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## JUSTICE NEWS

**Department of Justice**

Office of Public Affairs

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Friday, August 10, 2012

### **Justice Department Releases Investigative Findings Showing Constitutional Rights of Children in Mississippi Being Violated**

**After Comprehensive Investigation, Lauderdale County Youth Court, Meridian Police Department and Mississippi Division of Youth Services in Meridian, Mississippi, Found to Have Violated Constitutional Due Process Rights of Children**

The Justice Department released a letter of findings today determining that the Lauderdale County Youth Court, the Meridian Police Department (MPD), and the Mississippi Division of Youth Services (DYS) are violating the constitutional rights of juveniles in Meridian, Miss. The department's investigation found reasonable cause to believe that these agencies have violated the constitutional due process rights of children in the city of Meridian and the county of Lauderdale under the Fourth, Fifth, and Fourteenth Amendments of the U.S. Constitution.

The department initiated a comprehensive investigation in December 2011 under Section 14141 of the Violent Crime Control and Law Enforcement Act of 1994, which prohibits a pattern or practice of deprivation of civil rights for juveniles in the administration of juvenile justice, and Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin by recipients of federal financial assistance. The Justice Department continues to investigate whether any of the agencies are violating children's rights under Title VI or the Equal Protection Clause of the Fourteenth Amendment.

The department's investigation showed that the agencies have helped to operate a school-to-prison pipeline whereby children arrested in local schools become entangled in a cycle of incarceration without substantive and procedural protections required by the U.S. Constitution. The department's findings show that children in Lauderdale County have been routinely and repeatedly incarcerated for allegedly committing school disciplinary infractions and are punished disproportionately, without constitutionally required procedural safeguards. Children have also been arrested at school for offenses as minor as defiance. Furthermore, children on probation are

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routinely arrested and incarcerated for allegedly violating their probation by committing minor school infractions, such as dress code violations, which result in suspensions. The department's investigation showed that students most affected by this system are African-American children and children with disabilities.

"The systematic disregard for children's basic constitutional rights by agencies with a duty to protect and serve these children betrays the public trust," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "We hope to resolve the concerns outlined in our findings in a collaborative fashion, but we will not hesitate to take appropriate legal action if necessary."

In its investigation, the Justice Department found a pattern or practice of unconstitutional conduct in several areas, including:

- Failure by MPD to adequately assess probable cause that an unlawful offense has been committed prior to arresting children at local schools;
- Failure by the Lauderdale County Youth Court to provide children with proper procedural due process, including by making untimely and inadequate probable cause determinations;
- Failure by the Lauderdale County Youth Court and the Mississippi DYS to provide children procedural due process rights in the probationary process, especially with regard to alleged probation violations; and
- Failure by all entities to ensure substantive due process for children on probation by incarcerating children for school disciplinary offenses without any procedural safeguards.

"The U.S. Attorney's Office is committed to seeing the rule of law applied to all citizens fairly and equally," said Gregory Davis, U.S. Attorney for the Southern District of Mississippi. "We hope to be able to resolve the civil rights violations found by the Justice Department in a way that benefits all the people of Meridian and Lauderdale County, including those children who are being treated unfairly by the juvenile justice system."

This investigation was conducted by the Civil Rights Division's Special Litigation Section, working in conjunction with the Educational Opportunities Section, which has a long-standing school desegregation case against the Meridian Public School District, and the U.S. Attorney's Office for the Southern District of Mississippi. For more information on the Justice Department's Civil Rights Division, please visit [www.justice.gov/crt](http://www.justice.gov/crt).

## Related Materials:

### Letter of Findings

12-993

Civil Rights Division

*Updated October 8, 2014*

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