



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

CRIPA Investigation



JI-LA-001-005

July 15, 1996

BY OVERNIGHT MAIL

The Honorable Mike Foster  
Governor of Louisiana  
State Capitol  
P. O. Box 94004  
Baton Rouge, LA 70804-9004

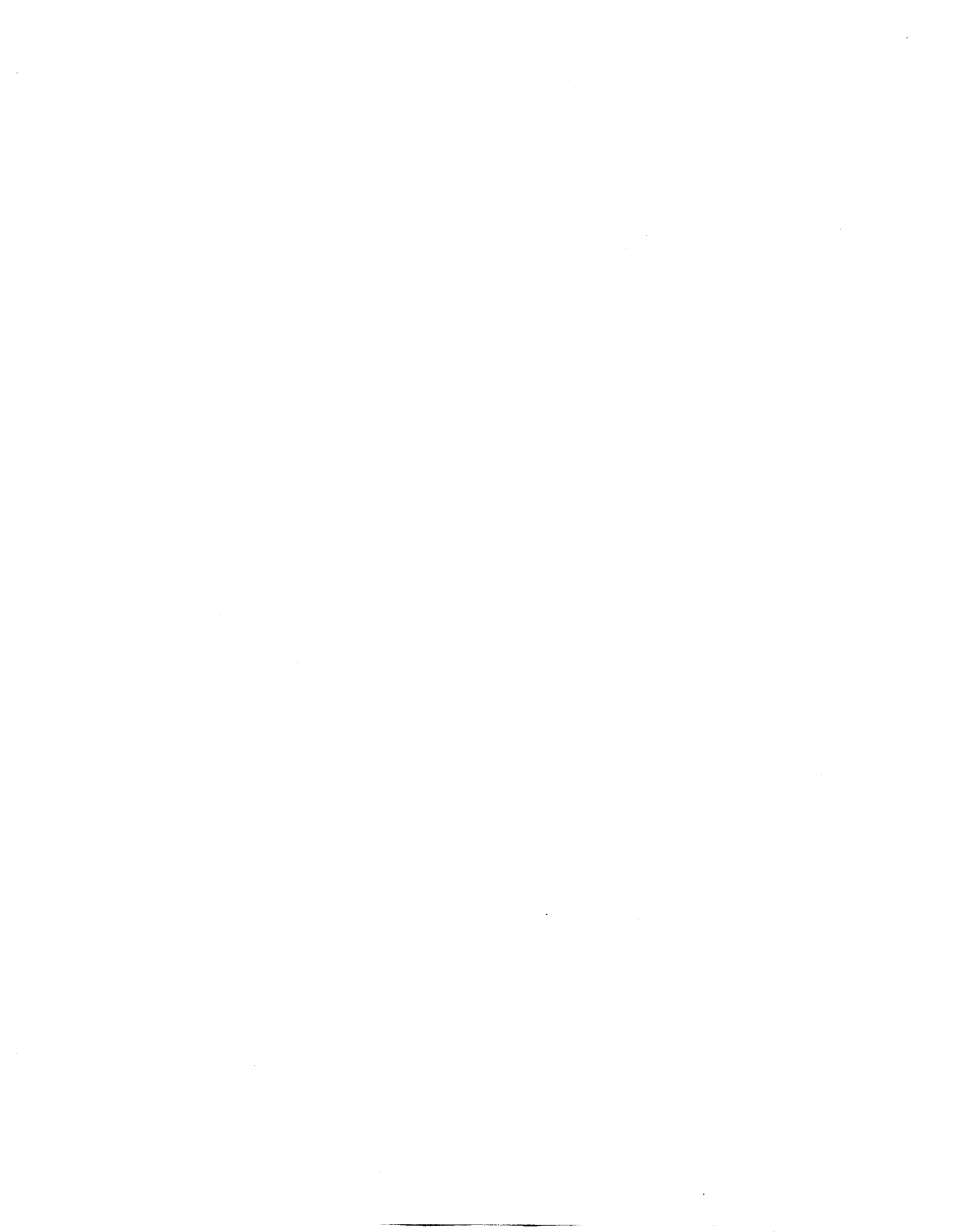
Re: Investigation of Secure Correctional Facilities for  
Children in Louisiana

Dear Governor Foster:

As you will recall, we notified you in April that the Department of Justice is currently investigating conditions at the secure correctional facilities for children in Louisiana. Within days of that notification, we were contacted by your Executive Counsel, who offered his assistance and cooperation in the investigation. Since that time, State officials at all levels have welcomed our investigation, offered to assist and cooperate with us, and expressed their desires to work with us in the event that our investigation revealed problems in the system. That spirit of cooperation is very much appreciated and will assist in achieving a resolution of our investigation that ensures protection of juveniles' rights.

It is in that spirit of cooperation that I write to you at this time. Although our investigation of the facilities is not yet complete and our statutorily-required comprehensive findings letter will be sent to you at the close of that investigation, I felt it imperative to apprise you that our recent investigation revealed two life-threatening or dangerous conditions that must begin to be addressed before the conclusion of our investigation. We uncovered serious systemic problems with staff abuse and juvenile-on-juvenile violence at Jetson and Bridge City, two of the four facilities at issue in this matter. We have not yet investigated conditions at Monroe or Tallulah.

We spent a day and a half at Bridge City and about two days at Jetson during the week of June 3rd. At the end of both tours, we notified the respective superintendents that we had learned of serious problems with staff abuse and juvenile on juvenile



violence at each facility. In both cases, we also provided names of juveniles whom we felt were at particularly high levels of risk. Neither superintendent denied the existence of these serious problems. A few examples of the type of evidence that we discovered include:

- \* At both facilities, nearly every child we interviewed spoke of being hit and/or kicked by officers and seeing other children being hit and/or kicked by officers. Children reported being assaulted by officers for such minor offenses as talking back, looking the wrong way, or walking out of line. At Bridge City, children report that officers assault them while they are sleeping. At each facility, children repeatedly stated that they were afraid to report the abuse due to the possibility of retaliation. In a few interviews, officers acknowledged losing their patience and using corporal punishment. Other staff confirmed that such abuse occurs regularly and that children are afraid to report the abuse.
- \* A 14 year old boy at Jetson reported that he had been savagely beaten by an officer, receiving a black eye and a busted lip. At the infirmary, he told the nurse he had slipped in the shower because he was afraid that a truthful account would result in more beatings. At Bridge City, one boy was seriously injured by a staff person, requiring 16 staples to close a scalp laceration. Another Bridge City child reported that on one occasion, staff choked him with a belt until he passed out. At Jetson, a girl who was seven months pregnant reports being choked by an officer.
- \* A boy at Jetson reported that a guard repeatedly punched him in the face when the guard suspected the child of making a noise. The child was transferred to the hospital two days after the beating, where he underwent surgery for crushed bones in his face and placement of a metal plate in his face.
- \* At Bridge City, a child suspected of fighting with another child was sent to a back room and told to assume the "parade rest position." A guard came in and hit him so hard in the chest that he could not breathe; when the boy crumpled to the floor, the guard repeatedly kicked him and punched him in the face. Then, the guard choked him. The child was forced to then stand in line, where a second guard proceeded to slap him in the face and then punch him in the face.
- \* We found a girl in a Jetson isolation cell with a bloody eyeball, caused when a guard hit her with keys.



Her injury and its cause were confirmed by infirmary records. The child reported that she had been beaten for talking. The Superintendent was not aware of this injury or its cause until he toured with one of our consultants.

- \* One HIV+ girl at Jetson has been treated as an "untouchable" for seven months, forced to eat on separate plates, keep her laundry segregated from her peers' laundry, take her showers last, and use only a toilet not used by the other girls. Officers wash down the telephone mouthpiece whenever she uses the phone. Until recently, she was forced to wear full diapers during her menstrual cycle. During these seven months, she has become progressively more depressed and has once attempted suicide at the facility. Although she has never had a comprehensive psychiatric assessment, a recent psychiatric note expressed serious concern over her depression and ordered suicidal precautions. Despite these orders, she remained on the dorm and got into a fight with a guard the night before we arrived at the facility. Another guard confirmed that she had to pull the first guard off of the girl. The juvenile was being treated in the infirmary for lacerations to her elbow and cuts on her face resulting from the altercation when we arrived the next day. She repeatedly expressed her wish to die.
- \* Many juveniles at both facilities reported, and staff at Jetson confirmed, that officers "paid" children to beat up other children; payment usually was in the form of cigarettes, special protection, soap or food. At Bridge City, a practice called "Take Five," is sanctioned, where guards agree to ignore a situation where one child is beaten by other children. On the night we left Bridge City, we interviewed a child with a busted lip, reportedly caused during a fight with a peer earlier in the day in full view of staff, who laughed during the fight and failed to intervene in any way. The superintendent was taken to the scene of the incident and observed the blood on the ground resulting from the assault.
- \* A child at Jetson vividly described a fight with another child, which was ultimately broken up by a guard. Apparently, both children and the officer were seriously hurt in the incident. The boy interviewed had his knee broken by the officer during the incident.
- \* During the first five months at Bridge City, a facility housing only 178 children, infirmary logs indicate that on 40 occasions, children suffered orthopedic injuries



and/or serious lacerations requiring sutures that required medical treatment in a hospital emergency room. During this relatively brief period of time, injuries included dislocated fingers, broken and sprained ankles, lip lacerations, and broken noses and jaws.

- \* At Bridge City, youths repeatedly recounted being assaulted by other children both physically and sexually on the dormitories, especially at night. One 12 year old told of being raped by an older boy just a week earlier behind the bleachers in the gym. Other Bridge City youths reported witnessing coerced oral sex between two boys in a "classroom" staffed only by a sleeping correctional officer. It appears that younger children and/or children with significant cognitive limitations (IQs less than 65) are oftentimes the target of the assaults. At Jetson, we had concerns about sexual abuse by female officers.

The superintendent at Jetson, during his short tenure at the facility, has taken significant and useful steps to stem the staff abuse at the institution. Among other things, he has referred nine officers to the local District Attorney for prosecution during the last year alone. Regrettably, there do not appear to be similar initiatives at Bridge City. Indeed, the superintendent at Bridge City, when apprised of our findings at the exit interview, expressed surprise. In any event, because of the seriousness of the conditions we found in the two facilities investigated so far, it is apparent that even the efforts of the Jetson superintendent have not been sufficient to prevent a pattern and practice of abuse at the facilities. It is therefore critical that the State take some additional immediate preliminary remedial measures to begin to swiftly correct these life threatening and dangerous deficiencies. The Department of Justice therefore requests that the State immediately implement the following remedial measures:

1. Immediate steps should be taken to advise all staff and juveniles that abuse, corporal punishment, and violence at the facilities are prohibited, will not be tolerated, will be subject to appropriate discipline and criminal prosecution, and that reporters of alleged abuse will be protected from retaliation. Steps to accomplish this include:

- (a) Meetings between appropriate officials and all staff and juveniles of both facilities to underscore this "zero tolerance" policy;
- (b) Posting notices throughout the facilities; and





- (c) Sending every staff member at the facilities (including infirmary staff) a written notice informing them that they are mandatory reporters when it comes to either witnessing abuse or suspecting abuse, that the failure to report witnessed or suspected abuse will result in administrative action and may result in criminal prosecution, and that they will be protected from retaliation.

2. Any corporal punishment by staff or juveniles, including the practice of "Take Five" or "paying" children to assault other children, must be immediately stopped. If physical abuse occurs, appropriate action must be taken to treat the injured juvenile immediately and to remove the abuser from contact with the juvenile.

3. The State should hire at least two qualified, independent professionals who have experience in juvenile justice and abuse investigations and assign them to oversee abuse and violence prevention at Jetson and Bridge City. These professionals would be responsible for ensuring that:

- (a) adequate procedures are in place and implemented to ensure timely reporting of all alleged abuse, including a hotline for reporting abuse, and non-retaliation against reporters of alleged abuse;
- (b) all necessary immediate action is taken to protect abused juveniles;
- (c) alleged abuse is reported to appropriate authorities and is thoroughly investigated in a timely manner by appropriate, qualified, and objective staff who prepare a written report setting forth complete findings of fact and the basis of the findings;
- (d) the results of the investigation are reported to appropriate officials at the facilities, the Department of Public Safety and Corrections, and the Governor's office;
- (e) appropriate disciplinary action is taken when abuse is substantiated and, where appropriate, referral for criminal prosecution; and
- (f) any systemic, underlying problems contributing to the abuse are identified and remedied.

4. All current and new staff should be trained (or re-trained) concerning the standards for the use of physical force (including the use of alternatives to force) and what constitutes abuse. Staff should also be trained on their mandatory duty to report



witnessed abuse. Training should include the sanctioned techniques for application of physical force. Physical management training should be tailored to the needs of adolescents, rather than the adult correctional populations, with emphasis on communication techniques, basic counselling, therapeutic interventions and the physical and emotional needs of adolescents. Staff should be required to demonstrate the techniques (and alternatives to force) that can be used to address aggressive or threatening behavior.

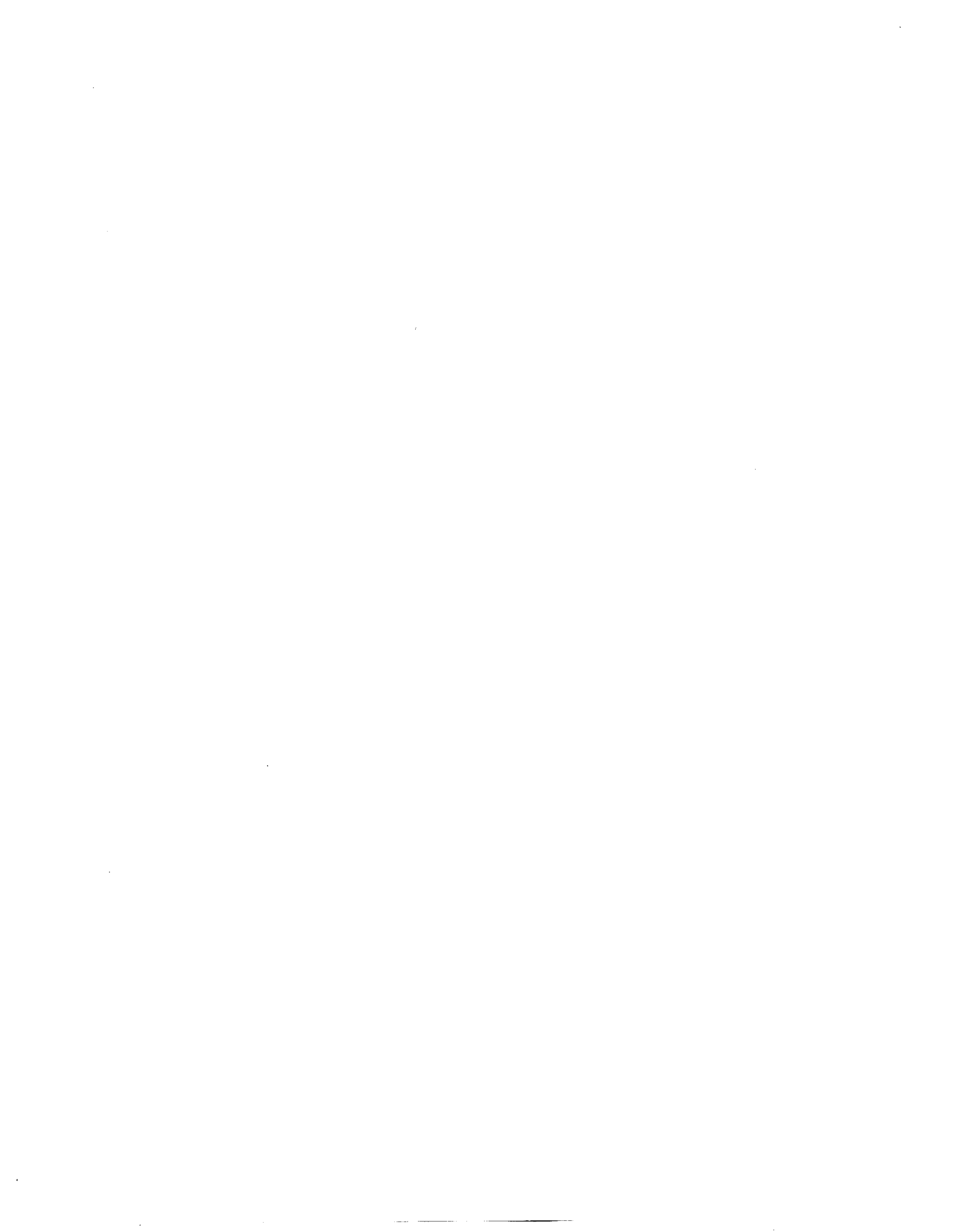
5. Younger children and children with significant cognitive limitations should be functionally grouped in their own section of a dorm at each facility. Youths on suicide watch should be housed in the infirmary during the pendency of the watch.

6. All administrative and clinical staff at both facilities should be encouraged to spend more unannounced time visiting dorms and program areas and speaking with the juveniles. Ensuring unannounced visits during the evening and early morning hours is especially warranted.

7. The State should establish an independent task force comprised of professionals and advocates to study and make recommendations to address the problems of abuse in Louisiana's juvenile facilities. The panel should have the authority to conduct unannounced visits to the dorms and program areas of the facilities and to conduct private interviews with the children.

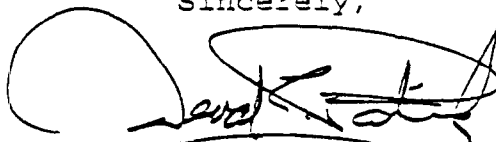
8. The State must develop a plan of longer term correction to address the problems of staff and juvenile-on-juvenile abuse. In addition to ensuring better supervision and training for staff members and children, this plan should address the development of a more reliable system for injury reporting and for the comprehensive investigation of all serious injuries to children. Individuals involved in developing this plan should meet with groups of officers and other staff members, as well as a significant sample of children at both facilities individually, to better understand the scope and causes of physical violence at the facilities.

Given the urgency of addressing these deficiencies, please have your counsel contact Judy Preston at 202-514-6253 or Iris Goldschmidt at 202-514-6264 by Friday, July 26, 1996 concerning the State's willingness to immediately implement the above remedial measures. We believe that the results of our investigation at the two facilities to date provide a basis for action pursuant not only to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, et seq., but also appear to constitute a violation of the Police Misconduct Provision of the 1994 Crime Bill, 42 U.S.C. § 14141. However, because the State



has expressed its desire to cooperate in this investigation and we would prefer to address the dangerous deficiencies swiftly and without resort to litigation on the merits, we make this offer to jointly address the deficiencies in the fastest possible manner.

Sincerely,



Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division

cc: The Honorable Cheney C. Joseph, Jr.  
Executive Counsel to the Governor

The Honorable Richard Ieyoub  
Attorney General of Louisiana

Mr. Richard Stalder  
Secretary for the Department of  
Public Safety and Corrections

Mr. Richard Curry  
Special Assistant Attorney General for the  
Department of Public Safety and Corrections

Mr. Elijah Lewis  
Superintendent  
Jatson Correctional Center for Youth

Mr. Benny G. Harris  
Superintendent  
Louisiana Training Institute at Bridge City

Ms. Margaret M. Severson  
Court Monitor

The Honorable Eddie J. Jordan, Jr.  
United States Attorney  
Eastern District of Louisiana

The Honorable L. J. Hymel, Jr.  
United States Attorney  
Middle District of Louisiana

The Honorable Michael D. Skinner  
United States Attorney  
Western District of Louisiana