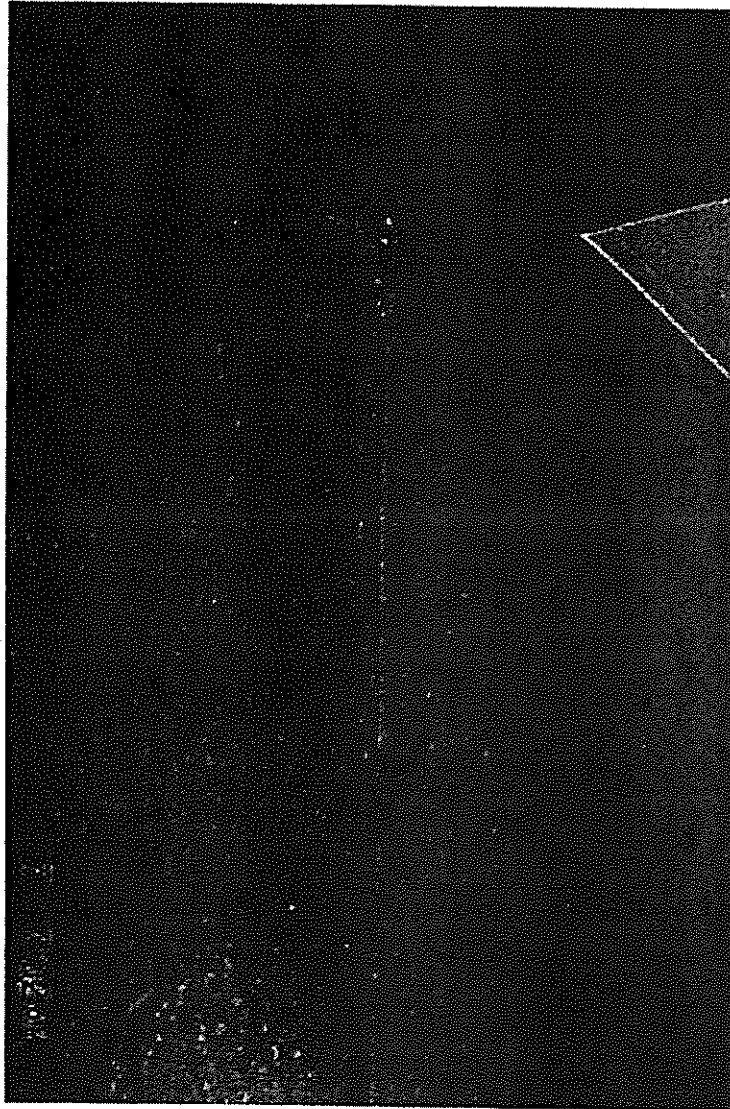


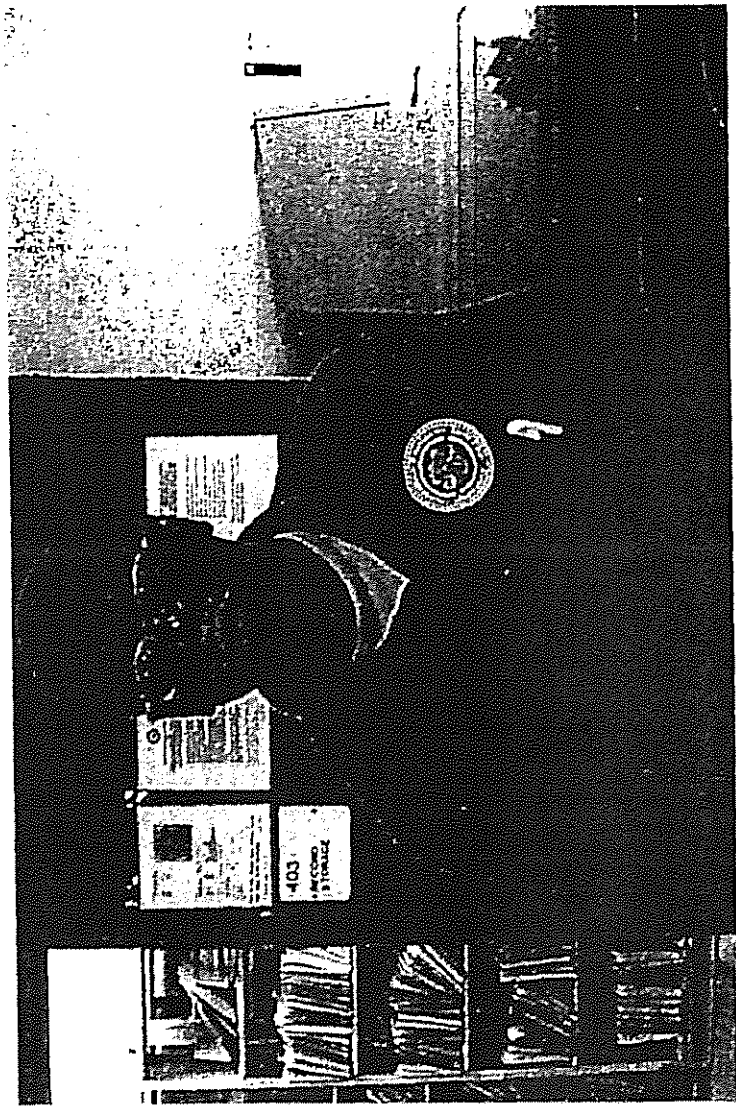




C

C







1768-06

JUSTICE CABINET  
OFFICE OF INVESTIGATIONS  
\*\*\*\* CONFIDENTIAL \*\*\*\*  
SPECIAL INCIDENT REPORTING FORM

Report Date: 9/8/06 Incident Date(s) 9/6/06 Time Report Received 12:47 pm

1. Alleged Victim(s):
- |                      | Sex               | Age | Date of Birth |
|----------------------|-------------------|-----|---------------|
| a. <u>[REDACTED]</u> | <u>[REDACTED]</u> |     |               |
| b. <u>r</u>          |                   |     |               |
| c. _____             |                   |     |               |

2. Current Facility: Lincoln Village YDC Phone #: \_\_\_\_\_

3. Facility where incident occurred: Lincoln Village YDC

4. Allegation (describe the nature of the alleged Special Incident i.e. what happened, when, injuries if any) (Circle appropriate allegation - Staff: a. uses inappropriate or excessive force which results in an injury; b. uses inappropriate or excessive force that could result in an injury; c. engages in any sexual activity to include contacts or interactions which uses or allows, permits or encourages the use of a resident for the sexual gratification of the Offender or another person; d. uses inappropriate consequences such as excessive exercise, harsh physical work, or other physical consequences outside of accepted practices of DJJ; e. does not provide appropriate supervision, medical care, food, clothing, shelter or education; f. allows or encourages a resident to engage in illegal activity such as use of drugs or alcohol or gambling; g. uses humiliating, demeaning, profane or racially charged language and/or gestures directed at resident; h. uses verbal threats of harm directed at resident; i. exhibits a pattern of harassing conduct directed at a resident; j. use or attempts to use a resident for the staff's personal gain; k. accepts a bribe from a youth or indicates a bribe would be accepted; l. enters any unlawful transaction with a youth as set forth in KRS 530.064, 530.065, and 530.00; m. enters a business relationship with a resident; n. extends unearned privileges to a resident in return for something done for staff.)

Caller alleges he was slammed on his face by staff Windham.

5. Alleged Offender(s):
- |                               |                                      |
|-------------------------------|--------------------------------------|
| a. Name <u>Reggie Windham</u> | Facility: <u>Lincoln Village YDC</u> |
| b. Name _____                 | Facility: _____                      |
| c. Name: _____                | Facility: _____                      |

6. Person Taking Report : Walter Wright

7. Investigator Assigned: Walter Wright Assigned: 9/11/06 Phone # 502/564-6688

8. Report sent to:  Law Enforcement  County Attorney

# OOI Intake

1768-06

Date  
9/8/2006

Time Made  
1247

Time Retrieved  
1247

### Victims

Incident #	Alleged Victim Last	Alleged Victim First	Victim Sex	Victim DOB
10648	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Current Facility Lincoln Village YDC

Incident Facility Lincoln Village YDC

### Allegation

Caller stated he had just got back from court and was being processed in intake. Caller stated Mr. Windham put his (caller's) shoes on his pants. Caller stated his shoes were dirty due to the cell being dirty. Caller asked Mr. Windham to remove the shoes from his pants. Mr. Windham got upset and started yelling at caller. Mr. Windham also bumped caller's shoulder with his chest. Caller asked Mr. Windham to get out of his face. Mr. Windham then picked caller up and slammed him face first onto the floor. Caller stated two residents were looking out of their windows in the intake area. These residents were, [REDACTED] and [REDACTED]. Caller stated Ms. Prince was also there.

### Action Taken

W. Wright called Mr. Kendall Williams, Superintendent, and requested the incident report(s) and video.

NOTE: Resident is being released today. He will be at home with his mother, Ms. [REDACTED]. The address is:

[REDACTED ADDRESS]

### Witness

Incident #	Last Name	First Name	Staff Or Resident
10648	[REDACTED]		Resident
10648	[REDACTED]		Resident

### Offender

Incident #	Offender Last Name	First Name	Race	Offender Facility
10648	Windham	Reggie	Black	Lincoln Village YC

### Complainant

Incident #	Complainant	Address	Relationship
10648	[REDACTED]		

DJJ Comm. Staff Assistant  
 DJJ Ombudsman

Special Incident  
 Grievance Referral

W.W./SO

COMMONWEALTH OF KENTUCKY  
CABINET FOR HUMAN RESOURCES  
DEPARTMENT FOR SOCIAL SERVICES

1768-06

CONFIDENTIAL  
SUSPECTED ABUSE/NEGLECT, DEPENDENCY OR EXPLOITATION REPORTING FORM

TYPE REPORT:  Child  Adult  Spouse County of Report Hardin Time Report Received 12:47 PM  
Report Date 9/8/06 Incident Date(s) 9/6/06

1. Name(s)	Age	Sex	Nature of Report			
a. <u>[REDACTED]</u>	_____	<u>[REDACTED]</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CHILD  
ADULT

- 1. Physical Injury
- 2. Sexual Abuse
- 3. Mental Injury
- 4. Neglect
- 5. Dependency
- 6. Adult Abuse
- 7. Spouse Abuse
- 8. Self-Neglect
- 9. Caretaker Neglect
- 10. Exploitation

2. Current Address Lindin Village VDC  
Street/Rural Route City/Zip County Telephone #  
3. Directions \_\_\_\_\_

4. Parent(s) /Guardian/Caretaker \_\_\_\_\_ Relationship \_\_\_\_\_

5. Other Known Household Members \_\_\_\_\_

6. Describe nature/extent/causes of abuse/neglect/dependency, or exploitation. List witnesses and/or collateral contacts, previous incidents or reports. Describe behavior of adult victim and of alleged perpetrator (dangerous?)  
See Attached

7. Alleged Perpetrator, if different from 4 above  
Name \_\_\_\_\_ Relationship \_\_\_\_\_  
Address \_\_\_\_\_  
Street/Rural Route City/Zip County Telephone #

8. Person Taking Report \_\_\_\_\_ Title \_\_\_\_\_

9. Worker Assigned to Investigate \_\_\_\_\_ County \_\_\_\_\_ Telephone # \_\_\_\_\_  
by: Family Services Office Supervisor \_\_\_\_\_

10. Law Enforcement Notification sent to:  
\_\_\_\_\_, County Attorney/Commonwealth Attorney  
\_\_\_\_\_, Law Enforcement Agency

11. Notification of Initial Results of CPS Investigation: (72 Hour Status Report) Date \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# OOI Intake

*No Further Action*

*Quality Assurance*

<i>Person Taking Call</i>

<i>OOI Staff Assigned:</i>

*OOI Preliminary Inquiry*

---

---

TRANSMISSION VERIFICATION REPORT

TIME : 09/11/2006 08:45  
NAME : IIU  
FAX : 502-564-0250  
TEL : 502-564-3251

DATE, TIME	09/11 08:44
FAX NO./NAME	995025734308
DURATION	00:00:58
PAGE(S)	03
RESULT	COVERPAGE
MODE	OK
	STANDARD
	ECM



## JUSTICE AND PUBLIC SAFETY CABINET

Ernie Fletcher  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
Fax No. (502) 564-4840

BG Norman E. Arflack  
Secretary

September 11, 2006

Ken Howard  
Hardin County Attorney  
PO Box 884  
100 Public Square  
Elizabethtown, KY 42702

SUBJECT: **Alleged Abuse/Neglect of Child in Residential Facility**  
[REDACTED] - Lincoln Village YDC

Dear Reader:

As required in 500 KAR 13:020, attached you will find a copy of an allegation of a Special Incident received by the Justice and Public Safety Cabinet regarding a resident in a juvenile residential/detention facility. This information is being forwarded to your agency for your review and any action that may be deemed appropriate by your agency on any criminal issue. An administrative investigation of this allegation will be conducted by staff in the Justice and Public Safety Cabinet Office of Investigations.

If you have questions or need further information, please contact the investigator indicated on the attached paperwork at (502) 564-6688.

Sincerely,

Deanna F. Douthitt, Victims' Advocate III  
Office of Investigations

Attachment  
cc: file



## JUSTICE AND PUBLIC SAFETY CABINET

Ernie Fletcher  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
Fax No. (502) 564-4840

BG Norman E. Arflack  
Secretary

September 11, 2006

Kentucky State Police  
Post 4  
PO Box 1297  
Elizabethtown, KY 42702

SUBJECT: **Alleged Abuse/Neglect of Child in Residential Facility**  
[REDACTED] - Lincoln Village YDC

Dear Reader:

As required in 500 KAR 13:020, attached you will find a copy of an allegation of a Special Incident received by the Justice and Public Safety Cabinet regarding a resident in a juvenile residential/detention facility. This information is being forwarded to your agency for your review and any action that may be deemed appropriate by your agency on any criminal issue. An administrative investigation of this allegation will be conducted by staff in the Justice and Public Safety Cabinet Office of Investigations.

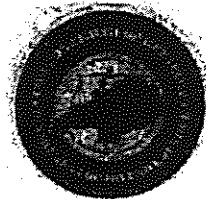
If you have questions or need further information, please contact the investigator indicated on the attached paperwork at (502) 564-6688.

Sincerely,

A handwritten signature in black ink that reads "Deanna F. Douthitt".

Deanna F. Douthitt, Victims' Advocate III  
Office of Investigations

Attachment  
cc: file



**Commonwealth of Kentucky**  
**Department of Juvenile Justice**  
*Administrative Services*

**SUPERVISORY CONFERENCE**

**Facility/Office:** Lincoln Village YDC / RJDC

**Region:** CENTRAL

**Employee's Name:** Reginald Windham

**Employee's SSN:** [REDACTED]

**Date of Conference:** 04/13/06

**Date of Last Conference(s):** N/A

**Issue:** Time & Attendance  Poor Work Performance  Misconduct   
 Other (Specify): Medication Error

Has the employee received a supervisory conference for a similar violation(s)?  
 Yes  No  If yes, attach a copy of the prior supervisory conference.

**Specifics of Incident:**

Staff failed to sign MAR to verify if youth received or did not receive medications at the appropriate times

**What happened:**

After receiving an e-mail from the Charge Nurse that the MAR had not been initialed on several residents Mr. Williams was contacted and the MAR's were investigated to discover that initials were missing from staff.

When did this occur: Date: March 06 Time: 8a

When did it happen:



Who was involved:

Who witnessed the incident:

**Supporting Documentation:** (Attach any of the following documents):

Timesheets  Log Reports  Incident Reports  Witness Statements

Copies of all specific DJJPP Policies and/or SOP's violated:

DJJ 407, Health Services S.O.P. #'s D-01 & D-02, Health Service Protocol Manual Chapter :  
Administration of Medications Subsections 6B & 6E.

Other Written Evidence:

Copies of the MAR

**Recommended Corrective Action:** (List specific steps the employee needs to accomplish in order to improve their performance or behavior):

Youth Worker will receive remedial training on passing of medications with Medical staff present and follow DJJ and LVRJDC Policies and Procedures.

**Target Date for Improvement:** (Specify Date) 04/13/06

**Other Issues Discussed:** (Items separate from the Incident)

**Employee Response:** *I don't recall issuing med's and not signing off on the form. I'll be looking forward to remedial training*

**Employee Signature:** *[Signature]* **Date:** 4/13/06  
**Supervisor Signature:** *[Signature]* **Date:** 4/13/06



JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES

REFERENCES:  
3-JTS-1A-29; 1-C-17, 23, 24  
3-JDF-1A-33; 1C- 15, 21, 22  
3-JCRF-1A-20, 21; 1C-05, 17  
1-JDTP-1A-26; 1C-18, 24, 25  
1-SJD-1A-25; 1C-13, 18, 19  
1-JBC-1A-25; 1C-14, 19, 20

CHAPTER: Administration	AUTHORITY: KRS 15A.065
SUBJECT: Employee Code of Ethics	
POLICY NUMBER: DJJ 102	
TOTAL PAGES: 3	
DATE ISSUED: May 1, 2005	EFFECTIVE DATE: 05/01/05
APPROVAL: Bridget Skaggs Brown	, COMMISSIONER

I. POLICY

The Department expects of its staff honesty, integrity, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. The Department supports a drug-free workplace.

II. APPLICABILITY

This policy shall apply to all employees of the Department of Juvenile Justice.

III. DEFINITIONS

Not Applicable

IV. PROCEDURES

- A. Staff shall respect and protect the civil and legal rights of all youth in the care or custody of the Department.
- B. Staff shall serve each youth with appropriate concern for their welfare and with no purpose of personal gain.
- C. Relationships with colleagues shall be of such character to promote mutual respect within the profession and improvement of its quality of service.
- D. Staff shall respect the importance of all elements of the criminal justice system and cultivate professional cooperation with each segment.
- E. Staff shall respect and protect the right of the public to be safeguarded from criminal activity.
- F. Each staff shall maintain the integrity of private information. Staff shall neither seek personal data beyond that needed to perform their responsibilities nor reveal case information to anyone not having professional use for such.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 102	05/01/05	05/01/05	2 of 3

Information regarding youth or persons seeking treatment shall be kept confidential under the provisions of KRS 610.320, 610.340 and 635.120. All employees, consultants, contract personnel and volunteers who work with youth or youth records shall sign a confidentiality form as a condition of employment or service.

- G. Staff shall report any corrupt, unethical behavior, or policy violations which may affect either a youth or the integrity of the organization and any abuse or neglect as required by KRS 620.030.
- H. Staff shall not discriminate against any youth, employee, or prospective employee on the basis of religion, race, sex, age, disability, or national origin.
- I. Staff shall not use their official position to secure privileges for self or others and shall not engage in activities that constitute a conflict of interest.
- J. Staff shall not act in their official capacity in any matter in which they have personal interest that may impair objectivity and create the appearance of conflict of interest.
- K. Staff engaged in outside employment shall obtain from the appropriate Division Director or designee, or the appropriate Deputy Commissioner, written acknowledgement that said employment does not appear to conflict with the employee's official duties.
- L. Political activities of employees shall be in compliance with KRS 18A.140.
- M. Workplace violence, as defined in 101 KAR 2:095 (9), shall be prohibited and shall constitute grounds for disciplinary action and referral for criminal prosecution.
- N. All DJJ employees are prohibited from reporting for duty or operating any state vehicle after consuming any amount of an alcoholic beverage. Possession of alcoholic beverages at the work site or the consumption of alcoholic beverages during working hours or prior to operating any state vehicle is strictly prohibited. Any measurable or detectable amount of an alcoholic beverage shall be considered enough to be in violation of this policy. This shall apply to all DJJ employees. The misuse of prescription and non-prescription drugs or use of illegal drugs on state property during working hours or while operating a state vehicle is strictly prohibited. In compliance with the Anti-Drug Abuse Act (P.L. 100-690), employees shall be notified that the unlawful manufacture, distribution, dispensation, possession or use of any controlled substance is strictly prohibited in the workplace and any

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 102	05/01/05	05/01/05	3 of 3

employee found to be in violation shall be subject to disciplinary action for misconduct which may include sanctions up to and including dismissal.

O. If an employee of DJJ is arrested for or charged with any offense, other than a minor traffic violation (see definition below) they shall notify their immediate supervisor. This report shall be made prior to their next scheduled shift. Being detained does not relieve an employee of the responsibility of providing notice to their supervisor that they will not be reporting to work because of the detention or arrest. If their supervisor is not working, they shall immediately notify the highest level supervisor on duty at their facility or office.

1. The employee shall furnish the supervisor with the name of the charging authority, the city or county where the charges are filed, and the next court date assigned to them. Any supervisor, or acting supervisor, upon notification of an employee being arrested or charged shall notify the facility manager, District Supervisor, or superintendent by email giving all known details of the incident. The supervisor shall, at the same time, also copy the information to their respective RFA/Branch manager and Division Director.

2. The Division Director shall immediately notify the Deputy Commissioner and the Commissioner by email. If this occurs after office hours and circumstances warrant calling them at home they shall do that in addition to the email.

3. Minor traffic violations include things such as a citation for speeding, running a red light, etc. It does not include a charge of Driving Under the Influence. Citations for any criminal offense shall be reported. There is no grace period for complying this requirement. Failure to comply with this may result in discipline up to and including dismissal.

#### V. MONITORING MECHANISM

Monitoring shall be done by all supervisory personnel on an ongoing basis.



**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**REFERENCES:**

**3-JTS-1B-21  
3-JDF-1B-21  
3-JCRF-1B-17  
1-JDTP-1B-19  
1-SJD-1B-17  
1-JBC-1B-19**

<b>CHAPTER: Administration</b>	<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Employee Code of Conduct</b>	
<b>POLICY NUMBER: DJJ 104</b>	
<b>TOTAL PAGES: 3</b>	
<b>DATE ISSUED: January 19, 2006</b>	<b>EFFECTIVE DATE: 01/19/06</b>
<b>APPROVAL: Bridget Skaggs Brown</b>	<b>, COMMISSIONER</b>

**I. POLICY**

Employees shall conduct themselves in a professional manner. Staff shall be aware that their personal conduct reflects upon the integrity of the agency and its ability to provide services to youth.

**II. APPLICABILITY**

This policy shall apply to all employees of the Department of Juvenile Justice.

**III. DEFINITIONS**

Not Applicable

**IV. PROCEDURES**

A. Employees shall be expected to arrive and leave work at scheduled times as determined by their supervisor.

**B.** Employees shall be expected to perform their work assignments competently and in a professional manner.

C. Employees shall remain in their assigned working areas during working hours. Employees shall not disturb or interrupt other employees at their working areas or prevent other employees from carrying out their duties.

D. Employees shall not entertain friends or family on the premises of any DJJ office or program except during appropriate scheduled and approved events.

**E.** Loud, abusive, or profane language and boisterous and unprofessional conduct shall not be tolerated. Employees shall refrain from making comments which are critical of colleagues or the agency, particularly while in the presence of youth or representatives of youth.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	01/19/06	01/19/06	2 of 4

- ? F. Employees shall not engage in unwelcome written, verbal or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, color, national origin, age, sex, religion, disability, marital status or pregnancy that: 1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an employee's work performance; or 3) create conditions that may not be sexually offensive in nature, but may lead to a hostile working environment.
- G. State property and equipment shall not be loaned to employees or others for personal use.
- H. Theft of any state property, including linens, clothing, supplies, or equipment shall be prohibited. Individual parcels or bundles may be subject to inspection by the supervisor.
- I. Office telephones shall be for business only. The telephone may be used during the employee's off-duty time for local calls only. When required to remain beyond their normal shift, employees may use the telephone to notify their families.
- J. Employees shall never be permitted to sleep or nap while scheduled on duty. Sleeping, lying down, or lounging shall not be allowed in youth areas even on break time, and if observed, may result in disciplinary action up to, and including dismissal. Employees shall be provided sleeping and leisure areas separate from youth residential areas if they are unable to return to their homes when needed to assist in providing twenty-four hour coverage.
- K. Employees shall not be on the premises except during working hours unless approved by their immediate supervisor.
- L. In accordance with KRS 237.110(13), KRS 237.110(14) and KRS 237.115(1) employees shall be prohibited from possession of firearms, or any other deadly weapon as defined in KRS 500.080(4), on the premises or grounds of any DJJ office, program, treatment facility or detention center and in any vehicle transporting DJJ youth.
- M. Employees shall interact with youth on a consistent basis to address individual youth needs and prevent conflicts from becoming unmanageable. Employees shall protect the individual safety of youth and themselves through the use of approved controlling techniques utilizing no more than the absolute amount of force necessary to diffuse a conflictual situation.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 104	01/19/06	01/19/06	3 of 4

- N. Employees shall take appropriate precautions in dealing with youth to prevent allegations of inappropriate verbal communication, sexual contact or abuse of any type.
- O. Abuse and other mistreatment (as defined in DJJPP 140) of youth in the care or custody of the Department shall not be tolerated. Persons abusing youth shall be subject to disciplinary action up to and including dismissal under 101 KAR 1:345. Employees suspected of abuse shall also be subject to investigation and prosecution under all applicable laws.
- P. Employees shall have the responsibility of providing youth with a positive role model as a representative of the Department.
- Q. Employees and contract personnel shall be expected to maintain a professional relationship with youth at all times. The following rules help delineate this relationship and prevent complications in treatment for youth.
- An employee shall not:
1. Sell or loan personal belongings to youth;
  2. Enter into a business relationship or financial transaction with youth or the representative(s) of a youth;
  3. Give special privileges to a youth, unless earned by youth as part of the treatment plan;
  4. Accept a bribe/payment by youth or the representative(s) of a youth for special services rendered by them;
  5. Lend money to a youth or the representative(s) of a youth;
  6. Enter into a dating or sexual relationship with a youth or formerly committed youth under the age of 18; or
  7. Enter into a dating or sexual relationship with an individual 18 years of age or older who is under DJJ care.
- R. Donations made to programs, including money, property, or material goods shall not be accepted by individual employees unless otherwise designated. Only donations which are allowable under the code of ethics may be accepted. Donations of money, property and material goods shall be properly accounted for in facility records.
- S. Employees shall fully cooperate with an investigation conducted by the

<b>POLICY NUMBER</b> DJJ 104	<b>ISSUE DATE</b> 01/19/06	<b>EFFECTIVE DATE</b> 01/19/06	<b>PAGE NUMBER</b> 4 of 4
---------------------------------	-------------------------------	-----------------------------------	------------------------------

Internal Investigations Branch, Internal Affairs Officer or Ombudsman,  
subject to Federal and State constitutional protections.

**V. MONITORING MECHANISM**

These procedures shall be monitored by all supervisors.





**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**505 KAR 1:100**

**REFERENCES:**

3-JTS-1E-04, 07; 1F-05; 2D-01;  
3C-15, 24; 3D-01-09; 4A-07,  
09, 14; 4B-10, 12-14; 4C-07;  
5A-05; 5B-05; 5D-01, 17; 5E-  
05; 5F-06; 5G-04; 5H-02, 11,  
13  
3-JDF-1E-05, 08; 1F-08; 2D-01; 3C-15,  
21; 3D-01-08; 4A-06, 08, 13; 4B-10,  
12-14; 4C-07; 5A-16; 5B-05; 5C-01,  
05; 5D-03; 5E-04; 5F-03; 5G-02, 11,  
12  
3-JCRF-1E-05, 07; 1F-09; 2D-01; 3C-03,  
16; 3D-01-07; 4A-05, 06, 10; 4B-06,  
08, 09; 4C-02, 5A-09; 5B-03; 5D-01,  
02; 5E-01; 5F-01; 5G-01, 05, 06  
1-JDTP-1E-04, 07; 1F-07; 3C-06; 3D-01,  
05, 09, 11, 14, 17, 19, 23, 26, 27; 3E-04  
1-JBC-1E-07, 08; 1F-06; 2D-01; 3C-14,  
23; 3D-01-08; 4A-05, 06, 12; 4B-10-12;  
4C-07; 5A-07; 5B-05; 5D-01, 13; 5E-  
01; 5F-04; 5G-04; 5H-02, 03, 11, 13  
1-SJD-1E-05, 08; 1F-06; 2D-01; 3C-13,  
21; 3D-01-08; 4A-06, 08, 13; 4B-09, 11,  
12, 13; 4C-05; 5A-13; 5B-03; 5C-01,  
04; 5D-02; 5E-04; 5F-03; 5G-02, 11, 12  
NCCHC-Y-01, 12, 61, 71

<b>CHAPTER: Admissions</b>	<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Youth Rights</b>	
<b>POLICY NUMBER: DJJ 208</b>	
<b>TOTAL PAGES: 5</b>	
<b>DATE ISSUED: April 13, 2006</b>	<b>EFFECTIVE DATE: 07/07/06</b>
<b>APPROVAL: Bridget Skaggs Brown</b>	<b>, COMMISSIONER</b>

**I. POLICY**

Upon admission to a Department of Juvenile Justice program, youth shall be advised of their rights, duties, and responsibilities including their right to file a grievance.

**II. APPLICABILITY**

This policy shall apply to all DJJ Residential Facilities, Group Homes, Day Treatment Programs, Regional Juvenile Detention Facilities, and Private Child Care Agencies. DJJ youth in other types of community or out-of-home placements shall have the right to file a Service Complaint with the Department of Juvenile Justice in accordance with DJJPP 602.

<b>POLICY NUMBER</b> DJJ 208	<b>ISSUE DATE</b> 04/13/06	<b>EFFECTIVE DATE</b> 07/07/06	<b>PAGE NUMBER</b> 2 of 5
---------------------------------	-------------------------------	-----------------------------------	------------------------------

### III. DEFINITIONS

- A. "Discrimination" means an abridgement of rights based upon a person's race, religion, color, sex, or national origin.
- B. "Grievance" means a circumstance or action considered to be unjust and grounds for complaint under the internal grievance system.

### IV. PROCEDURES

Written enumeration of rights shall be provided to each youth during the admission process and signed by the youth. The original shall be filed in the youth's Individual Client Record and copy shall be provided to the youth. The following rights shall be afforded to all youth:

1. Youth shall have the right of access to the courts and confidential contact with attorneys (Reference DJJPP 121).
2. Youth shall not be subject to and shall be free from discrimination. It shall be prohibited to discriminate based on a youth's race, religion, national origin, sex, disability, or political views in making administrative decisions and in providing access to programs.
3. Youth shall have access to the communication media through written requests or through media visits. All requests are subject only to the limitations necessary to maintain order and security and to protect the youth's rights, or as provided by law. Requests for media contact shall be acted upon in accordance with DJJPP 119.
4. Youth and parents/guardians shall be involved in the treatment planning process to the maximum extent possible. Youth have the right to attend treatment planning meetings unless the behavior of the youth prohibits participation. The assigned counselor shall provide the youth with an explanation of his treatment plan, in lieu of the youth's attendance.
5. Confidentiality of the treatment record shall be maintained as provided by statutes and Department Policy (Reference KRS 610.320, 610.340 and/or 635.120; DJJPP 102 and 104).
6. Audiovisual or tape recordings used as a part of the youth's treatment shall only be used for teaching or therapy purposes with written permission from youth and parents/guardians.
7. With the prior written consent of the youth and the parent/guardian, youth may participate in research studies approved by the Commissioner's Office.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 208	04/13/06	07/07/06	3 of 5

8. Youth shall be treated in a humane manner and shall have the right to be protected from exploitation, neglect, physical, sexual, and emotional abuse. This shall include corporal punishment, intentional injury, use of intimidation, threatening, or abusive language toward the youth, either verbally, in writing, or by gesture. Any suspected abuse or neglect of youth shall be reported in accordance with KRS 620.030. (Reference DJJPP 140 or 731.)
9. Youth charged with major rule violations shall be afforded due process, including the right to appeal. (Reference DJJPP 318.2 or 718.)
10. Youth who are considered for transfer to a higher security classification shall be afforded due process safeguards. In the case of emergency transfers, such safeguards shall be instituted immediately after transfer. (Reference DJJPP 206.)
11. There shall be equal access to programs and services for male and female youth in co-correctional facilities.
12. At least two hours of recreation, one hour of which shall be active recreation, shall be provided per day in group homes, youth development centers and detention programs, under the direction of a designated recreation leader if possible. Special arrangements to provide this hour of recreation shall be made if the youth is to be separated from the group. The Cadet Leadership Education Program and Day Treatment programs shall provide a recreation program approved by the Regional Director. Under circumstances involving a critical treatment incident or medical condition, a youth may be denied recreational activity on a day to day basis. The youth's recreational privileges shall be restored upon resolution of the critical treatment incident or with the approval of authorized medical personnel. (Reference DJJPP 317 or 720.2.)
13. An academic and vocational program to meet individual youth's needs shall be provided in accordance with applicable education statutes. (Reference DJJPP 334 or 725.)
14. Each group home, residential and detention program shall designate space and time frames for the youth to participate in religious activities. Participation in religious services shall be voluntary. There shall be no reprisal against any youth in regard to choice for participation in religious services. (Reference DJJPP 345 or 720.3.) However, religious practices that pose a danger to the youth, other youth, or staff, or that create a danger to the security of the facility are prohibited.
15. Youth shall have the right to refuse to participate in uncompensated work

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 208	04/13/06	07/07/06	4 of 5

assignments unless the work is related to housekeeping or maintenance of the facility or personal hygienic needs, or the work is part of an approved vocational or training program. (Reference DJJPP 316 or 720.4)

16. Access to medical, dental and mental health care, including 24-hour medical services, shall be provided. (Reference DJJPP 400.)
17. Living units shall be provided with adequate lighting, heat, ventilation and an overall safe environment maintained in compliance with state and local fire and safety laws and regulations. (Reference DJJPP 126.1 414, 427.1, and 428).
18. Youth may wear personal clothing consistent with program guidelines or wear combinations of personal and facility clothing. Youth's clothing shall be kept clean, maintained in good repair and shall be sufficient to meet seasonal and protective needs of the youth. (Reference DJJPP 702 and 414.)
19. A personal property inventory of all possessions shall be made for newly admitted youth in group homes, residential and detention programs. The inventory shall indicate which property is being held until discharge and shall be signed by the youth. This inventory shall be made a part of the youth's record with the youth receiving a copy. (Reference DJJPP 702.) Whenever possible, property of the youth which is inappropriate for possession in a residential placement shall be returned to the parent(s) or legal guardians of the youth. Returned items shall be listed on the property inventory with a notation listing the date and to whom the items were returned. Currency shall be refunded or released to youth only during normal business hours. In an ATR situation currency shall be available to the youth within seven (7) days of transfer.
20. Clean bedding, linens and towel shall be provided to each youth in group homes, residential and detention programs (to include two sheets, a pillow and pillowcase, mattress, and sufficient blankets to provide comfort under existing temperatures). Linen exchange shall be made at least once a week. (Reference DJJPP 404.13.)
21. Youth shall be afforded daily opportunity for personal hygiene. (Reference DJJPP 414.)
22. Personal hygiene articles shall be provided to each youth in group homes, residential and detention facilities (24-hour care). At a minimum, the following items shall be available in each program and shall be replenished as

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 208	04/13/06	07/07/06	5 of 5

needed: combs, shampoo, soap, deodorant, toothpaste, toothbrush, and sanitary products. (Reference DJJPP 404.13 and 414.)

23. Three meals a day and an evening snack shall be provided to each youth in group homes, residential and detention facilities (24-hour care). Special diets shall be provided when necessary to meet health or religious requirements. (Reference DJJPP 426.)
24. Youth shall be afforded the opportunity for a sufficient night's sleep in group homes, residential and detention facilities (24-hour care).
25. Reading materials shall be provided to the youth. Sufficient lighting for reading shall be provided.
26. Youth shall have the right to receive visits, subject only to the limitations necessary to maintain order and security. Each program shall specify or designate day, time, and area for visitation. Procedures for visitation in group homes and youth development centers shall relate to treatment of the youth as specified in the treatment plan. (Reference DJJPP 310 or 720.6.)
27. Youth in group homes, residential and detention programs shall have the right to send mail, excepting commercial enterprise ventures, and shall be provided postage for two letters per week, excluding legal correspondence. (Reference DJJPP 310 or 720.6.)
28. Youth in day treatment shall have access to a telephone to initiate and receive emergency personal calls. Youth in detention shall have the right to make at least two local or collect long distance calls to family members, attorneys, or other approved individuals during the admission process. Each youth in group homes, residential and detention programs shall be provided access to the telephone to make and receive personal calls, within the limits of the orderly operation of the facility, in order to maintain community and family ties and maintain contact with attorneys. (Reference DJJPP 310 or 720.6.)
29. Youth shall have the right to report any problems or complaints without fear of reprisal. There shall be a written grievance procedure, which shall be explained and made available to youth, which allows for at least one (1) level of appeal. (Reference DJJPP 331 or 706.)

#### V. MONITORING MECHANISM

The Superintendent, Facilities Residential Administrator or Regional Director and Ombudsman shall monitor these activities.



Commonwealth of Kentucky  
Department of Juvenile Justice  
Administrative Services

Approved  
Kenny Gamm  
Regional Director  
4-24-06

B.S. 1340  
4/27/06  
5-1-06

DT  
5-5-06

### SUPERVISORY CONFERENCE

Facility/Office: Lincoln Village YDC / RJDC

Region: CENTRAL

Employee's Name: Reginald Windham

Employee's SSN: [REDACTED]

Date of Conference: 04/13/06

Date of Last Conference(s): N/A

Issue: Time & Attendance  Poor Work Performance  Misconduct   
Other (Specify): Medication Error

Has the employee received a supervisory conference for a similar violation(s)?  
Yes  No  If yes, attach a copy of the prior supervisory conference.

#### Specifics of Incident:

Staff failed to sign MAR to verify if youth received or did not receive medications at the appropriate times

#### What happened:

After receiving an e-mail from the Charge Nurse that the MAR had not been initialed on several residents Mr. Williams was contacted and the MAR's were investigated to discover that initials were missing from staff.

When did this occur: Date: March 06 Time: 8a

When did it happen:

1952

Who was involved:

Who witnessed the incident:

**Supporting Documentation:** (Attach any of the following documents):

Timesheets  Log Reports  Incident Reports  Witness Statements

Copies of all specific DJJPP Policies and/or SOP's violated:

DJJ 407, Health Services S.O.P. #'s D-01 & D-02, Health Service Protocol Manual Chapter :  
Administration of Medications Subsections 6B & 6E.

Other Written Evidence:

Copies of the MAR

**Recommended Corrective Action:** (List specific steps the employee needs to accomplish in order to improve their performance or behavior):

Youth Worker will receive remedial training on passing of medications with Medical staff present and follow DJJ and LVRJDC Policies and Procedures.

**Target Date for Improvement:** (Specify Date) 04/13/06

**Other Issues Discussed:** (Items separate from the Incident)

**Employee Response:** *I don't recall issuing med's and not signing off on the form. I'll be looking forward to remedial training*

**Employee Signature:** *[Signature]* **Date:** 4/13/06  
**Supervisor Signature:** *[Signature]* **Date:** 4/13/06



0

0

0

0

# MEDICATION ADMINISTRATION RECORD - KENTUCKY JUVENILES

MEDICATIONS	HOUR	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	
Benadryl Cream Apply to areas at 8AM and 8PM for Hcteng (mid section area) START 3-11 Ed 3-13 @ 8PM	8AM																													
	8PM																													
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	
MAR ✓																														

MEDICATIONS HOUR 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

NURSE'S ORDERS, MEDICATION NOTES, AND INSTRUCTIONS ON REVERSE SIDE

CHARTING FOR 3/8/06 THROUGH 3/31/06

Physician Sherridan Telephone No. \_\_\_\_\_ Medical Record No. \_\_\_\_\_

Alt. Physician \_\_\_\_\_ Alt. Telephone \_\_\_\_\_

Allergies NKA Rehabilitative Potential \_\_\_\_\_

Diagnosis \_\_\_\_\_

Medical Number \_\_\_\_\_ Medicare Number \_\_\_\_\_ Complete Entries Checked \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

PATIENT \_\_\_\_\_

3-A SUNSET FORMS (502) 634-9101



**CHAPTER: ADMINISTRATION OF MEDICATIONS**

**SUBSECTION: 6B. DJJ MEDICATION ADMINISTRATION SYSTEM**

**DISCUSSION:**

A medication administration system is utilized and supervised to maintain control over all medications distributed in all Department of Juvenile Justice programs. This system addresses the storage, administration and documentation of medications.

The following general information is to be reviewed by all staff before proceeding, with the exception of Day Treatment staff who shall refer to instructions on page 6-12 of this section.

1. Every facility which stores or dispenses medications shall be equipped with a locked medicine or storage cabinet. Strict control will be maintained over the keys to the locked cabinet and those with access to it. Records of key control will be maintained.
2. All medications given to youth are recorded on the youth's individual Medication Administration Record, usually referred to as the MAR. Each facility may choose the actual format used, but all will contain certain vital information:
  - Full name of the youth
  - Allergies
  - Name of the medication to be given as it appears on the unit dose card
  - Dose and route of administration
  - Times to be given
  - Date ordered/date to be stopped
  - ~~Initials of staff administering medication in the appropriate box, indicating date and hour~~
  - The medical record will contain a list of full signatures with initials and titles of all staff trained in Health Services Protocol. Only those staff are allowed to give medication.
  - Method to document "PRN" medications including date, time, staff name and youth's response to the medication
  - Please see Subsection 6E of this chapter for more information regarding documentation.



**CHAPTER:**

**ADMINISTRATION OF MEDICATIONS**

**SUBSECTION:**

**6E. DOCUMENTATION OF MEDICATIONS**

**DISCUSSION:**

The following are general steps to document administration of medications into the MAR by the facility nurse or designated staff.

**PROCEDURES:**

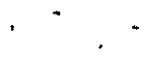
1. Use black ink for all documentation in records. Never erase or use 'white-out' in medical records. If an error is made, cross it out with a single line so that the error can still be read, and write "error" and initials clearly, and date. Write the correct information below the error.
2. ~~Initial or sign, depending on the form used in the appropriate space on the MAR in clear letters, other staff must be able to determine who gave medication and when it was given.~~
3. Record and report any unusual reactions observed in the resident after the administration of the medications. Record staff actions as a result of this observation.


3/13/00

Example: "10:30 a.m. 6/19/99

I observed John Jones scratching his arm after being given new antihistamine according to physician's order at 9:30 a.m.

I observed a fine red rash under the skin of both arms and chest. I checked the MAR and the DJJ Health Services Protocol Manual and found that this is sometimes a symptom of an allergic reaction.



	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b> 3-JTS-4C-19—21 3-JDF-4C-18—20 3-JCRF-4C-08 1-JDTP-3B-12, 13 1-JBC-4C-18—20 1-SJD-4C-16, 17 NCCHC Y-22, 29
	<b>CHAPTER: Health and Safety Services</b>	<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Pharmaceuticals</b>		
<b>POLICY NUMBER: DJJ 407</b>		
<b>TOTAL PAGES: 4</b>		
<b>DATE ISSUED: 05/15/03</b>		<b>EFFECTIVE DATE: 07/15/03</b>
<b>APPROVAL: Ronald L. Bishop</b>		<b>, COMMISSIONER</b>

### I. POLICY

Each Department of Juvenile Justice program shall comply with all applicable state and federal regulations regarding prescribing, distributing, administering, procuring, and disposal of pharmaceuticals. Only personnel who have received training in the administration of medication shall perform the administration of medication.

### II. APPLICABILITY

This policy shall apply to all DJJ operated or contract programs providing services to youth probated, sentenced or committed to, or placed in the care and custody of, the Department of Juvenile Justice.

### III. DEFINITIONS

- A. "Dispensing" means the issuance of one or more doses of a prescribed medication in containers that are correctly labeled to indicate the name of the patient, the contents of the container, and all other vital information needed to facilitate correct drug administration. **State law controls the scope or authority of a physician or other clinicians dispensing medications.**
- B. "Disposal" means the destruction of medication upon the discharge of the user from the facility or the provision of the discharged youth with the medication prescribed, in line with the continuity-of-care principle. When the facility uses the sealed, prepackaged unit dose system, unused portions shall be returned to the pharmacy.
- C. "Formulary" means a written list of prescription and non-prescription medications available to authorized prescribers. This shall not restrict prescriptions of medication generated by community health care providers;



POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 407	05/15/03	07/15/03	2 of 4

however, these shall be subject to review and approval by the responsible physician.

- D. "Medication Administration" means the act in which a single dose of an identified drug is given to a patient.
- E. "Medication Distribution" means the system for delivering, storing, and accounting for drugs from the source of supply to the nursing station point where they are administered to the patient.
- F. "Procurement" means the system for ordering medications for the facility.

#### IV. PROCEDURES

- A. Each prescription ordered by the facility physician or Advanced Registered Nurse Practitioner shall be filled by a registered pharmacist using the unit dose system.
- B. Medication, whether over-the-counter or prescription, shall be picked up by the charge nurse or designee or delivered by the pharmacy.
- C. Upon arrival at the facility, the medication shall be counted by the Registered Nurse or designee to determine the correctness of the order. Inventory of all prescription medications shall be conducted at least weekly by the charge nurse or designee. Discrepancies shall be investigated and an incident report completed for unaccounted medication. Serious discrepancies shall be reported to the Medical Director or designee. Documentation shall be maintained by the Registered Nurse or designee.
- D. The Registered Nurse or designee shall record the prescription information (dosage, time, etc.) on the Medication Administration Record (MAR). The MAR has the name of the youth, allergies, and other related information written on the MAR form including the start and stop dates. Unless otherwise stated, medication orders shall be reviewed every 30 days by the physician, Advanced Registered Nurse Practitioner or Physician Assistant. The nurse shall inform the prescriber prior to expiration dates.
- E. The facility Registered Nurse shall be responsible for all aspects of medication administration including handling, measuring, and storing all medications. Youth Workers may assist in the limited role of administering medications.
- F. ~~In the absence of the facility nurse, only staff trained in the Health Services Protocol shall give medications and write on the MAR. The Health Service Protocol training is a forty (40)-hour Protocol training course approved by the~~

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 407	05/15/03	07/15/03	3 of 4

Kentucky Board of Nursing, which includes the administration of medications and common side effects. Health-trained staff shall receive an annual medication update at a minimum of two (2) hours. Additionally, health-trained staff shall receive certification in Red Cross approved Standard First aid and CPR. Reference DJJPP 504.



- G. The assigned health-trained staff shall sign out the keys to the medications, establishing accountability for security and administration of medications.
- H. Youth Workers shall not repackage, measure or dispense medications and shall be supervised by the facility Registered Nurse.
- I. Staff administering medication shall initial the MAR each time a dose is administered. The signature of each person administering medication to a particular youth shall be maintained either on the MAR itself or on a master list.
- J. Known side effects of medication shall be listed with the MAR for staff knowledge.
- K. Drugs requiring refrigeration shall be kept in a refrigerator in the area of the facility where medication is stored. This area shall be kept locked at all times except when administering that particular medication. The temperature in the refrigerator shall be logged daily.
- L. All medications shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation and security. Drugs for topical use shall be kept separate from the medication administered for ingestion.
- M. The Registered Nurse or L.P.N. shall monitor and oversee the use of all pharmaceuticals in the facility by the following methods:
  - 1. Verifying the medication on hand.
  - 2. On weekends or at any other times when a nurse is not available, the administration of medication shall be monitored and given by health-trained staff.
  - 3. Conducting and recording a daily MAR review as part of the Continuous Quality Assurance Program.
- N. The facility nurse shall ensure that controlled substances are double locked and counted daily on the Controlled Substance Log.
- O. Any unused controlled substances shall be disposed of by returning them to the pharmacy. The Registered Nurse or designee shall make a list of the drugs to be disposed of and have that list verified by participating pharmacist.

POLICY NUMBER	ISSUE DATE	EFFECTIVE DATE	PAGE NUMBER
DJJ 407	05/15/03	07/15/03	4 of 4

- P. The disposal of non-controlled substances, including outdated, discontinued or recalled medication shall be accomplished in the same fashion as controlled substances.
- Q. Psychotropic drugs shall be used only under the direction of the psychiatrist and only if clinically indicated as one facet of a program of therapy. Documentation of administration of psychotropic drugs shall be performed in the same manner as with all prescription medication. Psychotropic medications shall not be prescribed for disciplinary reasons.
- R. Youth shall not prepare, dispense or administer medication, except for: 1) self medication programs approved by the Medical Director, the Registered Nurse and the facility Superintendent; or 2) medication necessary for the emergency management of a condition.
- S. In accordance with DJJPP 427.1, the use of needles and syringes for any reason shall be documented. A perpetual inventory shall be maintained for accountability. The inventory shall be audited weekly to ensure accuracy.
- T. A registered pharmacist shall conduct pharmacy audits at each DJJ facility annually.
- U. An adequate and proper supply of antidotes and other emergency medications shall be readily available. The poison control center telephone number shall be posted in conspicuous areas throughout the facility. Material Safety Data (MSD) sheets shall be available in areas where overdoses or toxicological emergencies are likely (Reference DJJPP 428).

#### V. MONITORING MECHANISM

This policy shall be monitored by the Medical Director and the Mental Health Director or designees. The MARS shall also be monitored as part of the regularly scheduled Quality Assurance reviews and routinely reviewed by the Registered Nurse.

	<b>DEPARTMENT OF JUVENILE JUSTICE HEALTH SERVICES STANDARD OPERATING POLICY AND PROCEDURES</b>	<b>REFERENCES: DJJPP 407 NCCHC Y-D-01  Formerly NCCHC Y-29</b>
	<b>SUBJECT: Pharmaceutical Operations</b>	
	<b>POLICY NUMBER: D-01</b>	
	<b>TOTAL PAGES: 4</b>	
	<b>DATE REVISED: 11/15/04</b>	<b>EFFECTIVE DATE: 3/1/05</b>
<b>APPROVAL: </b>	<b>, MEDICAL DIRECTOR</b>	

## I. POLICY

Each DJJ program shall comply with all applicable state and federal regulations regarding prescribing, dispensing, administering, procuring, storing and disposal of pharmaceuticals. Pharmaceutical operations are sufficient to meet youth and facility needs.

## II. DEFINITION

- A. Accounting is the act of recording, summarizing, analyzing, verifying, and reporting medication usage.
- B. Administering medication is the act in which a single dose of an identified drug is given to a patient.
- C. DEA-controlled substances are the medications that come under the jurisdiction of the Federal Controlled Substances Act.
- D. Dispensing is the placing of one or more doses of a prescribed medication into containers that are correctly labeled to indicate the name of the patient, the contents of the container, and all other vital information.
- E. Disposal is (a) the destruction of medication on its expiration date or when retention is no longer necessary or suitable (e.g., upon the discharge of the youth from the facility), or (b) the provision of medication to the former juvenile or legal guardian upon his or her discharge from the facility (in accordance with the continuity-of-care principle).
- F. Distribution is the system for delivering, storing, and accounting for medications from the source of supply to the point where they are administered to the youth.
- G. A formulary is a written list of prescription and nonprescription medications that are ordinarily available to authorized prescribers, including consultants, working for the facility.



POLICY NUMBER D-01	REVISED 11/15/04	EFFECTIVE DATE 3/1/05	PAGE NUMBER 2 of 4
--------------------	------------------	-----------------------	--------------------

H. Procuring is the act of ordering medications for the facility.

### III. PROCEDURE

- A. Each prescription ordered by the facility physician or Advanced Registered Nurse Practitioner shall be filled by a registered pharmacist using the unit dose system. All medications are administered upon the order of a physician, physician assistant, or ARNP.
- B. Medication, whether over-the-counter or prescription, shall be picked up by the charge nurse or designee or delivered by the pharmacy.
- C. Upon arrival at the facility, the medication shall be counted by the charge nurse or designee to determine correctness of the order. A weekly inventory of all prescription medications shall be conducted by the charge nurse or designee. Discrepancies shall be investigated and an incident report completed for unaccounted medication. Serious discrepancies shall be reported to the Medical Director or designee. Documentation shall be maintained by the charge nurse or designee. A copy of incident reports involving medication errors shall be forwarded to the Medical Director.
- D. The charge nurse shall record the prescription information (dosage, time, etc.) on the Medication Administration Record (MAR). The MAR has the name of the youth, allergies, and other related information written on the MAR form including the start and stop dates. Unless otherwise stated, medication orders shall be reviewed and/or renewed every 30 days by the physician, Advanced Registered Nurse Practitioner or Physician Assistant. The Charge Nurse or designee shall audit weekly and shall inform the prescriber or designee prior to expiration dates.
- E. Only nurses and/or staff trained in the Health Services Protocol shall give medications and write on the MAR. The Health Service Protocol training is approved by the Kentucky Board of Nursing. The assigned health trained staff shall sign for keys to the medications, establishing accountability for security and administration of medications. Controlled substances shall be counted each time medication keys change hands.
- F. ~~Staff administering medication shall initial the MAR each time a dose is administered. The signature of each person administering medication to a particular youth shall be maintained either on the MAR itself or on a master list.~~



1

POLICY NUMBER D-01	REVISED 11/15/04	EFFECTIVE DATE 3/1/05	PAGE NUMBER 3 of 4
-----------------------	---------------------	--------------------------	-----------------------

- G. Drugs requiring refrigeration are kept in a refrigerator in the area of the facility where medication is stored. This area shall be kept locked at all times except when administering that particular medication. The temperature in the refrigerator is logged daily. The Charge Nurse or designee shall check medication containers monthly for expiration dates. Medications identified as expired or unfit for use shall be discarded.
- H. All medications are stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation and security. Drugs for topical use shall be kept separate from the medications for oral or injectable use.
- I. The facility charge nurse or L.P.N. shall monitor and oversee the use of all pharmaceuticals in the facility by the following methods:
1. Verifying the medication on hand.
  2. ~~On weekends or at any other times when a nurse is not available, the administration of medications shall be monitored and given by health-trained staff.~~
  3. Conducting and recording a daily MAR review.
- J. The facility charge nurse shall ensure that controlled substances are double locked and counted each shift and when medication keys change hands. Verification that controlled substances were counted shall be documented on the facility controlled substance count sheet. When the count of controlled substances is inaccurate, the facility superintendent or designee and the charge nurse shall be informed. The shift supervisor and/or health-trained staff shall attempt to account for the missing medication. The results of the investigation shall be reported to the Superintendent or designee and the charge nurse or designee. An incident report shall be initiated by staff who discover the discrepancy. The charge nurse shall investigate and attempt to account for missing medications. The charge nurse shall complete the incident report, send a copy to the Medical Director and maintain a copy in the medical area. Serious discrepancies shall be reported by the charge nurse to the clinical nursing supervisor or designee.

When controlled substances arrive at the facility, a DJJ Medication Receipt and Release Form shall be completed. After the medications are counted, the form is signed by the DJJ staff receiving the medication. The original is placed in the youth record and a copy is maintained by the facility. When the medication is transported by DJJ Transportation Staff, the receiving and releasing staff shall count the medication and both staff shall sign the form.





POLICY NUMBER D-01	REVISED 11/15/04	EFFECTIVE DATE 3/1/05	PAGE NUMBER 4 of 4
-----------------------	---------------------	--------------------------	-----------------------

The transportation staff shall be provided a copy for their records. Each time the medication is received and released the form shall be completed and signed.

- K. The disposal of non-controlled substances, including outdated, discontinued or recalled medication, shall be accomplished in the same fashion as controlled substances.
- L. Psychotropic drugs are used only under the direction of the psychiatrist. Documentation of administration of psychotropic drugs shall be performed in the same manner as with all prescription medication. Psychotropic medications shall not be prescribed for disciplinary reasons.
- M. Juveniles shall not prepare, dispense or administer medication, except for: 1) self medication programs approved by the Medical Director, the charge nurse and the facility Superintendent; or 2) medication necessary for the emergency management of a condition.
- N. The use of needles and syringes for any reason shall be documented. A perpetual inventory shall be maintained for accountability. The inventory shall be audited weekly to ensure accuracy.
- O. A registered pharmacist shall conduct pharmacy audits at each DJJ facility annually on a regular basis, not less than every six months.
- P. An adequate and proper supply of antidotes and other emergency medications shall be readily available. The poison control center telephone number shall be posted in conspicuous areas throughout the facility. Material Safety Data (MSD) sheets shall be available in areas where overdoses or toxicological emergencies are likely.

#### IV. MONITORING MECHANISM

Monitoring shall be accomplished by the Medical Director or designee, the Director of Mental Health Services or designee, the pharmacy, the facility physician, and the facility charge nurse.





**DEPARTMENT OF  
JUVENILE JUSTICE  
HEALTH SERVICES  
STANDARD OPERATING  
POLICY AND PROCEDURES**

**REFERENCES:  
DJJPP 407  
NCCHC Y-D-02**

**Formerly NCCHC Y-29**

**SUBJECT: Medication Services**

**POLICY NUMBER: D-02**

**TOTAL PAGES: 2**

**DATE REVISED: 11/15/04**

**EFFECTIVE DATE: 3/1/05**

**APPROVAL:**

*[Signature]*

**, MEDICAL DIRECTOR**

**I. POLICY**

Medication services are clinically appropriate and are provided in a timely, safe, and sufficient manner.

**II. DEFINITION**

"Medication errors" include errors of giving medication:

1. to the wrong youth
2. at the wrong time i.e. more than 30 minutes before or after the ordered time.
3. by the wrong route (e.g., giving eye drops by mouth or placing eye drops in the ear);
4. in the wrong dosage or;
5. missing a dose.

"Self-medication programs" means permitting responsible juveniles to carry and administer their own medications.

**III. PROCEDURE**

- A. The responsible physician determines prescriptive practices in DJJ facilities.
- B. Each prescription ordered by the facility physician or Advanced Registered Nurse Practitioner shall be filled by a registered pharmacist using the unit dose system. All medications are administered upon the order of a Physician, Physician Assistant ARNP, or dentists only when clinically indicated.
- C. Medication, whether over-the-counter or prescription, shall be picked up by the charge nurse or designee or delivered by the pharmacy.
- D. Medications are prescribed only when clinically indicated. (i.e. psychotropic medications are not used for disciplinary purposes.)



<b>POLICY NUMBER D-02</b>	<b>REVISED 11/15/04</b>	<b>EFFECTIVE DATE 3/1/05</b>	<b>PAGE NUMBER 2 of 2</b>
-------------------------------	-----------------------------	----------------------------------	-------------------------------

**E.** All medication errors shall be reported to the Medical Director. Youth shall be referred to the nearest emergency room when the charge nurse or designee or the Medical Director determine it necessary. Youth shall be observed as directed by the charge nurse or designee for untoward effects. When the error is made by a health trained staff, the charge nurse or designee shall be informed. An incident report shall be completed for all medication errors, reviewed by the charge nurse or designee and a copy submitted to the Medical Director. DJJ health-trained staff shall be counseled and/or receive education regarding the potential consequences of the specific error. Trends in medication errors made by multiple staff shall be addressed during annual HSP updates.

#### **IV. MONITORING MECHANISM**

Monitoring shall be accomplished by the Medical Director or designee, the Director of Mental Health Services or designee, the pharmacy, the facility physician, and the facility charge nurse.