

Task Force on Secure Care Standards and Auditing

This task force has two resolutions

SCR 38, 2017 RS

SCR 18, 2019 RS

SENATE CONCURRENT RESOLUTION NO. 38

BY SENATOR MORRELL AND REPRESENTATIVE MORENO

A CONCURRENT RESOLUTION

To create the Task Force on Secure Care Standards and Auditing to develop standards and procedures for the operation and auditing of secure care facilities in Louisiana.

WHEREAS, the youth sent to secure care are those determined to be a risk to public safety or unable to be treated in a less restrictive setting; and

WHEREAS, secure care facilities are high security facilities with perimeter fences, locked units, dormitory housing, and constant monitoring of the youth; and

WHEREAS, in Louisiana, there are four secure care facilities; three male-only facilities and one female-only facility; and

WHEREAS, there are currently no auditing standards for secure care facilities; and

WHEREAS, the health and safety of all children in Louisiana is a top priority; and

WHEREAS, Louisiana law provides that children who are removed from their parents and placed into secure care shall be cared for nearly as possible equivalent to the care which the parents should have given; and

WHEREAS, the health and safety of employees working in secure care facilities is essential; and

WHEREAS, input from all juvenile justice stakeholders is necessary in the development of uniform auditing standards to ensure secure care facilities are operating in a manner that will best serve and rehabilitate the youth assigned to them; and

WHEREAS, it is in the best interest of the public and youth placed in secure care facilities to convene a group of qualified stakeholders to study and develop audit standards that comport with nationally recognized and accepted best practice standards for care, treatment, operation, and rehabilitation of youth in secure care facilities.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby

authorize and direct the creation of the Task Force on Secure Care Standards and Auditing.

BE IT FURTHER RESOLVED that the task force is hereby authorized and directed to undertake a comprehensive review of the secure care system in Louisiana and develop uniform standards and auditing recommendations that will include but not be limited to:

- (1) Cost of implementation.
- (2) Operational requirements and physical plant security measures.
- (3) Staff qualifications and training, staffing levels, and staff responsibilities.
- (4) Staff recruitment, retention, and safety.
- (5) Intake and classification procedures.
- (6) Regulations regarding the use of room confinement, isolation cells, solitary confinement, or lock down.
- (7) Regulations regarding the withholding of contact, phone calls, or visits with family or legal guardians as a sanction, for discipline, or as part of a behavioral plan.
- (8) Regulations regarding the use of force and chemical and mechanical restraints.
- (9) Mental health care and the development of appropriate treatment plans.
- (10) Physical health care and access to appropriate health care and rehabilitative programs.
- (11) Accommodations and care for youth with disabilities.
- (12) Regulations regarding the prevention of sexual assault and harassment.
- (13) The rights of youth in a secure care facility and ensuring youth have access to information regarding case and remedies to address grievances.
- (14) Regulations regarding maximizing family partnership and ensuring family's access to information about their children.
- (15) Regulations regarding user pay phone systems.
- (16) Regulations regarding the prevention of racial, ethnic, and gender disparities.
- (17) Data to be sent to the legislative auditor by the office of juvenile justice to be used in auditing secure care facilities and informing the public of the safety of youth and staff in secure care facilities.
- (18) A regular schedule of audits of each secure care facility by the legislative auditor.

BE IT FURTHER RESOLVED that the task force shall be chaired by a designated member of the Louisiana Youth Justice Coalition and shall be composed of the following members:

- (1) The deputy secretary of the office of juvenile justice, or his designee.
- (2) The president of the Louisiana Juvenile Detention Association, or his designee.
- (3) The director of the Louisiana Center for Children's Rights, or his designee.
- (4) The secretary of the Department of Children and Family Services, or his designee.
- (5) The secretary of the Louisiana Department of Health, or his designee.
- (6) The executive director of the Advocacy Center of Louisiana, or his designee.
- (7) The statewide director of the Juvenile Detention Alternatives Initiatives, or his designee.
- (8) An expert in assessing conditions of confinement in juvenile facilities for the purpose of ensuring the safety and well-being of youth and the effect of incarceration on adolescents and young adults, appointed by the chairman of the task force.
- (9) An attorney with experience representing children, appointed by the director of the Mental Health Advocacy Service.
- (10) The executive director of Justice for Families, or his designee.
- (11) The executive director of Families and Friends of Louisiana's Incarcerated Children, or his designee.
- (12) Two people formerly incarcerated in a Louisiana secure care facility, appointed by the Louisiana Youth Justice Coalition.
- (13) Two parents of children currently or formerly incarcerated in a Louisiana secure care facility, appointed by the executive director of Justice for Families.
- (14) Two people working as juvenile justice specialists in secure care facilities, appointed by the chairman of the task force.
- (15) The managing attorney for the Louisiana Southern Poverty Law Center, or his designee.
- (16) The Louisiana Legislative Auditor, or his designee.
- (17) The president of the Senate, or his designee.

(18) The speaker of the House of Representatives, or his designee.

(19) The governor, or his designee.

BE IT FURTHER RESOLVED that members shall serve without compensation or reimbursement of expenses, other than what may be afforded by their appointing authority. Legislative members of the council shall receive the same per diem and reimbursement of travel expenses as is provided for legislative committee meetings under the rules of the respective house in which they serve.

BE IT FURTHER RESOLVED that a majority of the membership of the task force shall constitute a quorum; however, if all members have not been appointed by September 1, 2017, a majority of the appointed membership shall constitute a quorum.

BE IT FURTHER RESOLVED that the office of juvenile justice and all contracting facilities and agencies shall cooperate and provide information and assistance as may be necessary for the task force to accomplish its goals.

BE IT FURTHER RESOLVED that the task force may seek administrative assistance and staff from the Louisiana Youth Justice Coalition as may be necessary to accomplish its goals.

BE IT FURTHER RESOLVED that no later than February 1, 2018, the task force shall prepare and deliver a written report of its findings and recommendations to the governor, the legislature, Continuous Quality Improvement Services of the office of juvenile justice, and the Louisiana Legislative Auditor that establishes a schedule and process for regular audits of secure care facilities.

BE IT FURTHER RESOLVED that no later than October 1, 2018, Continuous Quality Improvement Services of the office of juvenile justice shall begin the process of promulgating into rule, in accordance with the Administrative Procedure Act, the standards governing operation and auditing of secure care facilities recommended by the task force.

BE IT FURTHER RESOLVED that no later than February 1, 2019, the task force shall prepare and deliver a written report of its findings, policy recommendations, and legislation recommendations regarding the operation and auditing schedule of secure care facilities to the governor, legislature, the office of juvenile justice, and the Louisiana Legislative Auditor.

SCR NO. 38

ENROLLED

BE IT FURTHER RESOLVED that the Task Force on Secure Care Standards and Auditing shall be abolished on February 1, 2019.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

SENATE CONCURRENT RESOLUTION NO. 18

BY SENATOR MORRELL

A CONCURRENT RESOLUTION

To provide relative to the Task Force on Secure Care Standards and Auditing to assist in development and implementation of standards and procedures in the operation and audit of secure care facilities in the state.

WHEREAS, Senate Concurrent Resolution No. 38 of the 2017 Regular Session of the Legislature created the Task Force on Secure Care Standards and Auditing and provided that it be abolished on February 1, 2019; and

WHEREAS, youth who have been adjudicated delinquent and youth determined to be a risk to public safety or are unable to be treated in less restrictive settings are placed in secure care facilities for treatment and rehabilitation; and

WHEREAS, secure care facilities provide a range of moderate to high security levels with staff supervision designed to restrict resident activities with twenty-four hour control over one's ability to enter and leave the facility; and

WHEREAS, four secure care facilities currently operate in the state – Swanson Center for Youth in Monroe, Swanson Center for Youth in Columbia, Bridge City Center for Youth, and Ware Youth Center Intensive Residential Program, and a fifth facility is under construction in Bunkie; and

WHEREAS, in 2018 a comprehensive audit conducted by the Legislative Auditor determined that the office of juvenile justice failed to conduct quality assurance audits of secure care facilities from 2010 to 2015 and that the office failed to timely correct 51.9% and 49.1% of safety-related items identified in quality assurance audits conducted for 2016 and 2017, respectively; and

WHEREAS, prior to February 1, 2019, the office of juvenile justice was promulgating recommendations of the Task Force on Secure Care Standards and Auditing to provide standards in line with nationally recognized and accepted best practice standards for care, treatment, and rehabilitation of youth in secure care facilities; and

WHEREAS, to continue providing technical assistance relative to recommendations

and potential legislation as made by the task force created by SCR 38 of the 2017 Regular Session, a new Task Force on Secure Care Standards and Auditing should be created and comprised of the same members as the task force created pursuant to SCR 38 of the 2017 Regular Session.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby create the Task Force on Secure Standards and Auditing comprised of the same following members as that task force created pursuant to SCR 38 of the 2017 Regular Session:

- (1) The deputy secretary of the office of juvenile justice, or his designee.
- (2) The president of the Louisiana Juvenile Detention Association, or his designee.
- (3) The director of the Louisiana Center for Children's Rights, or his designee.
- (4) The secretary of the Department of Children and Family Services, or her designee.
- (5) The secretary of the Louisiana Department of Health, or her designee.
- (6) The executive director of the Advocacy Center of Louisiana, or his designee.
- (7) The statewide director of the Juvenile Detention Alternatives Initiatives, or his designee.
- (8) An expert in assessing conditions of confinement in juvenile facilities for the purpose of ensuring the safety and well-being of youth and the effect of incarceration on adolescents and young adults, appointed by the chairman of the task force.
- (9) An attorney with experience representing children, appointed by the director of the Mental Health Advocacy Service.
- (10) The executive director of Justice for Families, or her designee.
- (11) The executive director of Families and Friends of Louisiana's Incarcerated Children, or her designee.
- (12) Two people formerly incarcerated in a Louisiana secure care facility, appointed by the Louisiana Youth Justice Coalition.
- (13) Two parents of children currently or formerly incarcerated in a Louisiana secure care facility, appointed by the executive director of Justice for Families.
- (14) Two people working as juvenile justice specialists in secure care facilities, appointed by the office of juvenile justice.

(15) The senior supervising attorney for the Louisiana Southern Poverty Law Center, or her designee.

(16) The Louisiana Legislative Auditor, or his designee.

(17) The president of the Senate, or his designee.

(18) The speaker of the House of Representatives, or his designee.

(19) The governor, or his designee.

BE IT FURTHER RESOLVED that task force members shall serve without compensation or reimbursement of expenses, other than what may be afforded by their appointing authority; legislative members of the task force shall receive the same per diem and reimbursement of travel expenses as provided for attendance at legislative committee meetings under the rules of the respective house in which they serve.

BE IT FURTHER RESOLVED that a majority of the membership of the task force constitutes a quorum and that if all task force members have not been appointed by September 1, 2019, a majority of the appointed membership shall constitute a quorum.

BE IT FURTHER RESOLVED that the task force may oversee implementation of recommendations concerning standards and audits of secure care facilities, including but not limited to:

(1) Recommendations to support imposition of standards and estimated costs incurred by the office of juvenile justice.

(2) The implementation of prior recommendations made by the task force.

(3) The appropriation of funds may be required to implement recommendations.

(4) Legislation needed to support and provide for task force recommendations, including the creation of an auditing process and necessary statutory changes to improve the functions and activities of the Juvenile Justice Reform Act Implementation Committee.

(5) The discontinuation of the user-pay telephone system.

BE IT FURTHER RESOLVED that standards and recommendations promulgated by the office of juvenile justice apply to all secure care facilities and placements including at Swanson Center for Youth in Monroe, Swanson Center for Youth in Columbia, Bridge City Center for Youth, the Ware Youth Center Intensive Residential Program, and any future secure care facilities or placements for youth in the custody of the office of juvenile justice.

BE IT FURTHER RESOLVED that the task force shall elect a chairman from its membership.

BE IT FURTHER RESOLVED that the office of juvenile justice and all contracting facilities and agencies shall cooperate and provide such information and assistance as may be necessary to accomplish the goals and objectives of the task force and that the task force may seek administrative assistance and staff support from the Louisiana Youth Justice Coalition as may be necessary.

BE IT FURTHER RESOLVED that no later than September 1, 2019, the office of juvenile justice shall produce an estimate of the cost to implement the standards recommended by the task force.

BE IT FURTHER RESOLVED that no later than November 15, 2019, the task force shall prepare and deliver a written report of its findings and recommendations to the governor, the legislature, the office of juvenile justice, and the Legislative Auditor which report shall include any proposed legislation and the establishment of a schedule and process for conducting regular audits of secure care facilities.

BE IT FURTHER RESOLVED that no later than November 15, 2020, the task force shall prepare a written report of its findings and recommendations, including a status report on the implementation of the standards and an ongoing auditing process to the governor, legislature, the office of juvenile justice, and the Legislative Auditor.

BE IT FURTHER RESOLVED that the Task Force on Secure Care Standards and Auditing shall be abolished on June 30, 2021.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES