

Juvenile Justice Project of Louisiana (JJPL)
Interim Report to the McDowell Foundation
April 1, 2013

Over the last year, conditions inside Louisiana secure care facilities have been deteriorating rapidly. Within the last several months, youth have suffered abuse and neglect at the hands of facility staff, administration, and other youth at an increased rate. Specifically, Bridge City Center for Youth (BCCY) has continued to show the largest increase in violence against youth. The increase has been so rapid that we have found ourselves trying to keep up with advocacy for youth in the facility while contemporaneously developing a viable statewide reform strategy.

During our advocacy efforts, OJJ has made it increasingly difficult to access the facilities during our youth clients' times of need. While youth were experiencing severe abuse by facility staff and other youth, they were not able to contact JJPL to address their grievances. The grievance process at the facilities is not effective, and the youth were forced to endure harsh conditions with no source of respite. The phones were not accessible for weeks, and the mailing system was not sufficient. Because of the malicious nature of OJJ's operations, our youth clients have been victims of retaliation due to the filing of the lawsuit. We have been actively interviewing these clients and their families about the hardships they have endured, and have been gathering documentation to file as exhibits in the lawsuit.

In addition to the filing of the lawsuit, JJPL has been actively advocating for the exposure of the violent conditions inside the secure care facilities. We have released a report along with one of our partner organizations, Families and Friends of Louisiana's Incarcerated Children (FFLIC) entitled "What's Really Up, Doc?" that highlights disparities in conditions, programming, regionalization, and hiring practices during Dr. Mary Livers' tenure as OJJ Deputy Secretary. We held a press conference on the steps of the Louisiana State Capitol, and had several speakers, including Mayor Cravins from Opelousas to highlight the backsliding of OJJ's reform efforts, and the need to fire Dr. Livers as Deputy Secretary. Originally co-counsel on this lawsuit included FFLIC. Although FLLIC has had to downsize, we still partner closely with them, particularly around issues of access and conditions with the secure care facilities in the state. FFLIC is a statewide membership-based organization that fights for a better life for all of Louisiana's youth, especially those involved in or targeted by the juvenile justice system.

As mentioned in our proposal, this litigation was filed on behalf of incarcerated children in the custody of OJJ in Louisiana to ensure meaningful access to counsel and the courts. At present, children are routinely intimidated and discouraged from contacting counsel to address violence, abuse and other constitutional violations that occur inside the facilities. Children have reported that they are afraid of retaliation for contacting JJPL or filing grievances. Their fears are well-founded. For example, during one call to JJPL last summer, an OJJ employee could clearly be heard screaming at the youth for "ratting." The child became so upset that he began crying and was unable to finish the call. During this same time period, Defendants have failed to address an increase in violence inside their facilities. Because of this increased violence, access to counsel and the courts is of increased importance for children housed in these facilities. Currently, JJPL

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is the only entity in Louisiana providing access to legal counsel for youth in OJJ custody who experience unconstitutional conditions of confinement and seek access to the courts to redress these constitutional violations. Over the last two years, Defendants have refused legal visit requested by JJPL, cancelled scheduled legal visits, failed to create effective ways for children to contact counsel, failed to schedule visits with counsel in a timely manner and have failed to operate a functioning administrative remedy procedure. On behalf of themselves and all other current and future residents of any OJJ secure facility, the named Plaintiffs seek declaratory and injunctive requiring the Defendants' to take affirmative steps to ensure meaningful, adequate and effective access to the courts as required by the First and Fourteenth Amendments to the U.S. Constitution. Ultimately, our goal in ensuring meaningful access to counsel and the courts is to improve conditions of confinement for all incarcerated children in Louisiana. Rather than respond to the merits of our complaint, the defendants filed a motion to dismiss. Last week, the district court granted the defendants' motion to dismiss. JJPL, in collaboration with co-counsel, is preparing to challenge this ruling and feels optimistic that we have a strong legal basis to do so. JJPL looks forward to continuing our litigation and advocacy work on behalf of Louisiana's most vulnerable children over the next six months.