

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA**

J.H., by and through his mother and next friend, N.H.; I.B., by and through his parents and next friends, A.B. and I.B., on behalf of themselves and all others similarly situated,

Plaintiffs-Petitioners,

-against-

JOHN BEL EDWARDS, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF LOUISIANA; THE LOUISIANA OFFICE OF JUVENILE JUSTICE; EDWARD DUSTIN BICKHAM, IN HIS OFFICIAL CAPACITY AS INTERIM DEPUTY SECRETARY OF THE LOUISIANA OFFICE OF JUVENILE JUSTICE; JAMES WOODS, IN HIS OFFICIAL CAPACITY AS THE DIRECTOR OF THE ACADIANA CENTER FOR YOUTH; SHANNON MATTHEWS, IN HER OFFICIAL CAPACITY AS THE DIRECTOR OF THE BRIDGE CITY CENTER FOR YOUTH; SHAWN HERBERT, IN HER OFFICIAL CAPACITY AS THE DIRECTOR OF THE SWANSON CENTER FOR YOUTH AT MONROE; and RODNEY WARD, IN HIS OFFICIAL CAPACITY AS THE DEPUTY DIRECTOR OF THE SWANSON CENTER FOR YOUTH AT COLUMBIA,

Defendants-Respondents.

CIVIL ACTION NO. 3:20-cv-00293-JWD-EWD

CLASS ACTION

**THE LOUISIANA OFFICE OF JUVENILE JUSTICE DEFENDANTS'¹
RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE 23(d)**

¹ Filed on behalf of Defendants-Respondents The Louisiana Office of Juvenile Justice ("OJJ"), Edward Dustin Bickham, James Woods, Shannon Matthews, Shawn Herbert, and Rodney Ward (collectively "OJJ Defendants").

This Court should deny Plaintiffs' Motion for relief under Fed. R. Civ. P. 23(d) (Doc. 85). Contrary to the unsupported assertions in Plaintiffs' memorandum (Doc. 85-1), OJJ is not preventing any Youth from contacting Plaintiffs' counsel. OJJ maintains two separate, reasonable procedures for Youth to contact attorneys. Both the Youths and Plaintiffs' counsel are actively availing themselves of these policies in the current litigation and have successfully communicated with each other. To the extent any Youth has been unable to call Plaintiffs' counsel or Plaintiffs' counsel has been unable to arrange a telephone call with a Youth, the issue stems solely from either the Youth or Plaintiffs' counsel failing to follow the existing OJJ procedures. Plaintiffs' Rule 23(d) motion is simply another attempt to supplant OJJ's well-reasoned administration of its facilities in favor of a procedure preferred by Plaintiffs. *See Findings of Fact & Conclusions of Law (Doc. 95)* ¶¶ 317-22. Plaintiffs request to displace OJJ's policies should be denied.

I. FACTS AND BACKGROUND

A. OJJ Policies Regarding Youth Telephone Calls with Attorneys

Youths detained in OJJ's secure facilities have access to telephones and are permitted to place unmonitored telephone calls to their attorneys through two separate OJJ procedures. *See* Aff. of Ellyn Toney, *attached as* Exhibit A; Aff. of Revettea Woods, *attached as* Exhibit B; *see also* Exhibit A-1; Exhibit B-1. OJJ maintains these procedures due to the nature of its work and the fact that it cannot feasibly grant Youths unfettered access to telephones. *See* Exh. A ¶ 9.

1. Youth Telephone Policy

OJJ's Youth Services Policy Concerning the Use of Telephones (the "Youth Telephone Policy") allows Youths to make outgoing calls to their attorneys through the Securus Technologies telephone system mentioned in Plaintiffs' Motion. Exh. A ¶ 3; *see also* Exh. A-1. The Youth Telephone Policy provides that upon intake at one of OJJ's secure facilities, each Youth is assigned

a Personal Identification Number (“PIN”) that he will use to make outgoing calls through Securus. Exh. A ¶ 4. Youths who wish to make such calls must maintain a list of approved telephone numbers, which are linked in the Securus system to the Youth’s PIN; the list may include up to 10 telephone numbers, inclusive of immediate family members and attorneys (the “Master Telephone List”). *Id.* ¶¶ 5-6. A Youth in an OJJ secure facility can only make outgoing calls to the numbers on his Master Telephone List. *Id.* ¶¶ 4-5.²

To add to or change the Master Telephone List, a Youth must submit a written form. *Id.* ¶ 6. OJJ staff will then verify that the telephone number the Youth wishes to add belongs to a family member, an attorney, or another individual OJJ deems appropriate. *Id.* After the number is verified, OJJ staff will access the Securus database and add the telephone number as an approved telephone number associated with the Youth’s PIN. *Id.*

When a Youth makes an outgoing telephone call using Securus, the Youth enters his PIN, which serves to identify the Youth, along with the telephone number he wishes to call. *Id.* ¶ 5. If the telephone number dialed is on the Youth’s Master Telephone List, the Securus system will allow the call to connect. *Id.* If the telephone number dialed is not on the Youth’s Master Telephone List, then the Securus system will not allow the call to connect. *Id.*

OJJ established its Youth Telephone Policy, including the Master Telephone List and verification process, to promote public safety and maintain the orderly management of its facilities. *Id.* ¶ 9. The Youth Telephone Policy is designed to enable OJJ to verify the identities of the persons to whom the Youths place calls and to monitor certain calls where appropriate. *Id.* In this way, OJJ

² In addition to the numbers on the Master Telephone List, Youth can also call to one of four previously established and vetted support lines that Youths can use to report certain specific issues, such as sexual assault. Exh. A ¶ 4.

can minimize the risk of Youths using the telephone to orchestrate an escape, bring contraband into an OJJ facility, or engage in other dangerous behavior. *Id.*

2. Attorney Visits Policy

Separate and apart from the Youth Telephone Policy and the Securus system, Youths have the option of arranging attorney calls through OJJ's Attorney Visits Policy (the "Attorney Visits Policy"). *See* Exh. B ¶ 4; Exh. B-1. The Attorney Visits Policy provides that if an attorney wishes to speak with a Youth, he or she must make a request with OJJ's General Counsel, who will perform the necessary verifications and forward the request to the Youth's caseworker. *Id.* ¶ 6. The caseworker will then coordinate a time for the Youth to speak with the attorney using the telephone in the caseworker's office. *Id.* At that time, the caseworker will dial the attorney's telephone number, give the telephone to the Youth, and exit the office so the Youth and attorney can speak privately. *Id.* These calls are not monitored or recorded. *Id.*

The Attorney Visits Policy also allows for a Youth to submit to his caseworker a request to call an attorney; the caseworker will then coordinate and facilitate the call according to the process described above. *Id.* ¶ 8. If the caseworker is unfamiliar with the attorney, he or she will contact OJJ's General Counsel to verify that the attorney is a member in good standing with the State Bar of Louisiana. *Id.*

Under the Attorney Visits Policy, an attorney must submit a request to General Counsel to speak with a specific Youth or a Youth must speak to his or her caseworker about contacting a specific attorney. *Id.* ¶ 9. The Attorney Visits Policy also requires the attorney to submit a request at least 24 hours before the time the attorney wishes to speak with the Youth. *Id.* ¶ 7. This 24-hour period allows the caseworker to ensure the Youth does not have to miss any educational classes or other essential programming at his or her facility. *Id.* Additionally, to allow OJJ to safely

and efficiently manage its facilities, these telephone calls are limited to certain hours of the day, and the 24-hour notice period allows the Youth's caseworker to ensure calls can be made within the appropriate. *Id.*

B. Plaintiffs' Counsel Are Accessing the Youth Pursuant to OJJ's Policies

Contrary to Plaintiffs' unsworn assertions, both the Youths and Plaintiffs' counsel have been able to use the existing OJJ Youth Telephone Policy and Attorney Visits Policy to communicate with each other.

One Youth—D.M.—has requested to have Plaintiffs' counsel added to his Master Telephone List. Exh. A ¶¶ 13, 16. OJJ added Plaintiffs' counsel to D.M.'s list pursuant to the Youth Telephone Policy on June 18, 2020, and since that time he has had the ability to make “private” calls to Plaintiffs' counsel using the Securus telephone system. *Id.*³ Other than D.M., no Youth has requested to add Plaintiffs' counsel to his Master Telephone List. *Id.* ¶ 16.

Plaintiffs' counsel has requested nine telephonic attorney visits with specific Youths pursuant to OJJ's Attorney Visits Policy. Plaintiffs' counsel requested telephone conferences with the two named plaintiffs (I.B. and J.H.) and seven other Youths (D.M., H.C., T.S., T.G., L.J., J.K., and T.A.). All of these requests were approved. Exh. B ¶ 12-13. OJJ has already facilitated the calls between Plaintiffs' counsel and six of these Youths (I.B., J.H., D.M., H.C., T.S., and T.G.). *Id.* OJJ is in the process of facilitating the calls with the other three Youths. *Id.* ¶ 13. All of the calls have been or will be private. *Id.* ¶¶ 12-13. Other than these nine requests, Plaintiffs' counsel

³ In their Brief, Plaintiffs contend that there are 11 Youths “that [Plaintiffs' counsel] know had been trying to contact them, but as of filing have yet to receive a single call from any one of those children.” Pls.' Br. (Doc. 85-1) at 5. Plaintiffs' cite to nothing other than Plaintiffs' counsel's email where she made the same contention without evidentiary support. *See id.* Of the 11 Youths identified by Plaintiffs, only D.M. has requested to have Plaintiffs' counsel added to his Master Telephone List pursuant to the Youth Telephone Policy. Exh. A ¶¶ 13, 16. The other 10 Youths—H.C., J.B., I.B., T.G., J.H., T.S., N.B., D.W., T.F., and D.W.—have made no attempted to add Plaintiffs' counsel to their Master Call List. Exh. A ¶ 12.

has made no other requests to visit with any specific Youth pursuant to the Attorney Visits Policy. *Id.* 15.

Additionally, one Youth—T.F.—requested an attorney visit with Plaintiffs’ counsel pursuant to the Attorney Visits Policy. This request was also approved, and OJJ facilitate the request via a private call with Plaintiffs’ counsel. *Id.* ¶ 14. Other than T.F.’s request, no other Youth has requested to speak with Plaintiffs’ counsel pursuant to the Attorney Visits Policy. *Id.* ¶ 15.

II. ARGUMENT AND AUTHORITIES

A. Plaintiffs’ Motion Is Moot

As an initial matter, the relief sought by Plaintiffs’ Rule 23(d) Motion is moot. Plaintiffs’ Motion seeks only two specific forms of relief: (1) to “provide Plaintiffs’ counsel with a process by which counsel can reliably schedule phone calls with specific clients or class members,” and (2) to “allow all putative class members the ability to affirmatively access Plaintiffs’ counsel through the secure phone line that has already been set up through the Securus Technologies system.” Pls.’ Br. (85-1) at 11. As discussed above, the specific relief Plaintiffs seek already exists. OJJ’s Attorney Visits Policy affords Plaintiffs’ counsel “a process by which counsel can reliably schedule phone calls with specific clients or class members.” There is no evidence or argument to the contrary. Likewise, OJJ’s Youth Telephone Policy “allows all putative class members the ability to affirmatively access Plaintiffs’ counsel through the sure phone line that has already been set up through Securus Technologies system.” Again, there is no evidence or argument to the contrary.

To be sure, Plaintiffs’ Motion does not contest the constitutional validity of OJJ’s Youth Telephone Policy or Attorney Visits Policy. Nor does Plaintiffs’ Motion argue that the policies fail

to provide reasonable access to putative class members. Instead, Plaintiffs wholly ignore the existence of these policies and fail to bring to the Court's attention that Plaintiffs' counsel are actively availing themselves of these policies to access putative class members. Plaintiffs make passing mention to the fact that putative class members "have a First Amendment right to a 'reasonable opportunity to seek and revise the assistance of attorneys,'" Pls.' Br. (85-1) at 6-7, but Plaintiffs do not allege that OJJ's existing policies violate that right. Likewise, Plaintiffs argue that their counsel should be granted reasonable access to putative class members, *id.* at 6, but do not allege that the existing policies fail to provide reasonable access to putative class members.

OJJ's existing policies satisfy the two forms of relief Plaintiffs' seek, and there is nothing for the Court to decide. Accordingly, the Motion (Doc. 85) should be denied as moot.

B. OJJ's Policies Are Constitutionally Valid

To the extent there is any question regarding the validity of OJJ's two policies for Youth/attorney telephone calls, both are constitutionally valid regulations of OJJ Youths' telephone usage. It is well established that the status of incarceration "results in the necessary limitation of many privileges and rights" enjoyed by an ordinary citizen. *See O'Lone v. Estate of Shabazz*, 482 U.S. 342, 348 (1987); *Pell v. Procunier*, 417 U.S. 817, 822 (1974); *Hill v. Estelle*, 537 F.2d 214, 215 (5th Cir. 1976). The Constitution affords prison officials the discretion to establish reasonable restrictions on certain rights that are incompatible with the status of incarceration, and federal courts have consistently deferred to the judgment and expertise of prison administrators in promulgating these reasonable restrictions. *See Turner v. Safley*, 482 U.S. 78, 84 (1987); *Hill*, 537 F.2d at 215.

Specific to this case, inmates have "no right to unlimited telephone use." *Waganfeald v. Gusman*, 674 F.3d 475, 485 (5th Cir. 2012). Instead, "a prisoner's right to telephone access is subject to rational limitations in the face of legitimate security interests of the penal institution."

Id. (citing *Washington v. Reno*, 35 F.3d 1093, 1100 (6th Cir.1994)); *Benzel v. Grammer*, 869 F.2d 1105, 1108 (8th Cir. 1989). In light of these considerations, federal courts of appeal have consistently held that the “exact nature of telephone service to be provided to inmates is generally to be determined by prison administrators, subject to court scrutiny for unreasonable restrictions.” *Washington*, 35 F.3d at 1100; *see also Hill*, 537 F.2d at 215 (addressing the issue in the context of qualified immunity, and upholding a prison’s telephone restrictions that did not prevent inmates from communicating with courts, counsel, or loved ones);⁴ *Jones v. Caruso*, 569 F.3d 258, 267 (6th Cir. 2009) (explaining that prisoners do not have a right to “unlimited telephone use.”); *United States v. Footman*, 215 F.3d 145, 155 (1st Cir. 2000) (observing that “[p]risoners have no per se constitutional right to use a telephone.”); *Martin v. Tyson*, 845 F.2d 1451, 1458 (7th Cir. 1988) (holding that pretrial detainees’ due process rights were not violated by limitations on telephone access); *Strandberg v. City of Helena*, 791 F.2d 744, 747 (9th Cir. 1986) (explaining that “a prisoner’s right to telephone access is subject to rational limitations in the face of legitimate security interests of the penal institution.”).

It is clear, then, that the United States Constitution allows OJJ to establish reasonable limitations on Youths’ access to telephones. OJJ of course recognizes that Youths need to speak with their attorneys and loved ones, but as a matter of public safety and in the interest of maintaining order in its facilities, OJJ must limit the manner and times in which those conversations can occur. *See* Exh. A ¶ 9. In other words, the Constitution affords OJJ the discretion to honor this right in a way that takes into account the logistical and security requirements of OJJ’s facilities. *See, e.g., Waganfeald*, 674 F.3d at 485; *Martin*, 845 F.2d at 1458. OJJ must be able to

⁴ Notably, in rejecting a separate equal protection challenge to the telephone restriction, the Fifth Circuit in *Hill* held that the telephone regulations did not impinge on any fundamental right. *Id.* at 216.

track who Youths can speak with, for example, to help ensure Youths are not trying to smuggle contraband or plan an escape. Additionally, because OJJ is charged with maintaining the orderly management of its facilities, it must restrict Youths' calls to certain times and certain places. In short, OJJ's policies constitute reasonable restrictions on Youths' telephone usage which, according to the expertise and discretion of OJJ officials, properly balances Youths' right to speak with attorneys with the OJJ's proper management of its facilities.

C. Plaintiffs' Counsel Are Being Granted Reasonable Access to Putative Class Members

Instead of making a constitutional challenge, Plaintiffs argue that their attorneys should be granted "reasonable access" to the putative class members. Again, Plaintiffs do not even discuss the existing OJJ policies or Plaintiffs' counsel's use of those policies to access Youth. Instead, Plaintiffs make unsupported factual assertions, ignore the true facts, and contend that OJJ is somehow denying Plaintiffs' counsel reasonable access to putative class members. Neither the facts nor the law support Plaintiffs' argument.

As an initial matter, Plaintiffs' motion is replete with factual allegations that are not supported by the evidence. Throughout Plaintiffs' Rule 23(d) Brief, Plaintiffs make numerous assertions generally contending that OJJ is obstructing Plaintiffs' counsel's access to putative class members or refusing to allow Youth to contact Plaintiffs' counsel. For example Plaintiffs allege:

- "Defendants have ... taken the position that the putative class members have no right to access Plaintiffs' counsel and will not be permitted to do so until the Court grants Plaintiffs' motion for class certification," Pls.' Br. (Doc. 85-1) at 1;
- "OJJ has repeatedly stalled and obstructed Plaintiffs' counsel's attempts to communicate with current clients and putative class members," *id.* at 2;

- “[P]utative class members at all four facilities thereafter have reported through their parents that although they have attempted to contact Plaintiffs’ counsel on the sure phone line through the Securus Technologies system, they were blocked from doing so,” *id.* at 3;
- “[T]he [Youth] cannot affirmatively contact Plaintiffs’ counsel in any manner whatsoever because OJJ has blocked the children from calling that number through the Securus system,” *id.* at 5.

Plaintiffs cite to no evidence in support of these contentions. Plaintiffs have not submitted any statements from the Youths (or even their parents) supporting their allegations that Youths have been “blocked” from calling Plaintiffs’ counsel. Plaintiffs have similarly failed to support their assertion that a Securus representative informed counsel that OJJ was “restricting” Youths’ telephone access. Plaintiffs offer no evidence whatsoever for their assertion that defense counsel stated that OJJ did not need to permit Youths to contact Plaintiffs’ attorneys “because they were merely ‘putative’ class members.”

Simply put, there is no evidence before the Court of any Youth requesting and being denied access to Plaintiffs’ counsel. Nor is there evidence of Plaintiffs’ counsel requesting and being denied access to any Youth. Plaintiffs have failed to provide any evidence to support their rather caustic assertions.

In stark contrast to Plaintiffs’ unsupported allegations, the only evidence before the Court reveals that Plaintiffs counsel have multiple avenues to access the Youths: (1) Youths can add Plaintiffs’ counsel to their Master Telephone List; (2) Plaintiffs’ counsel can submit a request with OJJ’s Office of General Counsel to speak with a specific Youth; and (3) Youths can ask their caseworker to contact Plaintiffs’ counsel. *See* Exh. A-1 & B-1.

Moreover, the evidence shows that Plaintiffs counsel and the Youth are utilizing each of these three methods to access each other:

1. One Youth (D.M.) submitted a request to add Plaintiffs' counsel's number to his Master Telephone List in accordance with the Youth Telephone Policy. Exh. A ¶ 13. OJJ processed and approved that request, and the number has been added to D.M.'s list as "private," meaning his calls to that number will be confidential. *Id.*
2. OJJ received requests from Plaintiffs' counsel to speak with nine Youths (J.H., I.B., D.M., H.C., T.G., T.S., L.J., J.K., and T.A.). Exh. B ¶¶ 12-13. OJJ has approved all of these request and as of July 2, 2020, facilitated the calls with six Youths (J.H., I.B., D.M., H.C., T.S. and T.G.), and the conversations were private. *Id.* OJJ is in the process of facilitating the calls with the three remaining Youths (L.J., J.K., and T.A.), and these calls, when facilitated, will be private. *Id.* ¶ 13.
3. One Youth (T.F.) contacted his caseworker about calling Ms. Kumar; OJJ facilitated this request and allowed T.F. and counsel to have a private call. Exh. B ¶ 14.

Aside from these situations, no other Youths have requested a call with counsel, counsel has not submitted a request to OJJ's General Counsel to speak with any other specific Youths, and no other Youth has requested to add Plaintiffs' counsel's number to their Master Telephone Lists. Exh. A ¶¶ 13-16; Exh. B ¶ 15. Accordingly, the undisputed evidence is that all requests made through the existing OJJ policies to access the putative class members are being approved and access to the putative class members is being allowed.

The cases Plaintiffs cite in their memorandum stand only for the uncontroversial position that Plaintiffs' counsel shall be allowed reasonable access to putative class members. More importantly though, the cases cited by Plaintiffs demonstrate that the access being provided by OJJ

is eminently reasonable. In *Tellis v. LeBlanc*, for example, after allowing Plaintiffs' counsel to conduct in-person visits with putative class members upon request for "nearly two years without incident," the defendant facility curtailed those visits. *Tellis v. LeBlanc*, 2019 WL 1103420, at *2 (W.D. La. Mar. 8, 2019). The defendant did not point to any change in circumstance or policy that justified curtailing those visits, and the defendant's proposed alternative of mail-in communication was inadequate for certain inmates with literacy problems. *Id.* The district court held, "As a result, the Court finds that the interests of justice are best served by allowing Plaintiffs' counsel reasonable access for in-person confidential interviews with members of the proposed class." *Id.* at *2. Here, OJJ has not "curtailed" any contacts and, in fact, is providing Plaintiffs' counsel reasonable access to the putative class members. OJJ is merely requiring Youths and Plaintiffs' counsel to follow OJJ's reasonable, pre-established policies for telephone use and attorney visits.

Likewise, in *Olson v. Brown*, 2009 WL 799531, at *3 (N.D. Ind. Mar. 23, 2009), the facility defendant rejected Plaintiffs' counsel's request to provide putative class members with a mail-in questionnaire. Here, unlike *Olson*, OJJ has not refused Plaintiffs' counsel's request to speak with Youths and has instead facilitated a call each time OJJ has identified a specific child and asked to talk with him.

Thus, the record evidence only shows that OJJ is providing Plaintiffs' counsel with reasonable access to the putative class members consistent with the existing OJJ policies. In truth, Plaintiffs Rule 23(d) Motion is not about obtaining reasonable access to the Youth; it is a request to have this Court to rewrite OJJ's Youth Telephone Policy and Attorney Visits Policy to Plaintiffs' liking. The Court should reject this request and deny Plaintiffs' Motion.

III. CONCLUSION

Plaintiffs' Motion (Doc. 85) fails on both evidentiary and legal grounds. Plaintiffs already have the relief they request here through OJJ's existing policies, and their motion is moot. Plaintiffs provide no evidence to support their allegation that they are being denied access to putative class members. They ignore and fail to challenge the reasonableness of the existing policies for Youth/attorney telephone calls, and Plaintiffs ignore and fail to disclose the actual reasonable access that is being provided. Accordingly, for the reasons discussed above, this Court should deny Plaintiffs' Motion (Doc. 85).

Dated: July 3, 2020

Respectfully submitted,

Defendants The Louisiana Office of Juvenile Justice,
Edward Dustin Bickham, James Woods, Shannon
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Defendants' Attorneys

CERTIFICATE OF SERVICE

I, Kyle V. Miller, hereby certify that I have today served the foregoing Response to Plaintiffs' Motion Pursuant to Federal Rule of Civil Procedure 23(d) via the Court's electronic filing system, which provided notice to all counsel of record.

Dated: July 3, 2020

S/Kyle V. Miller
KYLE V. MILLER

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AFFIDAVIT OF ELLYN TONEY

BEFORE ME, the undersigned Notary Public qualified in the aforesaid state and parish, personally came and appeared:

ELLYN TONEY

who, after being duly sworn by me, did depose and state:

1. My name is Ellyn Toney. I am over twenty-one (21) years of age and of sound and disposing mind. I have knowledge of, and am competent to testify about, the matters stated in this Affidavit. I am under no legal or other disability. The facts stated herein are true and correct to the best of my knowledge and belief.

2. I am currently employed as Chief of Operations with the Louisiana Office of Juvenile Justice ("OJJ"). In that capacity, I am familiar with OJJ's Youth Services Policy B.8.1 concerning telephone usage by OJJ Youths (the "Youth Telephone Policy"), and with OJJ's use and management of its Securus Technologies telephone system. In my professional capacity, I am authorized to access Youths' Securus accounts to review their telephone calls and monitor them for misuse. I also serve as one of the OJJ's points of contact for Securus Technologies, and I coordinate the training of OJJ staff members in the Youth Telephone Policy and Securus Technologies system.

3. Attached to this Affidavit as Exhibit A-1 is a true and authentic copy of the OJJ's Youth Telephone Policy. This Youth Telephone Policy governs all OJJ Youths' outgoing calls, which Youths place through a Securus Technologies telephone system. The only exception is for calls between Youths and their attorneys, which are governed by a separate "Attorney Visits Policy," handled through OJJ's Office of General Counsel, and made outside of Securus. Notwithstanding this separate procedure, Youths do have the option of making attorney calls through the Securus system, but those calls are subject to the requirements of the Youth Telephone Policy as outlined below.

4. As set forth in further detail in Exhibit A-1, the Youth Telephone Policy requires Youths who wish to make outgoing calls to maintain a list of up to 10 approved telephone numbers, inclusive of immediate family members and attorneys (the "Master Telephone List"). Under the

Youth Telephone Policy, a Youth in an OJJ secure facility can only make outgoing calls to: (a) one of the numbers on his or her Master Telephone List; and (b) one of four previously approved support lines that were established for Youths to quickly and easily discuss certain specific issues, including sexual assault. The Youth Telephone Policy further provides that upon intake at one of OJJ's secure facilities, each Youth is assigned a Personal Identification Number ("PIN") that he or she will use to make outgoing calls.

5. When a Youth makes an outgoing telephone call under the Youth Telephone Policy, he or she does so on OJJ's Securus Technologies telephone system. Unless the Youth is calling one of the four previously approved support lines referenced above, the Youth uses the following procedure to make an outgoing call. The Youth will input his PIN to access the Securus system and enter the telephone number that he wishes to call. If the telephone number dialed is included on the Youth's Master Telephone List, then the Securus Technologies telephone system will allow for the call to connect. If the telephone number dialed is not a telephone number included on the Youth's Master Telephone List, then the Securus Technologies telephone system will not allow for the call to connect.

6. To add to or change the Master Telephone List, a Youth must submit a written request. OJJ staff will then verify that the telephone number the Youth wishes to add belongs to a family member, attorney, or another individual OJJ deems appropriate. After the number is verified, OJJ staff will access the Securus Technologies database and add the telephone number as an approved telephone number associated with the Youth's PIN.

7. Securus does not have the authority to add telephone numbers to Youths' Master Telephone Lists, or to establish a hotline and authorize Youths to call it.

8. For safety and confidentiality purposes, OJJ will not add an attorney's telephone number to a Youth's Master Telephone List unless the Youth submits a request for OJJ to do so. Additionally, the Youth Telephone Policy allows the Youths to choose the numbers on their list, subject to OJJ approval. Because adding a number to Youth's Master Telephone List may result in the exclusion of another, OJJ will not unilaterally add a telephone number without a request from the Youth.

9. OJJ established its Youth Telephone Policy, including the Master Telephone List and verification process, to promote public safety and maintain the orderly management of its facilities. The Youth Telephone Policy is designed to enable OJJ to verify the identities of the persons to whom the Youths place calls, and to monitor certain calls where appropriate. In this way, OJJ can minimize the risk of Youths using the telephone to orchestrate an escape, bring contraband into an OJJ facility, or engage in other dangerous behavior.

10. The Youth Services Policy specifically provides that OJJ staff will not monitor telephone calls that OJJ Youths properly place to their attorneys through the Securus system.

11. I understand that Youths I.B. and J.H. have filed a federal class action lawsuit against OJJ and other defendants, alleging claims related to OJJ's handling of the COVID-19 pandemic. I also understand that J.H., I.B., and other potential members of the plaintiffs' alleged class are purportedly represented by Attorney Nishi Kumar.

12. In my capacity as Chief of Operations with OJJ, I personally reviewed OJJ records and Youths' Securus telephone accounts to determine whether Youths H.C., J.B., I.B., T.G., J.H., T.S., D.M., N.B., D.W., T.F., and D.W. have attempted to add Ms. Kumar or 908-283-1525 (a telephone number belonging to Ms. Kumar) to their Master Telephone Lists. I also contacted the appropriate staff at OJJ's secure facilities to determine whether any of these Youths have submitted requests to add Ms. Kumar or 908-283-1525 to their Master Telephone Lists. Additionally, I reviewed OJJ records and its Securus Technologies database as a whole to determine whether any Youths housed at OJJ's facilities have added Ms. Kumar or 908-283-1525 to their Master Telephone Lists. Based on that investigation, I received the following information, which is current through July 1, 2020.

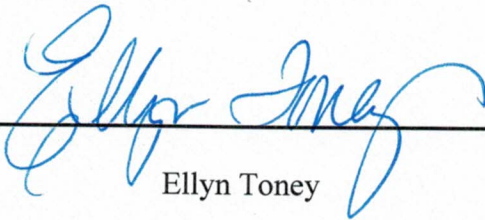
13. D.M. is the only Youth who has submitted a request to add the telephone number associated with Ms. Kumar (908-283-1525) to his Master Telephone List. OJJ added the number to his Master Telephone List on June 18, 2020. The number is designated as private, so calls D.M. makes to this number will not be monitored or recorded.

14. J.H., who is a named plaintiff in the above-referenced lawsuit, has not filed a request to add Ms. Kumar or the telephone number associated with Ms. Kumar to his Master Telephone List.

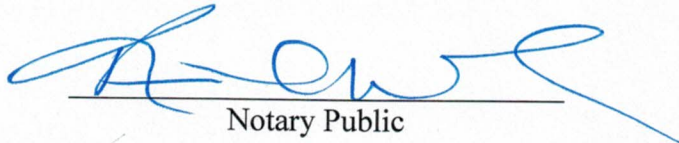
15. I.B., who is a named plaintiff in the above-referenced lawsuit, has not filed a request to add Ms. Kumar or the telephone number associated with Ms. Kumar to his Master Telephone List.

16. Aside from D.M., no Youths housed within an OJJ secure facility, including the Youths listed above, have filed a request to add Ms. Kumar or the telephone number associated with Ms. Kumar to their Master Telephone Lists.

Further affiant saith not.


Ellyn Toney

SWORN TO AND SUBSCRIBED before me, Notary, on the 2nd day of July, 2020.


Notary Public

Revettea D. Woods
NOTARY PUBLIC
State of Louisiana
LA Bar Roll #21103
My Commission expires at death

YOUTH SERVICES POLICY

Title: Telephone Usage by Youth and Monitoring of Calls	Type: B. Classification, Sentencing and Service Functions Sub Type: 8. Youth Related Services Number: B.8.1
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References: U.S. DOJ PREA Standard 115.353 (b); ACA Standards 2-CO-5D-01 (Administration of Correctional Agencies), 4-JCF-3A-01 and 4-JCF-3A-16 (Performance-Based Standards for Juvenile Correctional Facilities); YS Policy Nos. B.2.3 "Secure Care Intake", B.2.7 "LAMOD Program and Youth Stage Procedures" B.5.1 "Youth Code of Conduct – Secure Care", B.8.12 "Secure Care Youth Orientation", B.9.1 "Youth Welfare Fund (YWF)" and C.1.4 "Attorney Visits"	
STATUS: Approved	
Approved By: <i>James Bueche, Ph.D., Deputy Secretary</i>	Date of Approval: 02/10/2020

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the guidelines regarding the use of telephones by youth and the monitoring of telephone calls at all YS secure care facilities.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Advisor, Regional Directors and Facility Directors.

It is the Facility Director's responsibility to ensure compliance with this policy and convey its contents to the youth, employees, and the public.

IV. DEFINITIONS:

Contracted Health Care Provider (CHP) - Contracted licensed practitioners responsible for the physical and mental well-being of the secure care youth population. Services include medical, dental and mental health services, nursing, pharmacy, personal hygiene, dietary services, health education and environmental conditions.

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Family Liaison - An employee of YS Central Office (CO), who serves as a direct link between communities, advocates and families/guardians of youth and YS.

Immediate Family Members – Biological parents, legal guardians, step parents, siblings, biological children and grandparents.

Intake – The process by which youth adjudicated delinquent are assigned to a secure facility.

Juvenile Electronic Tracking System (JETS) – The centralized database used to track all youth under OJJ supervision and to record youth case record activity.

Operations Shift Supervisor (OSS) - Responsible for a range of duties that support management in maintaining a safe, secure facility. Shift Supervisors oversee administrative and operational security activities during specific shifts; manage staff during each assigned shift; ensure adequate security coverage; lead count procedures; oversee the custody, supervision and control of secure care youth; manage frontline security staff; assist in controlling youth movement; assist in directing the use and issuance of keys, locks and security equipment.

Public Safety Services, Office of Management and Finance (PSS/OMF) – A unit within Public Safety Services that oversees the administrative and operational functions of the agency.

Unit Management Team – The multi-disciplinary team responsible for determining furlough eligibility.

Unusual Occurrence Report (UOR) - A document that must be completed by staff to report incidents or observations of events that may have an impact on any aspect of the agency. UOR forms shall be made available to all employees, working in all areas at all times. Employees must complete and submit a UOR prior to the end of their tour of duty on the day the incident was observed or comes to the employee's attention in any way. If a UOR form is not available, the employee must use any paper available to report the pertinent information. UORs may also be submitted by email. (Refer to YS Policy No. A.1.14)

Youth Welfare Fund (YWF) - Abandoned property in the form of legal tender and interest income earned from the investment of youth money. Only the youth population shall be the beneficiary, directly or indirectly, of any youth welfare funds, except administrative expenses incidental to the operation of the YWF may be authorized with sufficient justification pursuant to YS Policy No. B.9.1.

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V. POLICY:

It is the Deputy Secretary's policy that uniform telephone procedures, including the ability to monitor and/or record youth telephone calls to preserve the security and orderly management of the facility, and to protect public safety, be established and adhered to at all secure facilities.

Youth shall not be allowed access to telephones, smartphones or similar devices except as outlined in this policy and with all appropriate approvals.

Each facility shall offer youth reasonable access to telephone communication, including TDD (telephone device for deaf youth and youth with a speech disability), without overtaxing the facility's ability to properly maintain stability and to avoid abuse of this privilege on the part of any youth.

Contracts for telephone services for youth must comply with all applicable state and federal regulations, and are commensurate with rates and surcharges for the general public for like services.

VI. PROCEDURES:

A. General

1. Each youth shall be assigned a personal identification number (PIN), which must be used when placing outgoing telephone calls. The PIN shall be the youth's Client ID number. For new youth being processed, the PIN shall be entered into the telephone system upon intake to the facility.
2. The telephone procedures shall be reviewed with the youth within 48 hours of the initial intake orientation to a YS secure care facility, pursuant to YS Policy B.2.3. Each facility's orientation manual shall include the information contained in this policy as a means to notify the youth of its contents, and in addition, verbal notification shall be given during orientation.
3. Intake staff shall provide the youth the "Master Telephone List" [attachment B.8.1(a)] and inform them that by signing the "Master Telephone List" form they "consent" to their telephone calls being monitored and/or recorded pursuant to YS Policy B.8.1. If the youth refuses to consent, staff shall document the refusal on the "Master Telephone List".

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A copy of the "Master Telephone List" form shall be placed in the youth's Master Record under Clip VIII.

The youth may provide up to 10 (ten) telephone numbers inclusive of immediate family members and legal calls. Immediate family members (as defined above) shall prove their relation to the youth through birth certificates, marriage licenses, custody orders, adoption papers, etc.

Upon verification of the relationship, the Case Manager shall submit the approved "Master Telephone List" form to the appropriate trained facility staff to be entered in the telephone system.

At the discretion and signed approval of the Facility Director or Regional Director, and in conjunction with the youth's Probation and Parole Officer/Juvenile (PPO/J) and Regional Manager, other significant adults in the youth's life may be allowed to be added to the list. Approval signatures shall be obtained on the "Master Telephone List" form prior to entry into the telephone system.

4. Each youth's outgoing telephone calls shall be limited to those telephone numbers the youth has placed on the master list and have been approved by the Case Manager.

Telephone numbers may be added or removed from the master list once each quarter. These changes shall be documented on the "Master Telephone List" form and approved by the Case Manager prior to being entered by the contractor or appropriately trained facility staff. Approval of the Facility Director is required for changes outside of this timeframe.

Changes needed on the master list which involves phone numbers of parents or attorneys representing a youth are to be expedited. All attempts shall be made to institute such changes within 6 (six) working days. The 6 (six) working days shall begin upon receipt by the appropriate facility staff of the youth's written request that the change be made.

5. At each secure facility, youth must be provided access to the Investigative Services (IS) Hotline, Family Liaison, and agency authorized youth advocacy organizations. Youth shall be provided direct access to this phone, meaning they do not have to get permission to use the hotline; it is available for them to use at will.

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Youth shall be provided with a certain degree of privacy when they use the hotline, meaning that staff may not station themselves near a youth using the hotline such that they could be accused of eavesdropping, or trying to intimidate the youth during the hotline call. However, this does not prevent staff from stationing themselves in a position to have the youth under visual observation.

6. Upon receipt of a request by a telephone subscriber that they not receive calls, the assigned facility telephone system administrator shall document the request on an "Unusual Occurrence Report" (UOR), and with the approval of the Facility Director, may contact the contractor to request that a universal block be put into place.

B. Telephone Access for Incoming and Outgoing Calls:

1. Personal or Family Calls (routine)

Incoming calls and messages may be relayed to the youth at the Facility Director's discretion.

Youth shall be provided an opportunity to make telephone calls to their home at the State's expense when the youth's Case Manager or the CHP determines during a formal counseling or medical/mental health contact that the call will promote the goals of the youth's individual intervention plan or medical/mental health well-being or progress.

The Case Manager or the CHP shall dial the telephone number and shall remain present during the call. The number dialed must be on the youth's "Master Telephone List" form and have been approved. Any deviation from the master list must be authorized by the Facility Director/designee and documented in writing. All calls shall be documented (time, date, purpose, telephone number, and person contacted) on a Weekly Contact Progress Notes in JETS.

Telephone calls for youth on the Orientation LAMOD Stage shall be placed on speakerphone. Youth may earn weekly telephone calls as an incentive based on their LAMOD Stage level and meeting expectations (refer to YS Policy B.2.7).

2. Telephone access in the youth housing units shall be made available when not in conflict with school, work or other programming. Specific times for telephone usage in the various housing units shall be established by the Facility Director, who shall communicate the telephone schedule to all youth, specifying hours during which the telephone is available, maximum length of calls and any limitation on calls, as outlined in Section VI.B.4 of this policy.

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All calls other than those facilitated by the youth's Case Manager shall be collect calls.

The telephone service provider shall provide a commission from each collect call. The commission shall be deposited into the respective facility's Youth Welfare Fund (YWF) by Public Safety Services, Office of Management and Finance (PSS/OMF), pursuant to YS Policy No.B.9.1.

3. Personal or Family Calls (emergency)

Upon receiving information of a family emergency, the Facility Director/designee shall notify the youth as soon as possible, and provide the youth an opportunity to call the family as deemed appropriate to the circumstances.

The Facility Director shall establish a procedure for youth notification of legitimate personal or family emergencies communicated to the facility.

4. Legal Calls

Youth shall be given notice that their attorney has requested contact. Complete verification of the Attorney of Record is required prior to processing, pursuant to YS Policy No. C.1.4.

Youth shall be given meaningful access to telephones for privileged communications with their attorneys, including being advised that their attorney has requested contact.

Each facility shall advise the youth on the proper way to place a legal call and assist youth, if needed, in making attorney contact.

5. Prohibited Calls:

- a. Remote Call Forwarding (RCF) is a mechanism by which youth may employ a local telephone number that automatically forwards the telephone call to a pre-selected number generally located out of the local calling area code or long distance. RCF, in essence, is an automated 3-way call. RCF is also known as an automated call forwarding or PBX call forwarding. RCF usage creates an opportunity to conduct criminal or illegal or unauthorized activities since the end call location is not readily being identified, verified, or its actual location known. This affords untold opportunity for youth to engage in potential scams, to call victims, to facilitate escape attempts, and to engage in other conduct representing significant risks to the facility.

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- b. The youth population must be put on notice that all third-party telephone calls, including RCF calls, are strictly prohibited and such activity shall result in appropriate disciplinary action pursuant to YS Policy No. B.5.1.

C. Phone System Features and Call Monitoring:

- 1. Youth shall be put on notice of the following:
 - a. Telephone calls in living areas are subject to being monitored and/or recorded and that "use" constitutes "consent."
 - b. A properly placed telephone call to an attorney shall not be monitored and/or recorded unless reasonable suspicion of illicit activity has resulted in a formal investigation and such action has been authorized by the Deputy Secretary/designee.
- 2. The telephone system will normally terminate a call at the end of the authorized period, (normally 15 minutes); however, the Facility Director/designee may authorize calls of a longer duration as circumstances warrant.
- 3. The system shall automatically broadcast recorded messages indicating that the telephone call is originating from a secure care facility.
- 4. Only personnel authorized by IS shall monitor youth telephone calls. Information gained from monitoring calls that affect the stability of the facility or threatens the protection of the public shall be communicated to other staff members or other law enforcement agencies.

Telephone calls to attorneys may not be routinely monitored (see Section VI.D.1.b.); staff shall immediately disconnect from any telephone call if it appears that is the case. All other information shall be held in strict confidence.

- 5. Youth who have already been assigned to the facility shall be put on notice by a sign posted at each telephone which shall reflect the following information:

ATTENTION:

This telephone has been electronically programmed to monitor and/or record telephone calls. By using this telephone, you consent to the monitoring and/or recording of your conversation, except for properly placed legal calls.

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Previous Regulation/Policy Number: B.8.1

Previous Effective Date: 08/12/2019

Attachments/References: B.8.1(a) Master Telephone List August 2019

Youth Master Telephone List

Facility _____

Date _____

Youth's Name _____

JETS # _____

- Instructions:
1. Print clearly
 2. One phone number per line. Area Code must be included with the phone number
 3. Provide up to 10 (ten) telephone numbers including immediate family and attorneys

Name	Relationship	Verified (Y/N)	Telephone Number	Add or Remove
			()	Add Remove
			()	Add Remove
			()	Add Remove
			()	Add Remove
			()	Add Remove
			()	Add Remove
			()	Add Remove
			()	Add Remove
			()	Add Remove
			()	Add Remove

I UNDERSTAND THE TELEPHONES IN THE HOUSING AREA HAVE BEEN PROGRAMMED TO MONITOR AND/OR RECORD TELEPHONE CALLS. I CONSENT TO THE MONITORING AND/OR RECORDING OF MY CONVERSATION, WITH THE EXECPTION OF PROPERLY PLACED LEGAL CALLS TO AN IDENTIFIABLE ATTORNEY.

Youth Signature _____

Date _____

By signing below, I confirm the relationship listed above meets the definition of Immediate Family as stated in policy B.8.1.

Case Manager _____

Date _____

Complete this section only when requesting Non-Immediate Family Members be added to the list.

By signing below, I approve the placement of the adult non-immediate family member(s) listed above on the youth's telephone list.

Probation Officer/Regional Manager _____

Date _____

Facility Director/Regional Director _____

Date _____

Note: Changes to the Master Telephone are permitted once per quarter. Any deviation from this list must be authorized by the Facility Director/Designee in writing.

AFFIDAVIT OF REVETTEA WOODS

BEFORE ME, the undersigned Notary Public qualified in the aforesaid state and parish, personally came and appeared:

REVETTEA WOODS

who, after being duly sworn by me, did depose and state:

1. My name is Revettea Woods, I am over twenty-one (21) years of age and of sound and disposing mind. I have knowledge of, and am competent to testify about, the matters stated in this Affidavit. I am under no legal or other disability. The facts stated herein are true and correct to the best of my knowledge and belief.

2. I am currently employed as Deputy General Counsel with the Louisiana Office of Juvenile Justice (“OJJ”). In that capacity, I am familiar with OJJ’s Youth Services Policy C.1.4 Governing Attorney Visits (the “Attorney Visits Policy”), which is OJJ’s set of established procedures for ensuring Youths have access to their attorneys.

3. Attached to this Affidavit as Exhibit B-1 is a true and authentic copy of the OJJ’s Attorney Visits Policy. As set forth in further detail in Exhibit B-1, it is OJJ policy to provide Youths with reasonable and confidential access to their attorneys and/or legal representatives in accordance with the procedures described below.

4. Youths’ calls with their attorneys are generally made under the Attorney Visits Policy as described in this affidavit, but Youths also have the option of adding attorneys to their OJJ-approved list of contacts and calling them using OJJ’s Securus Telephone system. These Securus calls are governed by a separate policy — Youth Services Policy B.8.1 concerning telephone usage by OJJ Youths (the “Youth Telephone Policy”).

5. OJJ’s Attorney Visits Policy provides that if an attorney wishes to speak with a Youth, he or she must make a request with OJJ’s Office of General Counsel (“General Counsel”). General Counsel will then verify that the attorney is a member in good standing with the State Bar of Louisiana.

6. Upon receiving the request and required verification, the General Counsel will

contact the Facility Director where the Youth is placed. The Youth's caseworker will then coordinate a time for the Youth to speak with the attorney using the telephone in the caseworker's office. At that time, the caseworker will dial the attorney's telephone number, give the telephone to the Youth, and exit the office so the Youth and attorney can speak privately. These calls are not monitored or recorded.

7. The Attorney Visits Policy requires the attorney to submit a request at least 24 hours before the time the attorney wishes to speak with the Youth. This 24-hour period allows the caseworker to ensure the Youth does not have to miss any educational classes or other essential programming at his or her facility. Additionally, to allow OJJ to safely and efficiently manage its facilities, these telephone calls are limited to certain hours of the day, and the 24-hour notice period allows the Youth's caseworker to ensure calls can be made within the appropriate timeframe.

8. The Attorney Visits Policy also allows for a Youth to submit a request to call an attorney to his caseworker, who will then coordinate and facilitate the call according to the process described above. If the caseworker is unfamiliar with the attorney, he or she will contact General Counsel to verify that the attorney is a member in good standing with the State Bar of Louisiana.

9. Under the Attorney Visits Policy, an attorney must submit a request to General Counsel to speak with a specific Youth, or a Youth must speak to his or her caseworker about contacting a specific attorney.

10. I understand that several Youths have filed a federal class-action lawsuit against OJJ and other defendants, alleging claims related to OJJ's handling of the COVID-19 pandemic. I also understand that Nishi Kumar and other attorneys are representing the plaintiffs in that lawsuit.

11. In my capacity as Deputy General Counsel with OJJ, I contacted the appropriate OJJ staff to determine whether Plaintiffs' counsel have attempted to contact any Youths, or whether any Youths have requested to speak with Plaintiffs' counsel, using the process outlined above. Based on that investigation, I received the following information.

12. OJJ has received requests from Plaintiffs' counsel to speak with Youths J.H., I.B., D.M, and H.C. in accordance with the Attorney Visits Policy. OJJ has facilitated those requests, and these Youths have spoken with Plaintiffs' counsel. These calls were private.

13. OJJ has also received requests from Plaintiffs' counsel to speak with Youths T.G.

T.S., L.J., J.K., and T.A. in accordance with the Attorney Visits Policy. OJJ has facilitated the requests for T.S. and T.G., and these Youths' calls were scheduled for July 1, 2020, and July 2, 2020, respectively. OJJ is in the process of facilitating counsels' requests to speak with Youths L.J., J.K, and T.A., and those Youths will be able to make their calls in the near future. Again, all of these calls have been or will be private.

14. Additionally, Youth T.F. contacted his caseworker and reported that his mother asked him to call Ms. Kumar. OJJ facilitated this request, and T.F. was able to contact either Ms. Kumar or one of the members of her team. Again, this was a private call.

15. To the best of my knowledge, and as of the date of this Affidavit, OJJ has not received any additional requests — either from Youths or Plaintiffs' attorneys — for Plaintiffs' attorneys to speak with a specific Youth at a given time as required under the Attorney Visits Policy.

16. OJJ has verified that Ms. Kumar and other Plaintiffs' attorneys associated with the above-referenced lawsuit are members in good standing with the State Bar of Louisiana. OJJ will continue to facilitate requests for Youths to speak with these attorneys, provided those requests are properly made under the Attorney Visits Policy.

Further affiant saith not.



Revettea Woods

SWORN TO AND SUBSCRIBED before me, Notary, on the 2nd day of July, 2020.



Notary Public

YOUTH SERVICES POLICY

Title: Attorney Visits	Type: C. Field Operations Sub Type: 1. General Number: C.1.4
	Page 1 of 5
References: ACA Standards 2-CO-3C-01 (Administration of Correctional Agencies) 4-JCF-3A-01 (Performance-Based Standards For Juvenile Correctional Facilities); DOJ PREA Standard 115.353(d); YS Policy Nos. A.2.15 "Dress Code for Secure Care Facilities and Community Based Services", B.8.1 "Telephone Usage by Youth and Monitoring of Calls", C.2.5 "Searches of Visitors – Secure Care" and C.2.8 "Youth Visitation in Secure Facilities".	
STATUS:	
Approved By: <i>James Bueche, Ph.D., Deputy Secretary</i>	Date of Approval: 01/06/2020

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To provide uniform procedures for approving and conducting attorney visits, and visits by authorized legal representatives of an attorney.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Chief of Operations, Regional Directors, General Counsel and Facility Directors. It is the Facility Director's responsibility to convey the contents of this policy to all youth, affected employees, and attorneys seeking to visit.

IV. DEFINITIONS:

Authorized Legal Representative (ALR) - Authorized legal representative of an attorney, includes paralegals, certified legal assistants (CLAs), law clerks, investigators and youth advocates.

Attorney Visits - Includes visits by an attorney to a secure care facility for face-to-face meetings, visits through the use of teleconference equipment and telephone calls.

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Page 2

Certified Legal Assistant (CLA) - A certified legal assistant.

Facility Director - Managers of the YS secure care facilities located throughout the State.

Youth Advocate - A person working for a non-profit organization or government agency whose mission includes advocating for delinquent youth in the custody of YS/OJJ. A youth advocate must work under the supervision of an attorney licensed to practice law in Louisiana, who is employed by the same non-profit organization or government agency.

V. POLICY:

It is the Deputy Secretary's policy that youth shall be provided reasonable and confidential access to their attorneys and/or authorized legal representative in accordance with the following procedures.

VI. PROCEDURES:

A. Approval of Attorney Visits:

Requests from attorneys for visits (face-to-face, teleconference or telephone) with clients shall be faxed or emailed to the General Counsel/designee and the appropriate Facility Director simultaneously, and must be approved in advance by the General Counsel/designee.

Attorney credentials must be verified through the Louisiana State Bar Association (LSBA) prior to being approved to visit or engage in privileged communication with youth. Verification may be obtained by going to the LSBA website (www.lsba.org) and clicking on the "Membership" button, or calling the LSBA at 1-800-421-5722.

The General Counsel/designee shall approve/disapprove requests, and email confirmations to the appropriate Facility Director. The Facility Director/designee shall advise attorneys of approval or non-approval of requested visits and copy the General Counsel/designee on the response.

Designated Facility staff shall print or file the approval from the General Counsel/designee in their computer system, and maintain a paper or computer log of the actual attorney visits.

B. Approval of Authorized Legal Representative (ALR) Visits:

1. The initial requests by an employee or supervising attorney for an ALR to be approved to enter the grounds of a facility, must meet the following requirements:

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Page 3

- a. The ALR must not be on the visiting list of any youth confined in a YS secure care facility.
 - b. A paralegal must have completed a paralegal or legal assistant study program at an accredited four-year college or junior college, or have completed a paralegal or legal assistant study program approved by the American Bar Association. (Certification by the National Association of Legal Assistants, Inc. as a Certified Legal Assistant (CLA) may be substituted for the aforementioned programs.)
 - c. The employing or supervising attorney must submit the "Authorized Legal Representative Affidavit" [see Attachment C.1.4 (a)] to the General Counsel/designee with a copy sent to the Facility Director certifying the following:
 - I. The ALR's name and date of birth;
 - II. The length of time the ALR has been employed or supervised by the attorney;
 - III. Paralegals, CLAs, and investigators must attach a copy of their certification or license to the affidavit.
2. The Facility Director/designee shall notify the attorney and ALR whether the request is approved or denied and copy the General Counsel on the response. As long as the supervising attorney has been approved by the General Counsel/designee, and the ALR continues in the employ or under the supervision of that same attorney, visits may be approved for a period not to exceed one (1) year.
 3. Subsequent requests for ALRs to be permitted to enter the facility to conduct interviews with their clients shall be faxed or emailed by the supervising attorney or ALR to the General Counsel/designee and the appropriate Facility Director simultaneously, and must be approved in advance by the General Counsel/designee.
 4. The Facility Director/designee shall advise of approval or non-approval of the requested visits for ALRs and copy the General Counsel/designee on the response.
 5. Facility staff shall print or file the approval from the General Counsel/designee in their computer system and maintain a paper or computer log of the actual ALR visits.

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6. Following approval of ALR visits, they may be permitted to enter the facility to conduct interviews with clients of their supervising attorney, either with the attorney or alone, at the discretion of the Facility Director. Visits by ALRs must be face-to-face and do not include teleconference or telephone contacts.
- C. Scheduling: Visits by attorneys and/or their authorized representatives must be scheduled through the Facility Director's office a minimum of 24 hours in advance. Scheduling is accomplished through emailing or faxing the completed "Indigent Defender Board Attorney Visit Request" form [see Attachment C.1.4 (b)] to the appropriate Facility Director and to the General Counsel, Angelic Keller @ Angelic.Keller@LA.GOV.
- D. Time of visits: Visits by attorneys and their authorized representatives shall take place Monday through Friday, excluding holidays, between the hours of 8 a.m. and 4 p.m.
- E. Exceptions:
 1. The Facility Director may approve special visits not in conformity with Sections VI. A., B., C. and D., when unusual circumstances warrant.
 2. Any improper acts or unethical behavior with a youth during a visit may result in an attorney or ALR being denied future visitation requests.
- F. Social Services staff shall advise the youth on the proper way to place a legal call and assist youth, if needed, in making attorney contact.

VII. LIMITATIONS ON VISITS:

- A. Number of youth: Generally, no more than 10 youth may be seen at any one time, and no more than 20 on any one (1) day subject to available space and security constraints. Further limitations may be imposed by the Facility Director if valid reasons exist.
- B. Number of attorneys: Generally, no more than two (2) persons (attorneys, ALRs or any combination thereof) may see a youth on any one (1) day, subject to available space and security constraints. Exceptions may be approved for good cause by the Facility Director.

VIII. GENERAL:

- A. ALRs may be required to attend training/orientation prior to being allowed to visit.

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- B. Youth may refuse to see an attorney or ALR. Such refusal shall be in writing.
- C. In accordance with Section VI. A. of this policy, a paper or computer log shall be maintained of all actual visits by both attorneys and ALRs.
- D. Visits are subject to visual observation. Conversations between youth and counsel shall not be audio-monitored under any circumstances.
- E. Attorneys and ALRs are subject to the procedures regarding searches as outlined in YS Policy No. C.2.5.
- F. Attorneys and ALR's are subject to facility dress code restrictions as outlined in 1-6 below. At the discretion of the Facility Director, an attorney or ALR may have a visit declined based on inappropriate attire.
 - 1. Blouses, shirts, sweaters, polo shirts and other top garments that are not too tight, too low cut or revealing;
 - 2. Slacks that are not too tight, revealing or worn too low;
 - 3. Sandals with a back strap that comes over the foot;
 - 4. Professional length dresses/skirts;
 - 5. Jeans that are not torn or ripped; and
 - 6. Heels 2" or below for professional office attire.

IX. EXCEPTION:

With the exception of Sections VIII.E. and F., this policy does not apply to attorneys representing the State or YS.

Previous Regulation/Policy Number: C.1.4

Previous Effective Date: 12/15/2017

Attachments/References: C.1.4 (a) Authorized Legal Rep Affidavit 8-15-11.docx
C.1.4 (b) Indigent Defender Board Attorney Visit Request January 2020.docx

STATE OF _____

PARISH/COUNTY OF _____

AUTHORIZED LEGAL REPRESENTATIVES AFFIDAVIT

BEFORE ME, the undersigned Notary, personally came and appeared
(1) _____, who, after being duly sworn, did depose and say that:

I am an attorney-at-law and I am presently representing (2) _____
_____, _____, a youth(s) confined by Youth Services.

(3) _____, _____, _____ is employed or
supervised by me as a (4) _____, and has been since _____.

Should the individual leave my employ or supervision, I will notify the
facility.

Attorney-at-law

Sworn to and subscribed before me this _____ day of _____,
at _____.

Notary Public and Notary Number or Bar Roll Number

- (1) Attorney's name
- (2) Youth's name and JETS #
- (3) Representative's name, social security number and birth date
- (4) ALR (paralegal, certified legal assistant, law clerk, investigator, or youth advocate)
- (5) Beginning date of employment or supervision

Note: Attach certificate for authorized representative

August 15, 2011

C.1.4 (b) January 2020

Indigent Defender Board Attorney Visit Request

TO: Angelic.Keller@LA.GOV;
Facility Director; Acadiana Center for Youth
Facility Director; Bridge City Center for Youth
Facility Director; Swanson Center for Youth / Swanson Center for Youth @
Columbia

(You must send your request to Angelic Keller, and the appropriate facility director more than one business day (M-F) in advance of your planned visit.)

FROM: IDB attorney (name and bar #)

RE: Attorney visit for (youth name/s)

Please verify my good standing with the Louisiana State Bar Association in accordance with YS Policy C.1.4 in order that you can approve this attorney visit request. I need to visit with my client(s) (name him/them here, including date of birth if known) on (day of the week) (month, day and year) at (time). I understand that the facility will make every effort to accommodate this request, and will contact me to let me know that my request has been approved. I understand that my contacts for this request are as follows:

Angelic Keller
General Counsel
225-287-7976

ACY Facility Director
318- 346-0127

BCCY Facility Director
504-437-3020

SCY/SCYC Facility Director
318-362-4810

Sincerely,

[Lawyer name and phone number(s)]