



# NO BETTER OFF

AN UPDATE ON SWANSON CENTER FOR YOUTH

**JJPL**

JUVENILE JUSTICE PROJECT OF LOUISIANA

*The Juvenile Justice Project of Louisiana (JJPL) is a statewide advocacy organization dedicated to transforming the juvenile justice system onto one that builds on the strengths of young people, families, and communities, to ensure children are given the greatest opportunities to grow and thrive. JJPL uses a distinct model of multiple strategies including advocacy, litigation, and community organizing to improve the lives of young people in Louisiana. For more information, see [www.jjpl.org](http://www.jjpl.org).*

**JJPL wishes to thank:**

All youth currently or formerly incarcerated at Swanson Center for Youth, former Swanson and OJJ employees, and family members who contributed their stories, ideas, and experiences to the report, which we hope accurately reflects what you have experienced.

All JJPL staff, interns, and volunteers who assisted with the data collection, development, formatting, and media release of the report.

**November 2010**

## *No Better Off: An Update on Swanson Center for Youth* Executive Summary

After close to a year of conducting interviews with youth incarcerated at the Swanson Center for Youth in Monroe, Louisiana, and reviewing public records, legislative records, and analyzing data secured through public information requests, the Juvenile Justice Project of Louisiana (JJPL) has released *No Better Off: An Update on the Swanson Center for Youth*. With the aim to further juvenile justice reform in the state of Louisiana by examining the current challenges at Louisiana's largest secure care juvenile prison and to recommend solutions to improve the system, the findings of the report include:

*Despite a significant reduction in the number of youth incarcerated in Louisiana in the wake of significant state-wide reforms, the population of youth held in the state's secure care facilities consists of a significant number of youth that could be more appropriately served in community based alternatives to incarceration, were these programs to exist:* On average, there are 450 youth held in Louisiana's secure care facilities annually, with close to 50% incarcerated for non-violent offenses. Nearly 80% of the youth incarcerated are African-American, despite the fact that African-Americans comprise only 32% of the state's population overall. 37% of the youth in the custody of the Office of Juvenile Justice are diagnosed as severely mentally ill.

*Past reform efforts in the state have closed the notoriously violent Tallulah Correctional Center for Youth, as well as downsized and improved conditions at both the Bridge City and Jetson Centers for Youth. However, while significant steps have been made to implement a more therapeutic model at other facilities, problems at the Swanson Center for Youth have only increased over time:*

With approximately 200 youth in custody, the Swanson Center for Youth, located in Monroe, Louisiana, houses close to 50% of the youth in secure care in the state. Best practices as embodied by the "Missouri Model", a nationally recognized model of juvenile justice that Louisiana has adapted for itself, recommend an ideal bed size of 48, and state that no facility should house more than 100 youth at a given time.

*The large size of the facility, alongside inadequate resources and programming for youth, has led to significant violence at Swanson, which poses a danger to both youth and staff.* From September 1<sup>st</sup> 2009 to September 1<sup>st</sup> 2010, JJPL staff received phone calls from youth that documented over 30 incidents involving the excessive use of force and violence, with reports that fights were happening in the facility "every day". These incidents too frequently resulted in the hospitalization of youth and staff, and can lead to arbitrary disciplinary charging of the youth that funnels them deeper into the adult criminal justice system. While some staff are supportive of youth and seek reform of the facility, other staff encourage fighting between youth and help to bring contraband into the facility, without sufficient repercussions for such misbehavior.

*Although the stated mission of the juvenile justice system is to rehabilitate youth in its care, a lack of programming in the facility and an overreliance on lockdown result in*

*youth's being "warehoused" at Swanson, rather than developing meaningful skills that would allow for successful transitions upon release.*

There is an over-reliance on lockdown at Swanson, with many youth spending significant time in the lockdown units, sometimes at their own request out of fear for their safety. Being on lockdown can result in confinement in their cells for up to 23 hours a day, with little access to mediation or counseling. In addition, there are few opportunities for youth following the completion of their GED, and recent cuts to vocational programming have further reduced the availability of activities for young people to assist with their success. With inadequate re-entry slots upon their release and a lack of thorough transition planning, young people exiting the facility face significant challenges in successful re-integration.

**While the report outlines serious cause for concerns, it also issues a set of recommendations to all stakeholders in the juvenile justice system, which could immediately improve conditions at Swanson and further the state's commitment to effective reform.** Based on best practices in systems reform, some of the most significant of these recommendations include:

- Expand prioritization of aftercare planning and increased aftercare slots for youth returning from facilities, with the engagement of families and longer transition times for youth upon release;
- Develop clear protocols for when youth are charged or given disciplinary tickets, such that there is consistency and fairness in the application of consequences for youth's behavior;
- Fully implement the therapeutic model in all secure care facilities, with clear repercussions for staff misconduct or excessive use of force;
- Reduce the population size of the Swanson Center for Youth immediately, through implementation of an assessment instrument when placing youth and more frequent review of youth who are potentially eligible for early release;
- Commit to fully funding the needed continuum of care in each region, including evidence-based alternatives to incarceration. Such an investment into community based programs could re-direct a significant portion of youth in the juvenile justice system away from secure care, ultimately saving the state millions of dollars in taxpayer money.

Youth interviewed for the report offered their own set of recommendations to improve conditions at the facility and to reduce violence, including installing more cameras to monitor staff and youth behavior; smaller dorm sizes and the regionalization of youth; the creation of honor dorms and improved programming at the facility, including availability of educational opportunities beyond GED completion and hosting more motivational speakers.

## Introduction

It is a hot summer day at the Swanson Center for Youth (SCY) in Monroe, LA. There are over 200 male youth, ages thirteen to twenty-one, incarcerated here. “Jail makes you better at the opposite of good,” one youth shares with juvenile justice advocates, “You get better at what you came in for.”

His words are typical for a prisoner and mirror a stereotype many have of the goings-on in a jail, but they do not match the stated mission of Louisiana's Office of Juvenile Justice (OJJ), which claims to seek the implementation of a therapeutic, rehabilitative model for youth who get in trouble. The ultimate goal is a system of small, homelike, regional facilities for those who must be removed from their homes, as well as a full continuum of care; different programs for different youth based on their needs, that help them before they reach the deep end of incarceration.

According to youth at Swanson, the state has far to go in reaching that goal. The story they tell is one of mistreatment: one of violence, isolation, and of being funneled into the adult system, and a lack of preparation for a productive future outside of this environment. Their stories are not so different from those that advocates have heard before—first at the Talullah facility (closed in 2003), then at the Jena facility (closed in 2004), then at Jetson Center for Youth (downsized in 2008). With every push by advocates for reform, some progress has been made. Yet too often, the challenges reappear in a different geographical location, rather than being fully addressed system-wide.

Given the work still left to do, the purposes of this report are:

- To educate decisions-makers and stakeholders about the current state of reform and conditions at Swanson Center for Youth; and
- To offer recommendations for all stakeholders in the system towards the full development of an effective juvenile justice system that improves public safety and provides greater opportunities for court-involved youth.

## *Methodology*

This report serves as a written record of information that juvenile justice reform advocates have collected over time. The youth stories highlighted throughout the report were gathered over the past year by advocates who have developed relationships with youth both currently inside Swanson, as well as those released from the facility who are now placed at home or elsewhere in OJJ custody. All quotes highlighted in the report represent the perspectives of those youth; their names are omitted to protect them from retaliation and to respect the fact that most of their records will be sealed when they leave the juvenile justice system. Although the foundation of the report is interviews with youth, interviews were also conducted with current and former staff of both Swanson and OJJ Central Office for a fuller understanding of many of the challenges described here-in.

The sections about the history of Louisiana's efforts for juvenile justice reform are based on interviews with former and current staff of the Juvenile Justice Project of Louisiana

(JJPL) and Families and Friends of Louisiana's Incarcerated Children (FFLIC), newspaper articles archived from specific periods of time, and legal and legislative records.

Quantitative data that appears in the report was gathered through public records requests submitted to the Office of Juvenile Justice, documentation of dollars spent and allocated that have been shared by the Department of Corrections with the House Appropriations Committee and the public, and other reports on the juvenile and criminal justice system in Louisiana and nationally. However, the authors note that much useful data is absent from the report; this absence is not omission. It is a reflection of the difficulty that has been had in gathering needed data.

For example, for over a year, advocates have sought data on alternatives to incarceration, trying to fully understand how many youth are being served in their communities that might otherwise be incarcerated if those alternatives did not exist. Due to the way data is compiled and shared by the Office of Juvenile Justice, the precise information sought has been difficult to determine. Advocates are appreciative of having been given access to community contracts; however, a nonstandard procedure of choosing who to award contracts to, and a lack of detailed tracking of each contract, has made it impossible to determine how many youth are being served in their communities and by what services, as well as whether the services provided actually meet the needs of youth at-risk for delinquency or working to modify their misbehavior.

This report represents the most accurate portrayal of information possible given the current limits in state data collection.

### **Demographics of Youth in Secure Care and at the Swanson Center for Youth**

Louisiana has one of the highest juvenile incarceration rates in the country. On average, there are 450 youth in Louisiana's secure facilities yearly. Today, there are three secure care facilities for boys: Swanson in Monroe, LA; Jetson Center for Youth in Baker, LA; and Bridge City Center for Youth, just outside of New Orleans in Bridge City, LA. In reforming facilities, the Office of Juvenile Justice created The Louisiana Model, or LaMod for short, which is based on the Missouri Model. Missouri's system is lauded as one of the best in the country for juveniles. The ideal facility size recommended by Missouri is a 48 bed facility, with the maximum recommendation of 100. Secure population counts in the state today show Swanson with 198 youth in custody, Bridge City with around 123, and Jetson hovering just above 75.<sup>1</sup> Until recently, girls were held in three detention centers across the state that contracted out with OJJ, including one facility, Terrebonne Detention Center, which has undergone a federal investigation for rapes of young women by staff.<sup>2</sup> Since then, all girls in OJJ long-term secure care have been transferred to one local detention center, the Ware Center for Youth in Coushatta.

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1 Livers, Mary. "Juvenile Justice Implementation Commission." Office of Juvenile Justice Presentation. 28 Oct. 2010.

2 Matthew Pleasant & Naomi King, "Guards Accused of Having Sex with Girl Inmates" *Daily Comet* (Lafourche Parish Daily Newspaper). 30 April 2009. Web. Accessed 8 Nov 2010: <http://www.dailycomet.com/article/20090430/ARTICLES/904309907?p=1&tc=pg>

SCY holds 50% of the youth in secure care, and OJJ has stated itself that real reform in the facility is challenged by the size of the facility<sup>3</sup>. That need is evidenced by violence, staff shortages, and poor conditions. The dorms with the highest population size continue to be the ones plagued most with violence. The dorms which house fewer youth, particularly those which are reserved for more “vulnerable” or younger youth, are held up as model dorms.

Other specialty dorms at Swanson include the mental health units. Two dorms, the Mental Health Treatment Unit (MHTU) and the Transitional Mental Health Unit (TMHU), each hold twelve (12) youth. These youth have been diagnosed as severely mentally ill and require intensive treatment and care. As has been explained by OJJ, the goal of MHTU is to transition youth to TMHU. After the completion of the program on TMHU, the youth are then transitioned back into general population. However, many youth have been housed on the mental health units for years, which are typically more restrictive placements where youth spend time in one-person cells rather than a dorm setting.

Although there are 24 youth on the mental health units, the population is not indicative of the number of youth with mental illness or mental health issues who are in secure care in Louisiana. According to OJJ, 37% of youth in secure state custody have been diagnosed as “severely mentally ill” (SMI), most of whom are taking one or more psychiatric medicines.<sup>4</sup> However, these numbers do not necessarily include all of the youth who are suffering from other diagnosed and undiagnosed mental health issues, such as severe depression or post-traumatic stress syndrome. It is disturbing to note that even without those numbers, OJJ reports that the total number of “SMI” youth makes up such a large percentage. It is likely that had many of these youth received appropriate mental health services at an earlier point, they would not be lingering in secure custody now. It may also be assumed that many of these youth were never appropriate for a secure facility and might excel in a non-secure placement that was equipped to handle their mental health needs, were such placements available throughout the state. Instead, once these youth enter into a secure facility such as SCY, they are often medicated, sometimes heavily, and receive few additional services such as intensive individual counseling or therapy. Upon their release, they are seldom in a better position to navigate challenges with their mental health and at times, experience their conditions worsen with little to no appropriate aftercare services.

Another large population (nearly 50%) represented in secure care in Louisiana, including in Swanson, are youth with non-violent offenses.<sup>5</sup> Many of these youth seem to come from smaller, rural parishes that lack adequate post-disposition representation. “Non-violent” youth often do not get called regularly to juvenile court for review hearings, despite OJJ’s ability to file a motion on their behalf. The initial placement of all adjudicated youth is usually determined by OJJ, regardless of the Judge’s

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3 Livers.

4 Ware, Wesley. “Locked Up & Out: Lesbian, Gay, Bisexual, & Transgender Youth in Louisiana’s Juvenile Justice System.” (2010): 9. The Juvenile Justice Project of Louisiana. Web. Accessed 5 Nov 2010: <http://jjpl.org/new/wp-content/uploads/2010/06/Locked-Up-Out.pdf>.

5 Ware, 9.

recommendation; however, as OJJ has stated publicly, they are reluctant to change a youth's placement without the judges' consent as they view their role as part of a larger system. Judges may similarly state that the responsibility lies with OJJ and will refuse to assign a placement for a specific kid in their court. This transfer of power results in a "pass the buck" pattern whereby youth are unable to effectively advocate for a change in placement or a stepping down to a less secure facility.

The only mandatory sentences for juveniles are in cases of youth charged with particularly egregious offenses under Children's Code Article 897.1. These youth, commonly referred to as "Vitter" youth, must serve the entirety of their sentence in secure care, are not eligible for early release or lesser-secure "step-down" placements, and are usually held until their 21st birthday.<sup>6</sup>

"There are no rewards for Vitter kids. When there are no rewards, there is no reason for good behavior."

Another often invisible population of youth in secure care are lesbian, gay, bisexual, or transgender (LGBT) youth. According to recent data and studies, 15% of youth in detention are LGBT-identified. Many youth at Swanson have indicated to advocates they identify as LGBT. Many of these youth experienced terrible abuse in other lesser-secure facilities that caused their eventual transfer to secure care. Once incarcerated, LGBT youth are more likely to experience physical abuse, sexual abuse, and psychological abuse, at the hands of both staff and other youth.<sup>7</sup>

Of course, it should come as no surprise that all of the youth previously mentioned- whether they are youth with non-violent charges, youth with mental illness, or LGBT youth- are predominately youth of color. In Louisiana, approximately 80 % of youth incarcerated are African American and from low-income families.<sup>8</sup> African Americans make up 32% of the state's population overall, so they are clearly overrepresented in secure care facilities.<sup>9</sup> The historical over-representation of African American youth in the juvenile justice system demonstrates an endemic flaw in the justice system, as studies have shown these racial disparities exist at every level of the juvenile justice system.<sup>10</sup>

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6 The only exception to this are youth who are adjudicated delinquent for Armed Robbery. The Louisiana Children's Code Article 897.1 B states that youth who are adjudicated delinquent for armed robbery and are 14 years old or older must spend the entire length of term imposed by the court in secure care and are not eligible for early release. In these cases, the judge may sentence the youth until their 21<sup>st</sup> birthday or they may give them a shorter period of time to serve. In all other charges which fall under the category of "Vitter," or 897.1 A, which include first-degree murder, second degree murder, aggravated rape, and aggravated kidnapping, youth must serve until their 21<sup>st</sup> birthday in secure care. The term "Vitter" was adopted after former Senator David Vitter introduced the legislation.

7 Ware.

8 Ware, 9.

9 U.S. Census Bureau, State and County QuickFacts: Louisiana. Web. Accessed 8 Nov 2010: <http://quickfacts.census.gov/qfd/states/22000.html>

10 Saavedra, Jose D. "Just the Facts: A Snapshot of Incarcerated Hispanic Youth." National Council of La Raza. 18 Mar. 2010. Web. September 16, 2010. <[http://www.nclr.org/index.php/publications/just\\_the\\_facts\\_a\\_snapshot\\_of\\_incarcerated\\_hispanic\\_youth/](http://www.nclr.org/index.php/publications/just_the_facts_a_snapshot_of_incarcerated_hispanic_youth/)>.



With high numbers of youth in OJJ custody, Louisiana is challenged in actualizing full and effective juvenile justice reform. According to leading national experts on “best practices” in reform, models like Missouri Youth Services, and national data that shows the correlation between small rehabilitative facilities and public safety, Louisiana must develop a full continuum of care for youth, including small, regional centers and a reduction in the number of beds available on the deep end of secure care.

The size of the facility plays a large part in the conditions that youth experience at that facility. Just as the public is often unaware of the overcrowding issues in juvenile prisons, they are often also unable to know the full story about the conditions these youth experience daily. This report attempts to portray the day-to-day reality for youth at Swanson, which is difficult to witness even during official tours of the facility.

“If someone comes to do an inspection, everything looks good (clean clothes, longer time to eat, better food), but when they leave everything goes back to normal.”

### **“I Feel Unsafe Here.”**

#### *Violence at SCY*

- “Fighting is normal inside of Swanson.”
- “Most people feel unsafe here. They fake being crazy to get on MHTU.”

From September 1, 2009 to September 1, 2010 youth at Swanson called JJPL to report over 30 incidents involving the use of excessive force and violence. When these youth were asked how often fights occur a common response was “there are fights everyday.”

Many youth stated during their complaints to JJPL that they thought the increase in violence was a direct result of a shortage of staff and an unwieldy population.

- “I would like to see more staff at Swanson,” one youth said over the phone, “There are too many kids in the dorm and not enough staff. There are 23 kids to 2 guards in the dorm.”
- “There are so many fights because it is so crowded in here.”

Among the reports, one youth was hit in the eye with a chair and received seven stitches and three reports included youth having their jaws broken as a result of violence. One incident was so egregious that the youth was removed from the facility. The child in this incident reportedly received a crushed eye socket, broken nose, and fractures to both sides of his jaw when other youth allegedly stomped on his face with boots. The youth caller reported that the victim was taken to the hospital, and would be receiving plastic surgery to reconstruct his face.

“Staff is too vindictive.”

It is unclear how many youth were involved in this incident but it appears that it could have been between two and four youth. Further, youth who were questioned about this incident state that it could have been prevented. Several youth stated that staff negligently moved the victim to a new dorm

that was “beefing” with his previous dorm; youth have often reported that rivalries between dorms are the cause of violence. One youth specifically expressed that he felt like staff had set the victim up in this case to get hurt, while another youth acknowledged that “*It could have been any one of us.*”

**Advocate’s Story**

While one youth advocate was conducting a routine visit to SCY, a staff member brought her a youth who had a bleeding lip. Immediately the youth advocate told the youth that he should leave and get his lip taken care of, as blood was dripping down his lip during the visit. Further she was in disbelief that staff would bring a child to her while he was bleeding.

The youth refused to get help. He explained that he was “jumped” by two other youth in the bathroom, but now that the fight was over he and the other 2 youth would be “cool,” and it would remain that way as long as he did not report the fight.

However, regardless if this youth wanted to report the fight or not, it was evident from his busted lip that a fight had occurred, he needed medical attention, and an investigation should have taken place immediately, as is mandated by OJJ policies.

Most of Swanson is covered by camera surveillance; however, there are a few areas that are not. Youth report that they fight “in the cut” which means they purposely fight outside of the camera's range. More than one youth reported a staff member telling kids to go into the bathroom and fight and then calling a code on his or her walkie-talkie, pretending he or she did not condone the fighting.

Other youth had direct altercations with the staff themselves.

- Four staff members reportedly jumped a youth while he was sharpening his pencil.
- When one youth was caught trying to escape the facility, he was beaten badly.
- One staff allegedly threatened to hit a youth with a walkie-talkie.

Records requests from OJJ revealed that during the three month period of August, September, and October 2009 there were 334 reported Unusual Occurrence Reports (UOR) and Incident Reports.<sup>11</sup> The breakdown of the UORs and incidents reports, which document only physical fighting between youth and/or use of force or restraints by guards, is the following:

<b>August 2009</b>	<b>September 2009</b>	<b>October 2009</b>
113 Total	119 Total	102 Total

*Total for 3-Month Period = 334*

However, it is also clear that not all incidents were reported. This is evidenced by the fact that some reports refer to fights that occurred earlier in the day but for which there was no documentation. Also, there is at least one report of a youth with significant visible injury but no fight was ever documented until the injury warranted further

<sup>11</sup> These reports *do not include* detailed Injury Reports, PZT Investigations, disciplinary tickets, or any other documents. Further the UORs and Incident Reports *do not include* accidents or verbal altercations.

investigation. Once the video tapes were reviewed by staff, it was clear that a fight had occurred earlier which resulted in the injury.

Another report states that a youth was hit with a towel wrapped around soap (“soap-socked”) resulting in visible injury, but there is no document nor witness of the actual fight as it appears that the youth were unsupervised when it occurred.

At times, the violence prevalent in the facility has also been sexual in nature. According to the Department of Justice’s Bureau of Justice Statistics report released in January 2010, the rate of sexual abuse reported by youth surveyed at Swanson was 16.6%, compared to the national rate of 12.1%. The vast majority of reports were in reference to staff sexual misconduct rather than youth-on-youth victimization.<sup>12</sup>

**“The guard says there is no such thing as self-defense.”**

*Tickets & Charging at Swanson*

One of the most troubling practices in Louisiana’s secure care facilities is the criminal charging in adult court for youth’s behavior while incarcerated, ranging from having a cell phone (Contraband) to altercations with staff (Battery on a Correctional Officer.) Charging young people for poor behavior while they are incarcerated does nothing to rehabilitate youth or seamlessly transition them back into their communities. On the contrary, it facilitates a seamless transition of adjudicated young people directly into the adult jails and prisons that the juvenile system was specifically created to keep them out of.

While violent behavior or other violations of facility rules cannot go ignored inside a secure facility, the impact on youth’s reentry back to their communities after they have been charged cannot be underestimated. Youth enter secure care with a juvenile charge in order to be rehabilitated. They can leave with an adult record, usually a felony, making them unable to access employment, schools, housing, and other social services. Further, no services are offered within SCY to help the youth navigate the world with a prior felony on their record.

***“LaMod won't work with 'old jacks' so they are pushing older kids out to Parish by charging them.”***  
*- incarcerated youth, when asked why he felt so many youth were receiving adult charges while at SCY*

The practice of charging youth is common at all three secure facilities, including Bridge City Center for Youth, where two youth were charged at the end of August 2010. Charging increased at Jetson in 2008 during particularly violent “gang” fighting in an apparent effort to curb bad behavior. As scare tactics and excessively punitive disciplinary practices have been proven ineffective, it should be no surprise that advocates have not seen a reduction in fights or violence consistent with the increase of charging youth as a disciplinary measure.

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<sup>12</sup> Bureau of Justice Statistics, "Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09" U.S. Department of Justice Office of Justice Programs, January 2010, NCJ 228416.

Further, there is no standard practice for when to call the police and press charges against youth for their behavior and when to discipline youth at the facility-level. The frequency of the facilities' reliance on charging seems to fluctuate depending on the particular climate of the facility at the time or of the leadership in place.

The decision to charge youth is a subjective one. In 2008, a 17-year old mentally ill and developmentally disabled youth at SCY was not charged after hurting and injuring a staff person. The Director told advocates that because the youth had such significant challenges and limitations, he had decided not to charge him. This example, an exception from the usual practice of charging youth and saying it was required by law, demonstrates that OJJ does have the authority to work with the young people and to choose not to call in law enforcement when they deem it appropriate.

When questioned, administration at Swanson have told advocates that they do not hesitate to charge young people for "criminal behavior," particularly if that young person is 17 years or older and will be prosecuted in adult court. The youth at SCY report that older youth are automatically charged for fighting, even if out of self-defense, if the other youth involved is under age. Youth have communicated to advocates and lawyers that they are expected to "ball-up" when attacked, lest they get charged.

Other youth are charged for having contraband in the facility, from cell phones to drugs. According to young people, Swanson staff is responsible for bringing in most of the contraband.

- "Some of the staff help smuggle in drugs."
- When asked what would make SCY better, one youth said without hesitation: "Get rid of some of the staff. Staff is too crooked- they beat youth, allow them to fight, have fraudulent write-ups, abuse power, contribute to the contraband problem."

When youth are charged in Swanson or any other secure facility, the facility either calls the police who come to the facility and book the youth there, or more likely, transport the youth to the local Parish Prison (or "Parish.") At "Parish" youth are often put in with the general population and are held for anywhere between a few hours to a few days or a month or more. Some youth are transported back to Swanson or to the Winter Unit at Jetson<sup>13</sup> until their next court date; others may never come back to the juvenile system and serve the rest of their time in adult prisons and jails. The youth refer to their being arrested and charged as "catching a charge," indicating they see it as random, unlucky, and even contagious.

Perhaps worse, some long-term secure youth who were ineligible for early releases were charged for violent behavior during times when the facilities overall were particularly violent. Years later, although these youth progressed to be successful, model youth on their campuses, the charges were on their records, so the youth completed their juvenile

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<sup>13</sup> The Winter Unit at the Jetson Center for Youth is referred to as a "behavior modification" unit. Youth report that it is a punishment and does not offer programming to actually help inmates modify their behaviors.

time only to be transferred directly from the juvenile facility to “Parish” to serve adult time.

Most youth do not receive charges in adult court or in juvenile court but instead are “written up.” they receive tickets that go on their internal record. Youth have repeatedly reported that they are written up for unsubstantiated allegations. In particular, many youth have said that staff can write youth up for “threats and intimidation” with almost no evidence and that youth will still be found to be responsible by the facility's disciplinary board.<sup>14</sup> One youth reported that staff provoked him and then gave him tickets when he reacted to those provocations.

One youth told JJPL advocates he was written up for “Assault on Staff” when staff members jumped him and he attempted to defend himself. He said, “If the staff know you are going home, they will mess with you so they can ticket you and make you stay longer.” Another youth noted staff can determine youth's release dates by way of giving them extra tickets: “If a person gets one major violation, he has to wait 3 more months before getting recommended for an early release. If someone fights back, he gets a ticket.” Major violations include going into an unauthorized area, cursing, and “hitting the roof.” Youth often go up on the roof of the building when they are trying not to act out because they know they can get quiet time there. Staff are not allowed to pull them off of the roof. Nevertheless, regardless of the reason, youth receive a major violation ticket for this behavior when they are often trying to avoid hurting others. Tickets may or may not lead to time on lockdown.

**“There are roaches on lockdown and the showers are super cold.”**

*Lockdown & Protective Custody at SCY*

Cypress Unit is the lockdown unit at Swanson. It is divided into two sides with twelve (12) cells on each side. One side is called the Crisis Intervention Unit (CIU) and the other is called Protective Custody (PC). Youth are sent to CIU, which is also commonly known as “lockdown,” for misbehaving. When on CIU youth are in their cells 23 hours of the day and receive one hour out for recreational time. Youth commonly refer to their time on CIU as “23 and 1.” When youth are at CIU, they receive schooling in CIU, so do not go to the school facilities, according to youth interviewed by advocates.

Youth are not supposed to be on CIU for more than 5 days at a time, although youth have commonly reported being on Cypress longer than 5 days. One youth reported being on Cypress for 34 days in the summer of 2010, spending 23 hours a day in his cell. Almost every youth we have talked to has reported being on lockdown at some point of their time at Swanson, which suggests an over-reliance on its use. For example, youth commonly report that when they get into fights or curse at a staff member they go to lockdown instead of going through mediation, counseling, or some type of skill-building process that will help them deal with their anger, frustration, and /or the problem that caused the acting out. Also, youth state that they never receive such treatment in conjunction with the time they receive on lockdown, showing an emphasis on punishment rather than

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<sup>14</sup> Youth refer to the disciplinary board as DB court.

“teachable moments,” or opportunities for growth.

Youth consistently report that when going on lockdown, staff takes their clothes and their mattresses. Youth explained that the mattresses are taken so that they cannot sleep away their time on lockdown.

- One youth reported there was blood on the floor of the cell he went to in CIU— from the kid before him.
- According to the youth, even when the air conditioner has been broken on lockdown, youth were sent there.
- “There are 30 cells on lockdown- I saw the inside of every one in 2008 and 2009”
- One youth has been to lockdown more times than he can count. According to him, “Lockdown consists of a book, tissues, and sheets.”

PC is for youth who are in danger in the general population or request to be taken out of the general population. Although one side of Cypress is for youth who are in danger and the other side is for youth who misbehave, both sides of Cypress look the same and operate the same way.<sup>15</sup> Because Cypress operates as a purely punitive dorm youth who are placed on PC to be protected are inadvertently punished as well. An example of PC being used is when one youth, asked to be put on PC when his cousin died, because he did not want to take his aggression out on anyone and get in trouble. As a result of his being there, the administration did not permit him to go to the funeral. SCY also failed to provide him with any counseling to cope with his loss.

- “There should be more activity on PC because you can't help it if you're scared.”
- While on PC, kids should be able to come out of the room and watch TV. It shouldn't be a punishment.”

Swanson's overuse of lockdown is not in line with best practices, nor does the practice prove to be effective or to accomplish any larger purpose than to take juveniles out of the general population and punish them. Best practices such as the “Missouri Model” do not regularly utilize lockdown.

Missouri’s Division of Youth Services Beliefs and Philosophies specifically state that “Change does not occur in isolation – youth need others. Treatment is structured to assist youth in experiencing success through helping others and being helped. This need is also addressed through accessing community resources and enabling youth to develop healthy supportive relationships with peers, adults, family, and in their neighborhoods and communities.”<sup>16</sup> Missouri has only eight isolation rooms in the entire state for juveniles and those rooms are reserved for emergency situations.<sup>17</sup>

While Louisiana will certainly need a period of transition before it can fully eliminate the

<sup>15</sup> In December 2009, an Advocacy Center employee visited SCY and shared this information with JJPL.

<sup>16</sup> “Missouri DYS Treatment Beliefs.” *Missouri Department of Social Services*. Web. November 4, 2010. <<http://www.dss.mo.gov/dys/belief.htm>>.

<sup>17</sup> Wright Edelman, Marian. “Juvenile Justice Reform: Making the Missouri Model an American Model.” *The Huffington Post*. 15 Mar. 2010. Web. November 4, 2010 <[http://www.huffingtonpost.com/marian-wright-edelman/juvenile-justice-reform-m\\_b\\_498976.html](http://www.huffingtonpost.com/marian-wright-edelman/juvenile-justice-reform-m_b_498976.html)>.

use of lockdown as has Missouri, it is not apparent that at Swanson there have been any steps taken towards this transition, nor is there a clear timeline of plan for the transition.

**“I’ve never heard anything about a re-entry plan.”**

*Lacking re-entry and re-integration services at SCY*

Although reportedly better than in the past, recidivism rates for youth exiting the juvenile justice system remain too high. One reason why is that youth housed inside the secure facilities are not given adequate treatment, education and training to thrive once they are released. At Swanson, far too many young people are not receiving the benefit of rehabilitative programming and are languishing inside prison-like cells waiting for their release dates. Unfortunately, upon release many of these youth have not been given the skills that will keep them out of confinement or the skills to become productive members of society.

Many youth may be confined inside a facility during the time that the average youth is getting his first job, learning how to drive, or acquiring a cell phone. Unfortunately, youth leave facilities and they often have little concept of what these activities are. Youth return to their communities without knowledge of how to drive or even how to go about getting a driver’s license. Youth released to their community might not have ever looked for a job or filled out a job application. Without full support for their transition, these challenges can be insurmountable for young people returning home.

One youth, when asked about what services were Swanson had set up for his reintegration told advocates, “I don’t even know what that means.” The youth in question had never received reintegration classes despite the fact that his release date is May 2011, after several years of incarceration. He expressed that he didn’t know how to make a resume, even though he was taught how to fill out a job application at a seminar inside Swanson. He does not know how to get an ID.

Another youth told youth advocates he was unable to get any books about driving in the facility and needed to know how to drive when he got out. He also told JJPL he did not know how to get his birth certificate and he believed kids should be taught how to budget money.

*For youth who have been at SCY for a long time and have already received their GEDs, there is not much to do:*

- “There should be more than just the three trades offered.”
- “The welding teacher quit because he complained of having no supplies and problems with the principal.”
- Youth with GEDs often get cleaning detail. “All day we clean and then we go back to the dorms to sleep.”
- “I’ve never been given any information about college.”

## Other Issues at SCY

### Food

- “The food is nasty and I am losing weight. They feed us better when JJPL comes.”
- “We would take over, that is why they don't feed us well.”
  - “We get spoiled milk.”
- “The meat is mystery meat and the sausage is never cooked all the way through. In the morning, the trash can is full of uncooked sausage.”
  - “The food is terrible. I lost 20 pounds.”
- “The flies are fat. The flies are so fat in the cafeteria that I watch them flying by slowly and can poke them and catch them with my hand.”
- “The food is not good. There is too much starch,” which one youth reported has caused him to gain weight.
- One youth lost 10 lbs in 3 months. “There are no snacks. From 4:30 pm to 8 am all we get is a banana.”

### Staff Misconduct

- “There are sexual favors going on between staff and kids.”
- “I can't trust any of the staff.”
- “Youth don't lie as much as the staff do.”
- “Staff is going to support staff no matter the situation/ facts/ incident, etc.”
- “I saw one guard hold a youth upside-down over the stairwell.”

### Boredom

- “I think there should be more books for a variety of different youth.”
- “People fight because they are bored and there is nothing to do.”

### Telephone

One youth said he only gets one call a month for three minutes.

### Health

- One youth reported having a minor medical problem that turned into a bigger problem because he was not taken to the infirmary when he asked to be. He has antibiotics now for the mark on his face.
- Many youth reported a Scabies outbreak in early 2010.
- One youth reported that his mother wasn't notified when he had minor surgery.



Before beginning to discuss solutions to the problems at Swanson related to violence, charges, lockdown, and lack of reentry services, a history of juvenile justice reform in LA is helpful to better understand both how the conditions at SCY came to be the way that they are, and what lessons can be learned from previous attempts at reform.

### **A brief history of juvenile justice reform in LA**

The nation's first juvenile court was established in 1899 in Chicago, Illinois, out of the recognition that young people have a particular capacity for rehabilitation. Thus, the juvenile justice system in this country is meant to provide therapy and services to youth to address underlying issues for their behavior and to help get their lives on the right track.

In 1909, Judge Julian Mack, one of the first juvenile judges to preside over the nation's first juvenile court in Cook County, Illinois described the goals of the juvenile court as follows: "the child that must be brought into court should of course, be made to know that he is face to face with the power of the state, but he should at the same time, and more emphatically, be made to feel that he is the object of its care and solicitude. The ordinary trappings of the courtroom are out of place in such hearings."<sup>18</sup> This quote embodies the principles upon which juvenile courts were founded and what should be the focus today: the rehabilitation of children as opposed to punitive criminal sanctions.

Unfortunately, juvenile justice officials often still struggle to focus on children as children, and too often have reverted to a more correctional model based on the adult system of punishment alone. Far too many youth are warehoused inside of facilities and do not receive the benefit of rehabilitative programming. Additionally, institutional biases at different decision making points in the system have contributed to a justice system that, while focused in theory on the rehabilitation of all youth who have come into conflict with the law, is often plagued by racial and ethnic disparities.

Louisiana's juvenile justice system exemplified such a model in the late 1990's, when parents and community members came together to organize for reform. Organizations including Families and Friends of Louisiana's Incarcerated Children (FFLIC), the Juvenile Justice Project of Louisiana (JJPL), Agenda for Children, other faith and community leaders, and stakeholders from throughout the system joined together in order to call for the shutdown of the most violent youth prisons, see an end to private prison firms running youth jails in the state, and demand that Louisiana's system be remodeled after the "Missouri Model," one of the most effective juvenile justice systems in the country.<sup>19</sup>

In 1998, JJPL and co-counsel filed a lawsuit against the juvenile justice system, then under the Department of Corrections, challenging the brutal conditions of confinement at the then privately-owned Tallulah Correctional Center for Youth (Tallulah). Less than two years later, JJPL filed another complaint which brought a class action lawsuit against the

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<sup>18</sup> Mack, Julian. "The Juvenile Court." *Harvard Law Review* 23 (1909): 120.

<sup>19</sup> Ware, 8.

privately-owned Jena Juvenile Justice Center. The lawsuit against Tallulah was merged with lawsuits brought by the Department of Justice, which resulted in two Settlement Agreements setting out standards for conditions at all three youth prisons in the State.

In October 1999 an Education Settlement Agreement was filed. It addressed a myriad of issues related to the quality of education at the facilities. Improvements such as the implementation of a six hour school day, the certification of all of the teachers and expansion of the vocational education program were laid out in the Agreement. The Agreement was monitored mainly by a Department of Justice Education Expert who in January 2003 found the State to be in substantial compliance, and thus the Agreement was terminated. In September of 2000 the main Settlement Agreement was filed, and expired in January 2003. The agreement was extended for one year, which preceded another settlement agreement for 2004.

### *R.I.P. Tallulah and ACT 1225*

As the litigation restrictions waned, legislative action for reform took prominence in the state. With the support of numerous judges, public defenders, service providers and district attorneys, state elected officials backed the passage of the Juvenile Justice Reform Act of 2003, or Act 1225, co-sponsored by then Senator Donald Cravins and Representative Mitch Landrieu. In addition to publicly committing the state to a model based on rehabilitation rather than retribution for the acts of youthful offenders, Act 1225 established the Juvenile Justice Implementation Commission, the government body responsible for ensuring that the state moves toward a reform-oriented model like that in Missouri, including smaller, home-like and therapeutic facilities, and increased community-based alternatives to incarceration for non-violent offenders throughout the state. The bill produced significant progress in reform. In fact, the number of youth in secure facilities in Louisiana has decreased from over 2000 to close to 500 in the past 7 years, thanks to the commitment of all stakeholders to work collaboratively for reform of the system.

One of the most important aspects of Act 1225 was the mandate to close the notoriously abusive Tallulah Correctional Center for Youth (TCCY), and to redirect the funding from the youth who were moved out of secure placements at the facility into community-based alternative programming. Essentially, the dollar amount assigned to each youth, which was the average cost of holding a youth in secure care, was to follow the youth into whatever lesser-secure placement he or she entered.

The failure of redirecting funds has been called the biggest opportunity lost of juvenile justice reform in Louisiana. Rather than be directed into community based alternatives, the savings from the closure of Tallulah were redirected to the adult Department of Corrections, and a major opportunity to develop a continuum of care for youth throughout the state was squandered.

Although many youth held in TCCY or other secure facilities were transferred out with some of the sweeping reforms in 2003, Judges continued to recommend youth for secure

OJJ custody and OJJ continued to comply, citing the lack of other alternatives available to them.

Still, heartened by Louisiana's stated dedication to juvenile justice reform, national foundations including the MacArthur Foundation and the Annie E. Casey Foundations invested time and funding to support the effort. Various government agencies serving young people in Louisiana joined forces with the Office of Juvenile Justice and youth advocates; local Children, Youth, and Planning Boards were formed in jurisdictions across Louisiana, and across the country, Louisiana was lauded for its commitment to reform.

*Progress Slows: Jetson Center for Youth and its Transition to Regional Center*

With the continued lack of other alternative programs for youth, and the devastation produced by Hurricanes Katrina and Rita forcing the state to redirect much stakeholder attention to recovery and rebuilding efforts rather than the ongoing work of juvenile justice reform, the population number at Jetson Center for Youth (JCY) began to swell in 2006. Before long, Jetson was increasingly being called the "next Tallulah" with high levels of fights, violence, and abuse from guards.

Youth at Jetson, many of whom had arrived at the facility for non-violent offenses, complained of injuries that often required medical attention or stitches and were as serious as broken jaws. Youth from Baton Rouge and New Orleans began to rival one another, with upwards of twenty youth scaling fences to get to one another to fight. Youth had padlocks, sticks, and other makeshift weapons. Guards held the facility on lockdown, placed youth in shackles for hours on end in the gym, and stood by while youth feared for their lives. In protest of the brutal conditions, youth sought safety on the roofs of breezeways, the only place they felt temporarily out of harm's way. The facility began an aggressive punitive crackdown and charged the youth as adults in criminal court for acts, often done out of desperation and self-defense.

Again, with state budget cuts and an over-populated and violent facility, some staff quit while others were laid off. In February 2008, a young man died while in an under-staffed welding trade program, just one month before his scheduled release.

With the image of Tallulah resurrected in the minds of reform advocates, once again juvenile justice stakeholders turned to the Capitol pleading for change.

In 2008, Senator Don Cravins Jr (whose father was the architect of the original Act 1225) passed legislation to address problems at Jetson, effectively downsizing Jetson Center for Youth and calling for a regional facility based on "best practices."<sup>20</sup> The legislation called for the facility to be closed, youth re-evaluated and placed in the least restrictive placements appropriate to their needs, and for funds from the closure to be redirected to community based alternatives that would allow for youth to be relocated in appropriate placements.

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<sup>20</sup> Act No. 565. Louisiana Senate Bill No. 749 Regular Session 2008.

The following legislative session Senator Sharon Broome introduced a bill that amended the bill that closed Jetson, and instead called for the facility to be changed into a regional rehabilitative institution, recognizing that pressure from the Legislature had produced significant reforms in the facility and a reduction in population that allowed it to function in a more therapeutic form, with a population reduction from 147 youth to 99 youth.<sup>21</sup> While still far from a model facility, Jetson has improved significantly in its operations and group programming, a fact that has been lauded throughout the state.<sup>22</sup> Unfortunately, as conditions continued to improve at Jetson, new problems emerged at the Swanson Center for Youth – one of the problems predicted by legislators including Representative Rosalind Jones, whose district of Monroe included the Northern youth facility.

Before the downsizing of Jetson, Swanson had the capacity to hold 215 youth.<sup>23</sup> Now Swanson has the capacity to hold 248 youth and as of December 9, 2009 has held up to 237 youth at a time.<sup>24</sup> While the downsizing of Jetson allowed some youth to be stepped down into group homes or community based programming, many youth were transferred to Swanson, leading to a swelling of the numbers there. This process has not been fully integrated or seamless, as evidenced by the stories of some of the youth who experienced the transition. One youth, “Ray,” was transferred to Swanson following the decision to downsize Jetson. Ray was committed to OJJ custody because he violated probation for an offense that happened a few years prior to his commitment. He has been in secure care for over 2 years, and since being transferred to Swanson has been unable to have a visit from his family due to the distance. Further, he has not had a review, and when JJPL asked OJJ to transfer Ray back to his regional facility, Jetson, OJJ staff could not find Ray’s name in the system because they had it entered in backwards. His story is just one example of the challenges that have been produced by the lack of full regionalization in Louisiana’s juvenile justice system.

As had been the intention with the closure of Tallulah, immediately after the downsizing of Jetson in 2009 the Office of Juvenile Justice was to redirect funds to create and maintain a continuum of community based treatment and supervision programs. However, from an estimated savings of \$12 million, only \$2 million was reallocated into community based alternatives to incarceration, designated for programs that are evidence based. Another \$2 million was allocated towards increased probation offices throughout the state. The remaining \$8 million in savings disappeared, a result of the severe budget cuts that the Office of Juvenile Justice was forced to make by the state.<sup>25</sup> On top of this opportunity lost, an additional \$12 million in funding was cut in particular from community based programming overall, meaning that rather than leading to an *increase* in alternatives throughout the state through reform, there have actually been rollbacks to programs including mentoring and daytreatment in recent years, and a *reduction* in available slots.

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<sup>21</sup> May 2009 Records Request reports 147 youth in facility as of June 30, 2008. But maximum capacity was 145 before the downsizing.

<sup>22</sup> Davis, Sandy. “Jetson shows off its reformed ways.” *The Advocate*. Baton Rouge, LA: 28 Oct 2010.

<sup>23</sup> May 2009 Records Request.

<sup>24</sup> Fenton, Leslie. “Swanson Center for Youth Visit.” Monroe: Swanson Center for Youth., 9 Dec. 2009. Email correspondence.

<sup>25</sup> Testimony from Dr. Livers, Juvenile Justice Implementation Commission, 2008.

*Adult Transfer in Louisiana:  
The Unexpected Challenge*

Even as advocates celebrated the decrease in the number of youth in juvenile secure facilities, a new challenge for reform became more and more obvious. While there are only about 500 youth under the age of 17 currently confined in juvenile facilities, there are also almost 400 young people ages 16 and under that are serving sentences in adult prison.<sup>26</sup>

Data remains unavailable on exactly how many youth are transferred annually into the adult criminal justice system, but somewhat more recent legislative statutes in the Louisiana Children's Code make it easier for district attorneys to transfer youth than the original code intended. While Article 862 states that in a transfer hearing, "the burden shall be upon the state to prove by clear and convincing proof, there is no substantial opportunity for the child's rehabilitation," in reality, every child does not get a transfer hearing.. There is a distinction between the process for 14-year-olds and 15- and 16-year-olds. 14- year-olds must have a transfer hearing. 15 and 16 year olds, however, sit for a probable cause hearing within 72 hours of arrest, often without the benefit of having met with their attorney. The probable cause hearing focuses on the facts of the case to determine whether the youth will be transferred rather than on the youth's capacity for rehabilitation should he be found responsible for the crime.

Once a child is transferred, the juvenile court forever loses jurisdiction. Even if information is discovered that would indicate that this child should not have been transferred and that he or she may in fact be amenable to rehabilitation, i.e. mental health issues, there is no opportunity to correct that error.

Starting in 2006, Innocence Project New Orleans and the Juvenile Justice Project of Louisiana with the help of friends and family members of the incarcerated began to survey those transferred to the adult criminal system. As of 2010, they found that 66% of the people surveyed did not receive a transfer hearing. Additionally, 59% were first offenders and 1/3<sup>rd</sup> had at some point in their life been treated for mental illness.

**Underfinanced Indigent Defense System: Another Component of System Reform**

Mirroring the juvenile justice reform movement was an active indigent defense reform campaign. There are several mechanisms in place that give youth a better chance at avoiding mistreatment and increase the likelihood that youth will be treated humanely at worst and receive rehabilitation at best, inside of juvenile confinement facilities. One of those mechanisms is a well resourced juvenile indigent defender system. Juveniles are more vulnerable than adults especially in confinement environments. A youth's attorney has access to their clients inside of facilities to protect youth from unconstitutional violations of their rights.

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<sup>26</sup> In Louisiana, the age of criminal majority is 17. See LA. CHILD. CODE ANN. art. 804, defining a "child" as anyone under twenty-one who commits a delinquent act before age seventeen.

However, juvenile indigent defenders lack the resources to fully monitor and react to actual and perceived violations of youths' rights, with caseloads that pose a significant challenge to effective representation at every stage. Juvenile indigent defenders are charged with vertical representation of youth in delinquency matters. This means that defenders are responsible for representation from arraignment to completion of any court imposed sentence. In instances where youth are sentenced to confinement, defenders are responsible for representation of youth throughout their time in confinement.

The Children's Code provides ways that youth may be brought into court where judges and attorneys may determine if rehabilitative treatment is being received inside a facility or if confinement is merely punitive. Specifically, in Swanson where youth are housed from all parts of Louisiana, court review may be the only way that a youth can receive adequate redress of constitutional violations.

Juvenile indigent defender offices must be properly funded so that youth are afforded the same level of representation before and after delinquency adjudication. Youth should be brought into court quarterly so that the rehabilitative goals for which they are confined are monitored and ultimately actualized, and so that youth who would be eligible for early release might have this reality, rather than languish in secure care.

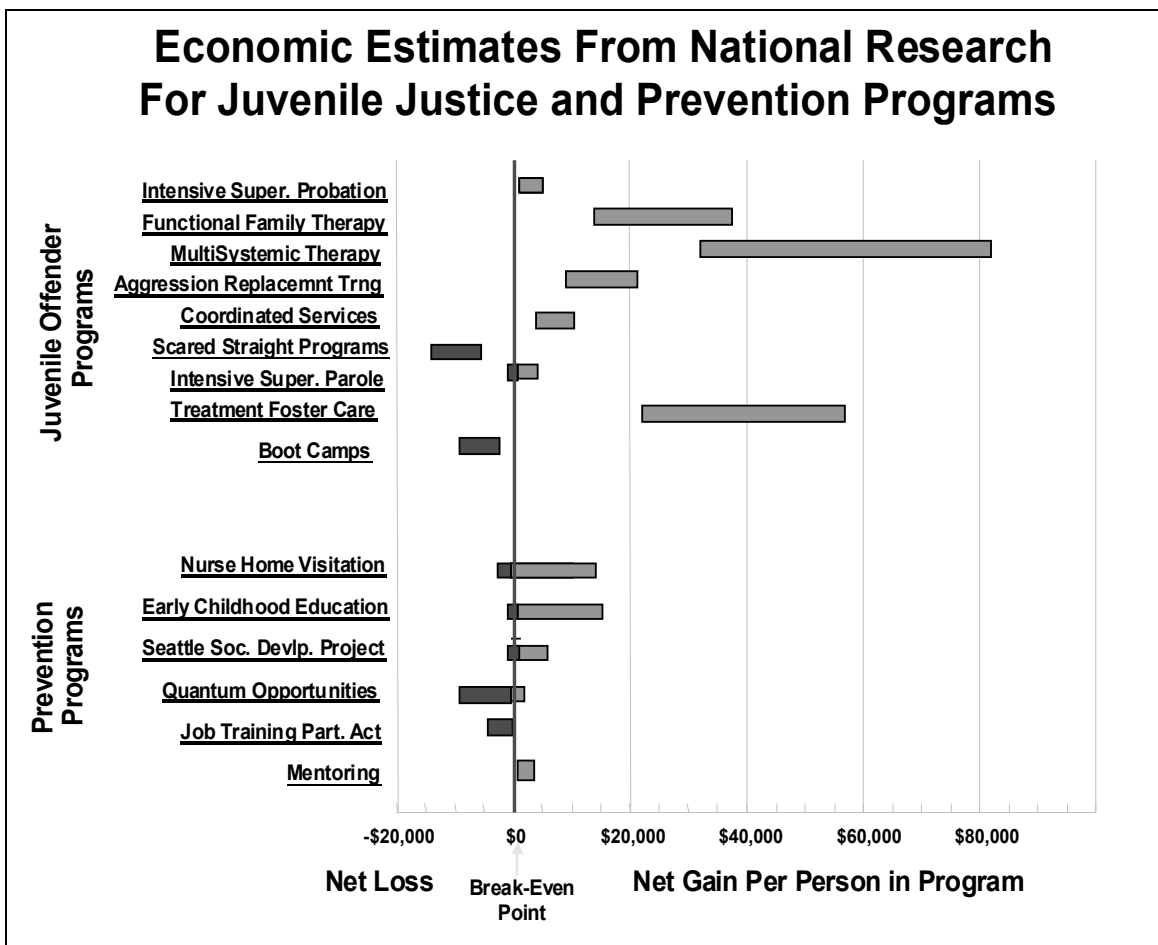
### **Focusing on Community-based Alternatives**

On February 18<sup>th</sup>, 2010 Louisiana's Office of Juvenile Justice joined with the state's Department of Health and Hospitals and state Senator Neil Riser to announce that the grounds of a current center for the developmentally disabled will be converted in early 2011 into a moderate-security juvenile facility that will be named Columbia Center for Youth. While advocates were appreciative of the fact that, for the first time, the state of Louisiana was announcing a plan to design a small, therapeutic facility that will be homelike and lack razor wire and cells, as exists in Missouri, they also recognized that these facilities could not come in *addition* to a large, correctional style facility like Swanson where youth are currently housed and face often inhumane conditions. A continuum of care focuses not only on other facilities that can house youth but also on community-based alternatives to incarceration, which research demonstrates would more effectively serve a significant proportion of the youth currently in the state's care.

"You ain't really gotta come to jail to get smart."

In fact, certain community-based programs have been shown through expert research to improve public safety by reducing rates of re-arrest; these programs are called evidence-based programs. The state of Louisiana has begun developing a new contracting process that would focus on outcomes for youth placed in different programs, which should be developed alongside support to existing service providers to create and implement evaluation measures and to train staff in new methodology for treatment.

In addition to being more effective, community-based alternatives are also significantly less expensive than residential programs. Treating youth successfully while still in their communities costs between \$1,300 and \$5,000 per year compared to \$50,000 to incarcerate one youth for a year. In fact, it costs \$252/day for each youth held at Swanson. The Executive Budget for the Office of Juvenile Justice for 2010-2011 was presented to the House Appropriations Committee as \$152,259,707, about 1/3 of which is spent on Swanson, Jetson, and Bridge City alone. Such a heavy emphasis on secure care may miss an invaluable opportunity to utilize funds for a continuum of care that would be much less expensive to operate, particularly in a time of fiscal crisis for the state.<sup>27</sup>



<sup>27</sup> The diagram below is an edited version of a chart in the powerpoint “Evidence Based Practices” from the capstone project of Laquinta Below, MPH Candidate, LSU School of Public Health, Behavioral and Community Health Sciences.

## **Recommendations for Advancing Juvenile Justice Reform in the State of Louisiana**

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1. Fully implement the LaMod model in secure care facilities, ensuring that the group process is fully implemented and that all staff are invested in a more therapeutic model, with repercussions for harmful behavior or excessive use of force
2. Reduce the use of lockdown and develop a plan and timeline for the phase out of Winter Unit at Jetson and Cypress at Swanson, towards a model more comparable to that implemented in Missouri, where youth take “time-outs” within the group setting, rather than placement on a separate lockdown unit
3. Ensure that families are fully engaged and consulted with during all aspects of a youth’s treatment plan, as well as notified in advance of any changes; provide transportation to families as needed for visitation, particularly when youth are located far from home
4. Train all staff on LGBTQ competency and best practices when dealing with LGBTQ youth, to increase sensitivity and effectiveness in serving the LGBTQ youth population; implement diversity training for youth
5. Fully implement the SAVRY throughout the state of Louisiana, as well as ensure regular review of youth in secure youth to ensure that they are in the least restrictive environment possible
6. Revamp the contracting process for OJJ such that contracts are given to programs that are based on evidence-based and promising practices, or outcome driven, in order to ensure more effective services at the local level
7. Expand prioritization of aftercare planning and increase aftercare slots, with engagement of families and longer transition times for youth in order to ensure success upon release
8. Develop clear protocols for when youth are charged or given disciplinary tickets which ensures that it is only used in the rare, most serious of instances, and not for typical youthful behavior; current policies punish youth for facility problems and funnel youth deeper into the justice system
9. Develop indeterminate sentencing as exists in Missouri, such that youth’s release can be based on successful rehabilitation and completion of the treatment plan, in order to foster their success
10. Commit to fully funding the needed continuum of care in each region, including evidence based alternatives to incarceration such as FFT, MST and therapeutic foster care. If necessary, develop a plan to shift the fiscal architecture of the juvenile justice system towards the local level in order to ensure such long-term cost-savings and to prioritize programs that work.
11. Ensure full funding for indigent defense, in order to mandate and ensure effective post-disposition representation for youth by their public defenders even when in the care of the state.



**Recommendations**  
*From the youth themselves*

Often when advocates have had meetings with or phone calls from incarcerated youth, the youth have shared suggestions for what would make the facility they are in better. Although they have often shared these with administrators of the facilities, they often are not implemented. Some of the youth recommendations from SCY are listed here.

“Everybody should come here for a week- see what it's like.”

**House youth according to their age and/ or maturity level.**

Many youth report having problems as a result of the maturity level of other youth on their dorm. Youth express that different kids are at different places in their lives and stages of incarceration, and placements should reflect that.

**Implement LaMod in its Entirety**

Youth state that LaMod is not being fully implemented, and when not implemented in its entirety none of it works. Youth recommend that youth receive counseling, staff are trained on adolescent behavior, positive behavior supports be implemented, and that more programming be made available so that they can continue to develop while incarcerated.

**More Cameras Installed**

Many youth state that more cameras should be on the premises to monitor youth and staff. Youth allege that staff often are corrupt and act inappropriately. Youth state that more cameras throughout the facility will help to decrease the amount of staff corruption.

**Honor Dorms**

Youth claim that an honor dorm should be implemented in each facility. An honor dorm is a dorm for youth who demonstrate good behavior and are trying to use their time at SCY to make themselves better people. An honor dorm would be a safe space for the youth who are trying to do well. By keeping these youth out of the general population these youth would have an increased chance of success at the facility. Youth on the honor dorm would get privileges that other youth do not get such as off campus trips, better food, and more activities. The youth on the honor dorm would also be given incentives to continue their positive behavior and development.

**Keep Youth from Different Regions Separated or Create Regional Facilities**

Youth continuously report that much of the fights and violence at SCY is a result of gang-fighting. In other words, youth from different regions gather together to protect and/or fight youth from other regions. The most popular division at SCY is the “down south” crew verses the “up north” crew. If youth were separated by their regions youth are convinced that a lot of the violence would decrease.

### **Smaller Dorms**

Youth consistently report that there are too many youth on the dorms at SCY. At SCY each dorm is given incentives as a dorm. That means when an entire dorm manages to stay out of trouble the entire dorm is rewarded. Youth say that with so many youth on each dorm youth never are able to achieve the rewards because it's too difficult to get everyone to stay out of trouble, thus the reward system does not work. However youth feel with smaller dorms this incentive based program could work. Youth suggest that there should not be more than 12 youth on a dorm. Further, youth continue to tell JJPL that smaller dorms would decrease the amount of violence, because then staff could manage the ratio and it would be easier to implement LaMod programming.

“They shouldn't have this many kids up here.”

### **Improved Programming at the Facility**

Specifically, youth at Swanson suggested speakers that have been through similar life circumstances and who have become successful, in order to motivate them towards the possibility of future success. They also recommended opportunities for young people who have completed their GEDs, including college coursework, increased partnerships with community colleges, and vocational programming. Finally, youth suggested more outdoor and structured recreational time. All of these recommendations around programming would, in their opinion, help motivate and engage youth, and reduce problems and fighting in the facility

### **Conclusion**

This report provided an overview of the unfit conditions in the Swanson Center for Youth to which youth have been subjected. They represent a continuation of Louisiana's consistent poor conditions in different facilities over time, and demonstrate that the therapeutic model that will help youth to grow and learn has not yet been fully actualized.

However, it should be looked at as an opportunity to further advance reform, in that it both highlights the urgent need for continued focus on improving the system – before a child in the state's care is seriously hurt – and offers concrete recommendations for how such reform can be actualized. The state of Louisiana has achieved great progress in improving its juvenile justice system, but must address the challenges that remain with due haste. When regionalization, the therapeutic model, and a full continuum of care for youth exist throughout all regions of the state, then can we celebrate the development of a model system, which improves public safety for all. The Office of Juvenile Justice, the Jindal administration, district attorneys, public defenders, judges, family members, advocates, and the youth themselves all have a role to play in this process. Its success will positively benefit us all, and provide a better future for children throughout the state of Louisiana.