

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.

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES