

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

2004 MAR -5 P 4: 27

MIDDLE DISTRICT OF LOUISIANA

SIGN
BY DEPUTY CLERK

HAYES WILLIAMS, et al
Plaintiffs

C.A. NO. 71-98-B

VERSUS

JOHN J. MCKEITHEN, et al
Defendants

BRIAN B., et al
Plaintiffs

C.A. NO. 98-886-B-1

VERSUS

RICHARD STALDER, et al
Defendants

UNITED STATES OF AMERICA
Plaintiffs

C.A. NO. 98-947-B-1 ✓

VERSUS

STATE OF LOUISIANA, et al
Defendants

STATUS REPORT

A "Notice to Counsel" entered by the Court on February 12, 2004 directed the State to file a status report "relative to the procedures being implemented" at Swanson Correctional Center for Youth – Madison Parish Unit ("SCCY-Madison"). This report addresses procedures currently implemented at SCCY-Madison as well as the plans of the Office of Youth Development ("OYD") to remove all juveniles from that facility within the next few months.

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JJB

INITIALS	DOCKET#
HG	208

Current Procedures at SCCY-Madison

SCCY-Madison has been subjected to extensive investigations and monitoring for the past eight years – surely more exhaustive scrutiny than any similar facility in the country. In late 2003, SCCY-Madison was the subject of yet another rigorous series of investigations that reviewed procedures at the facility:

- Michael Mahoney, a juvenile justice expert retained by the Department of Justice, toured SCCY-Madison, interviewed staff and juveniles and reviewed records on November 12, 13 and 14, 2003.
- Steven Robinson, the former Executive Director of the Texas Youth Commission (the Texas counterpart to OYD) was retained by the State of Louisiana to participate in that November 12-14 investigation.
- Dr. Pamela McPherson, a mental health expert retained by the Department of Justice, investigated mental health procedures and practices at SCCY-Madison on November 13 and 14, 2003.
- Dr. Gary Peck, the medical expert jointly selected by the parties under the 2000 and 2003 settlement agreements, conducted yet another medical investigation of SCCY-Madison on November 13.
- Dr. James Austin of George Washington University and his team of experts – jointly selected by the parties to this litigation in the 2003 settlement agreement, spent large blocks of time at SCCY-Madison throughout 2003, and that team finalized and submitted detailed reports on the State's compliance with the 2003 settlement agreements involving all Louisiana secure facilities, including SCCY-Madison.
- Plaintiffs' counsel, Nordyke & Denlinger and the Juvenile Justice Project of Louisiana, conducted dozens of interviews with juveniles and reviewed voluminous records leading up to the expert tours, and both firms actively participated in the November expert tours themselves.

The 2003 investigations found no unconstitutional conditions at SCCY-Madison. During and following these investigations, the parties to this litigation negotiated and ultimately entered a new settlement agreement. All parties and all counsel (including the Department of Justice and including JJPL) agreed that SCCY-Madison should be dismissed from this litigation. All

counsel signed a motion asking this Court to dismiss SCCY-Madison from this litigation. That motion was filed on December 31, 2003.

Immediately after the settlement was entered and conditionally approved by this Court, the State posted class notice of the settlement in the secure facilities, pursuant to this Court's December 31, 2003 Order. The notice instructed members of the class not to contact the Court. Shortly after the settlement was entered, however, JJPL wrote letters to juveniles at SCCY-Madison and juveniles at Bridge City Correctional Center for Youth, urging them to contact the Court regarding conditions at the facility. Only one juvenile wrote to this Court, (and even that letter merely expressed the juvenile's desire to return to a different secure facility).

JJPL then visited SCCY-Madison on January 27, 2004. As acknowledged in JJPL's February 4, 2004 correspondence to this Court, juveniles were still unwilling to write letters complaining about the settlement or conditions at the facility. JJPL then prepared nine letters and had the juveniles sign those letters. Those letters (the "JJPL Letters") were submitted to the Court by letter dated February 4, 2004.

Conditions at SCCY-Madison have not deteriorated; conditions have continued to improve. The JJPL Letters generally allege that violence at SCCY-Madison increased recently (or after the settlement was entered on December 31, 2003). The allegations of increased violence, if true, would have resulted in an increase in allegations of abuse and an increase in the number of fights in January, 2004. (The settlement was entered on December 31, 2003; all of the JJPL Letters are dated January 27 or February 2.) There has been no increase in violence or allegations of violence. In fact, just the opposite result has been realized.

Rather than a dramatic January increase in PZT allegations, the rate of PZT allegations has continued to decrease since the settlement was entered. A total of 29 PZT incidents were

alleged to have occurred during the month of December, 2003 (before the 2004 Settlement was entered). This includes allegations of both staff on offender and offender on offender. The average December population of SCCY-Madison was 109. Only 14 PZT incidents were alleged to have occurred in January, 2004 (after the 2004 Settlement was entered). The average January population was 100.

Other JJPL letters reported that youth were not receiving adequate clothing and supplies. An unannounced inspection of SCCY-Madison was requested by the Assistant Secretary immediately upon receipt of these allegations. That inspection found ample supplies at SCCY-Madison and, in particular, found that the individual juveniles' lockers were appropriately stocked with shoes, shirts, socks, towels, washcloths, personal hygiene items, and other items. A written report and photos validating this inspection were submitted to the Assistant Secretary.

One of the JJPL letters alleged that a juvenile had failed to receive medical treatment for a finger that had been injured. Upon investigation, it was revealed that the injury occurred on December 18, 2003, while the juvenile was playing basketball at Jetson Correctional Center for Youth. The juvenile was seen by Louisiana State University Health and Science Center at JCCY. LSUHSC found no injury that would require urgent treatment or would restrict the juvenile's usual activities. When the juvenile was transferred to SCCY-Madison on December 29, 2003, he was seen (again) by medical staff. Dr. Singson directed that two of the juveniles' fingers be "buddy" taped together and scheduled an appointment for the juvenile with the orthopedic clinic.

Allegations of drug availability at SCCY-Madison have no basis in fact. Random drug screening during the second half of 2003 was performed on 104 youth and none tested positive for drugs.

Other allegations in the JJPL letters are similarly groundless. None of the allegations raised by the JJPL letters undercuts the battery of expert and attorney investigations and findings conducted in November and December of 2003. Attached as Exhibit A is a current statement of ongoing efforts to preserve the safety of juveniles in the facility – “Ensuring Safety of Youth at SCCY/Madison as the Facility Closes as a Juvenile Facility.” Conditions at SCCY-Madison were and remain safe; that facility continues to be well managed and safely operated.

Current Plans to Remove Juveniles from SCCY-Madison.

Attached as Exhibit B to this report is a document prepared by OYD describing the current plans to remove all juveniles from SCCY-Madison. The present population of the facility is 86 and, as is evident from review of this plan, OYD expects to continue gradually removing all juveniles from SCCY-Madison over the next several months, resulting in the removal of all juveniles adjudicated to secure care from that facility by the end of May, 2004.

FOR THE STATE OF LOUISIANA AND ITS
OFFICES, AGENCIES, AND DEPARTMENTS

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading was served by facsimile and/or U. S. Mail, postage prepaid and properly addressed, upon counsel of record as follows:

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United States Department of Justice
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this 5 day of March, 2004.



Richard A. Curry

Ensuring Safety of Youth at SCCY/Madison as the Facility Closes as a Juvenile Facility

Colonel Louis Hyatt, PZT Director, OYD/Headquarters has instructed the PZT investigators at SCCY/Madison to routinely include the questions that are attached in their investigations with youth. (*See attachment labeled "Youth Questionnaire"*)

The investigators have been instructed by Colonel Hyatt to report any pattern of concern noted during interviews with youth. Concerns are to be reported to Colonel Hyatt and the Acting Assistant Secretary for OYD via a cc of the report that is sent to Colonel Hyatt.

All possible investigative conferences are to occur in the school (vacant offices and classrooms) between the hours of 7:30 am and 3:00 pm. The school office staff will escort youth to and from the PZT investigators room unless the investigator goes to the classroom to get the youth. If the investigation must take place after school hours, the PZT investigator will escort the youth to a secure area of the facility to discuss the allegation. Youth will not be escorted to the PZT office near the front of the facility unless there are reasons that focus on protection for the youth.

There will be no transfer of youth to SCCY/Madison with the exception of **LITE** youth.

The Acting Assistant Secretary spoke to all PZT investigators at their meeting on Wednesday, March 3, 2004, referencing the above and the need for honest and thorough investigations as they have always conducted.

The Director of SCCY/Madison, Hyam Guyton, has been instructed to meet with security staff at two (2) roll calls per week reminding them that the same policies and procedures that were in effect during the Agreement are still in effect today. This practice is to be followed by either the Director or Deputy or Assistant Director until the last youth has been transferred or released from SCCY/Madison.

YOUTH QUESTIONNAIRE

Youth's Name: _____

			COMMENTS
Generally, how are things going at this facility?			
Are conditions here better now than a year ago?			
If yes, how are they better?			
If no, how are they worse?			
Has anyone advised you not to talk to PZT investigators or has anyone interfered with your PZT calls?			
Are you aware of anyone else that has been discouraged from making PZT calls?			
If yes, who and when?			
Do you have adequate availability to the telephones to be able to call PZT or your attorney?			
Have you been denied access to the infirmary or to a PZT telephone call?			
Do you feel safe?			



SCCY-Madison Transition Plan

March 2004

Simon Gonsoulin, Assistant Secretary
Office of Youth Development

Act 1225 of the 2003 Regular Session of the Louisiana Legislature requires the removal of all youth from Swanson Correctional Center for Youth - Madison (SCCY-Madison) no later than December 31, 2004, unless the Governor declares a public safety emergency. The Office of Youth Development (OYD) has carefully reviewed all relevant data and believes that all youth currently assigned to SCCY-Madison can be safely removed from the facility by May 20, 2004 with a two-week variance in the event of factors beyond the control of OYD. This is eight months in advance of the date established by Act 1225. The information which follows outlines the decisions to be made and the actions needed to accomplish the May 20, 2004 goal for ending use of SCCY-Madison as a juvenile correctional facility. OYD is committed to working closely with the youths' families and committing courts throughout the transition period.

I. Intermediate Youth Transfers

Effective February 19, 2004

- a. No transfers into SCCY-Madison except for youth assigned from the Juvenile Reception and Diagnostic Center (JRDC) to the Louisiana Intensive Treatment and Education (LITE) program without prior approval of Assistant Secretary Simon Gonsoulin or Deputy Assistant Secretary George White. This includes transfers from the Juvenile Reception and Diagnostic Center as well as other facilities.
- b. All bed vacancies in Therapeutic Communities (TC) for substance abuse programs at Jetson Correctional Center for Youth (JCCY) and Swanson Correctional Center for Youth -Monroe (SCCY-Monroe) will be prioritized for use by youth in the TC program at SCCY-Madison.
- c. Two youth at SCCY-Madison scheduled to transfer into the SCCY-Madison TC program the week of March 23 - 27, 2004 will be transferred to TC programs at JCCY and SCCY-Monroe instead so they will be closer to their home.
- d. All other bed vacancies in the secure facilities will be closely monitored for range of need depending on rate of discharge/release from SCCY-Madison.
- e. Transfer of youth assigned to SCCY-Madison will occur as described below in Part III.

II. Personnel Actions

Effective February 19, 2004

- a. No new hires of any kind at SCCY-Madison without prior approval of Assistant Secretary Gonsoulin or Deputy Assistant Secretary White.
- b. No details-to-special duty or promotions for staff of SCCY-Madison without prior approval of Assistant Secretary Gonsoulin or Deputy Assistant Secretary White.
- c. All resignations, terminations or other actions which result in a personnel vacancy at SCCY-Madison are to be reported twice per month (1st and 15th) to Deputy Assistant Secretary Dora Gorey, Office of Youth Development.

III. Review and Relocation of SCCY-Madison Population

The number and classification of youth remaining at SCCY-Madison is being monitored daily. The population is basically organized by youths' program needs:

- a. Therapeutic community for substance abuse diagnoses
 1. As of February 19, 2004, it is projected that there will be a maximum of 16 youth remaining in this program, all to be removed on or before May 20, 2004.
 2. These 16 youth will be staffed by a multi-disciplinary team on March 8, 9 or 10, 2004 to verify internal placement and for consideration of a review under Act 1225.
 3. Transition plans and placement recommendations will be developed with each of the 16 youth as appropriate.
 4. Contact will be made with youths' families, courts and other appropriate parties to inform them of youths' status and/or transfer to JCCY and SCCY-Monroe.
 5. Therapeutic community vacancies at JCCY and SCCY-Monroe will be prioritized for the SCCY-Madison youth.
 6. Additional therapeutic community beds will be open at JCCY and SCCY-Monroe if warranted and where bedspace can be made available without impairing other programming. This initiative will involve collaboration with staff of the Louisiana State University/Health Sciences Center – Juvenile Corrections Program (LSUHSC-JCP). It will also be an opportunity to confirm program placement of youth who have been diagnosed with a substance abuse disorder.
- b. LITE for short-term commitments
 1. These youth are currently housed in Hotel and India Dormitories.
 2. Historical data reflects that an average of ten youth per month are transferred from JRDC to SCCY-Madison for participation in the LITE program.
 3. Of the 30 youth currently assigned to LITE no more than 23 will remain in the program to be removed on or before May 20, 2004.

4. OYD will use this transitional opportunity to establish a treatment-focused, short-term intensive programming structure at SCCY-Monroe based upon best practices. The LITE program will cease to exist upon the removal of the last youth at SCCY-Madison. (This newly designed program will be replicated in place of the Short-Term Offender Program [STOP] at Bridge City Correctional Center for Youth over the next few months so that the same treatment-focused program is used at both facilities.)
 5. SCCY-Monroe has designated Pecan Dormitory for housing the newly designed, short-term program.
 6. A task force composed of individuals from each of the facilities, the Division of Youth Services and LSUHSC-JCP has been assigned responsibility for development of components and structure of the new short-term program. The target date for start-up of the new program is April 2004 but no later than May 1, 2004.
 7. This program must be operationalized simultaneously with the opening of the rooms at SCCY-Monroe in Cypress Unit – B Wing for assignment, if needed, of high-custody youth. (See Part d below regarding high-custody youth.)
 8. All staff who will work with the new program will receive program specific training prior to contact with youth assigned to the program.
 9. IMANI (I'm Modeling a New Image) will remain in place as the short-term program for girls in the secure-care system.
- c. General population
1. Of the 40 youth currently assigned to the general population (Unit I-Regular), no more than 36 will remain to be removed on or before May 20, 2004.

2. Identified youth will be staffed by a multi-disciplinary team on March 8, 9 or 10, 2004 to verify internal placement and for consideration of a review under Act 1225.
 3. Transition plans and placement recommendations will be developed for each of the youth as appropriate.
 4. Contact will be made with youths' families, courts and other appropriate parties to inform them of youths' status and/or transfer.
- d. Restrictive housing for high-custody youth.
1. Of the 22 youth currently assigned to the high-custody unit (Unit II), up to 19 may still be in this unit to be removed on or before May 20, 2004.
 2. Identified youth will be staffed by a multi-disciplinary team on March 8, 9 or 10, 2004 to verify internal placement and for consideration of a review under Act 1225.
 3. Transition plans and placement recommendations will be developed for each of the youth as appropriate.
 4. Contact will be made with youths' families, courts and other appropriate parties to inform them of youths' status and/or transfer.
 5. Staff are targeted for relocation from SCCY-Madison to SCCY-Monroe for working with this population-type. Cypress Unit-B Wing, which has 16 rooms, has been designated for assignment of high-custody youth if needed. These rooms must be on-line simultaneous with the new short-term, treatment program.
 6. Prior to transfer to SCCY-Monroe, each youth will have a comprehensive, behavior management plan developed prior to transfer through a collaborative effort between SCCY-Monroe staff who will work with the youth and designated LSUHSC-JCP staff who can offer assistance with behavior interventions.

IV. Youth In Jail

There are currently five youth in jail. Contingency plans will be developed for assignment of these youth.

V. Staff Issues

Assistant Secretary Gonsoulin met with HDQ Director B. Cypel and his team on Thursday, February 26, 2004 to review the table of organization for SCCY-Madison and the projected needs of the adult correctional facility planned to reside at the facility. A follow-up meeting was held on March 1, 2004 with Mr. Cypel and Civil Service Director Allen Reynolds. Director Reynolds and his staff are helping OYD construct a personnel plan for closure of SCCY-Madison. Personnel-related issues to be addressed include but are not limited to:

1. Use of compensatory leave
2. Overtime
3. Vacancies (at all secure youth facilities)
4. Layoff plan
 - a. Transfers to other facilities
5. Movement of positions
6. Termination pay (estimated at \$3500 per employee)
7. Survey of SCCY-Madison staff regarding job location preferences

VI. Staffing/Case Review Process of Youth at SCCY-Madison

1. The staffing/case review that will occur in March 2004 on each "non-LITE" youth at SCCY-Madison will be fashioned similarly to a multidisciplinary staffing with team members from treatment, education and security programs. The youth's prioritized needs delineated in his individual intervention plan (IIT) and level of progress towards meeting these goals will weigh heavily in the decision-making of the multi-disciplinary team.
2. Youth will be recommended for transfer to JCCY and SCCY-Monroe in two broad categories: 1) Therapeutic Community Youth and 2) General Population Youth. Within these two groups the youth will be subdivided into three (3) smaller groups. Group One will contain youth with little or no significant behavioral or intense treatment recommendations. Group Two will contain youth with recognizable behavioral and significant treatment concerns. Finally, Group Three will contain youth with both significant

behavioral and treatment concerns. Effort will be made to transfer no more than one youth from Group Three per week to SCCY-Monroe and JCCY.

3. A designated treatment staff member at the receiving facility (JCCY or SCCY-Monroe) will receive notice of the SCCY-Madison transfer at least two working days prior to the transfer so that the receiving facility can insure a successful transition for the youth and have the opportunity to speak with the youth's case manager at SCCY-Madison.

VII. Facility Inventory (Equipment and Supplies)

(Under construction)

VIII. Records Retention

1. Youth (education, medical, case files, etc.)
2. Personnel/Payroll
3. Business Office
4. Log books and other operational documents

IX. Timeline of Events

The timeline of events between March 5, 2004 and May 20, 2004 will be constructed once the case review is completed at SCCY-Madison (March 8 - 10, 2004) and once the Office of Civil Service has assisted OYD with an appropriate personnel action plan.

