

2017 Regular Session

SENATE CONCURRENT RESOLUTION NO. 38

BY SENATOR MORRELL AND REPRESENTATIVE MORENO

JUVENILE JUSTICE. Creates the Task Force on Secure Care Standards and Auditing.

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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

1 development of uniform auditing standards to ensure secure care facilities are operating in
2 a manner that will best serve and rehabilitate the youth assigned to them; and

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

7 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
8 authorize and direct the creation of the Task Force on Secure Care Standards and Auditing.

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

12 (1) Cost of implementation.

13 (2) Operational requirements and physical plant security measures.

14 (3) Staff qualifications and training, staffing levels, and staff responsibilities.

15 (4) Staff recruitment, retention, and safety.

16 (5) Intake and classification procedures.

17 (6) Regulations regarding the use of room confinement, isolation cells, solitary
18 confinement, or lock down.

19 (7) Regulations regarding the withholding of contact, phone calls, or visits with
20 family or legal guardians as a sanction, for discipline, or as part of a behavioral plan.

21 (8) Regulations regarding the use of force and chemical and mechanical restraints.

22 (9) Mental health care and the development of appropriate treatment plans.

23 (10) Physical health care and access to appropriate health care and rehabilitative
24 programs.

25 (11) Accommodations and care for youth with disabilities.

26 (12) Regulations regarding the prevention of sexual assault and harassment.

27 (13) The rights of youth in a secure care facility and ensuring youth have access to
28 information regarding case and remedies to address grievances.

29 (14) Regulations regarding maximizing family partnership and ensuring family's

1 access to information about their children.

2 (15) Regulations regarding user pay phone systems.

3 (16) Regulations regarding the prevention of racial, ethnic, and gender disparities.

4 (17) Data to be sent to the legislative auditor by the office of juvenile justice to be
5 used in auditing secure care facilities and informing the public of the safety of youth and
6 staff in secure care facilities.

7 (18) A regular schedule of audits of each secure care facility by the legislative
8 auditor.

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

12 (1) The deputy secretary of the office of juvenile justice, or his designee.

13 (2) The president of the Louisiana Juvenile Detention Association, or his designee.

14 (3) The director of the Louisiana Center for Children's Rights, or his designee.

15 (4) The secretary of the Department of Children and Family Services, or his
16 designee.

17 (5) The secretary of the Louisiana Department of Health, or his designee.

18 (6) The executive director of the Advocacy Center of Louisiana, or his designee.

19 (7) The statewide director of the Juvenile Detention Alternatives Initiatives, or his
20 designee.

21 (8) An expert in assessing conditions of confinement in juvenile facilities for the
22 purpose of ensuring the safety and well-being of youth and the effect of incarceration on
23 adolescents and young adults, appointed by the chairman of the task force.

24 (9) An attorney with experience representing children, appointed by the director of
25 the Mental Health Advocacy Service.

26 (10) The executive director of Justice for Families, or his designee.

27 (11) The executive director of Families and Friends of Louisiana's Incarcerated
28 Children, or his designee.

29 (12) Two people formerly incarcerated in a Louisiana secure care facility, appointed

1 by the Louisiana Youth Justice Coalition.

2 (13) Two parents of children currently or formerly incarcerated in a Louisiana secure
3 care facility, appointed by the executive director of Justice for Families.

4 (14) Two people working as juvenile justice specialists in secure care facilities,
5 appointed by the chairman of the task force.

6 (15) The managing attorney for the Louisiana Southern Poverty Law Center, or his
7 designee.

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

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

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

11 (19) The governor, or his designee.

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

17 BE IT FURTHER RESOLVED that a majority of the membership of the task force
18 shall constitute a quorum; however, if all members have not been appointed by September
19 1, 2017, a majority of the appointed membership shall constitute a quorum.

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

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

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

1 regular audits of secure care facilities.

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

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

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

The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Christine Arbo Peck.

DIGEST

SCR 38 Engrossed 2017 Regular Session Morrell

Creates 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.

Requires the task force to submit a written report of findings and an auditing schedule for secure care facilities to be delivered to the governor, the legislature, the office of juvenile justice (OJJ), and the legislative auditor no later than February 1, 2018.

Requires OJJ to begin the process of promulgating into rule the task force recommendations no later than October 1, 2018.

Requires the task force to submit a written report of findings, policy recommendations, and legislation recommendations to the governor, legislature, OJJ and the legislative auditor no later than February 1, 2019.

Abolishes the task force on February 1, 2019.

Provides that the task force shall consist of the following:

- (1) The deputy secretary of OJJ, or his designee.
- (2) The president of the La. Juvenile Detention Assn., or his designee.
- (3) The director of the La. Center for Children's Rights, or his designee.
- (4) The secretary of DCFS, or his designee.

- (5) The secretary of LDH, or his designee.
- (6) The executive director of the Advocacy Center of La., 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, appointed by the chairman.
- (9) An attorney with experience representing children, appointed by the director of Mental Health Advocacy Service.
- (10) The executive director of Justice for Families, or his designee.
- (11) The executive director of Families and Friends of La.'s Incarcerated Children, or his designee.
- (12) Two people formerly incarcerated in a La. secure care facility, appointed by La. Youth Justice Coalition.
- (13) Two parents of children currently or formerly incarcerated in a La. 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 La. 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.

Provides 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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies that members serve without compensation or reimbursement, except as they may be otherwise entitled to by the entities in which they represent.