KEEP CHILDREN OUT OF ORLEANS PARISH PRISON
The Louisiana Center for Children’s Rights is a nonprofit law center that defends the right of every child in Louisiana’s juvenile justice system to fairness, dignity, and opportunity.

Our Children’s Defense Team is the juvenile public defender in New Orleans, using an innovative model of holistic, cross-disciplinary advocacy to help vulnerable youth achieve their legal and life goals in nearly 1,200 cases each year.

Our policy reform and impact litigation arm is the Juvenile Justice Project of Louisiana. JJPL has 17 years of experience fighting for a juvenile justice system that is fair, compassionate, and supportive of positive youth development. We have closed down prisons, helping to reduce Louisiana’s incarcerated youth population by 75%, and passed legislation that fundamentally reshaped the state’s juvenile justice system by requiring the provision of key evidence-based supports to vulnerable children.

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INTRODUCTION

WE can act now to stop children from being raped, beaten, and even killed. We can do it while saving money. We can do it legally and constitutionally, while enhancing public safety and reducing long-term recidivism.

We just have to commit to jailing children pretrial in a facility that is designed for them – not at the Orleans Parish Prison (OPP).

OPP is no place for children. The Orleans Parish Sheriff and the federal government have agreed that the conditions at OPP are unconstitutionally harsh. One expert told a federal judge that the facility is probably the worst in the country.

But, at any given moment, a dozen or more children – 17 of them on October 30, 2014, the day this report was written – are locked up at the notoriously dangerous prison, awaiting trial. It’s not safe; it’s not legal; it’s not fair; and it could cost the City of New Orleans millions of dollars.

If those children stay at OPP, the city is going to have to pay for specialized space and services for them. That space wasn’t factored into the cost or the plans of the new jail that the sheriff has constructed.

What does that mean for future costs? The jail is built in “pods” of 60 beds. Boys and girls cannot be held together, and both federal law and the consent decree – the binding agreement that controls reforms at the jail – prohibit jailing children alongside adults.

Holding the current population of 17 children at OPP, then, would require setting aside two pods with a total of 120 beds. That’s assuming no children need to be placed in protective custody, which would require additional set-asides. New Orleans could end up paying to build, and maintain into the indefinite future, more than a hundred beds that will never be used.

What is a “child,” here? Normally, Louisiana considers a young person an adult, for criminal purposes, when he turns 17. That’s unusual – only 9 other states in the country routinely impose criminal consequences on people who are too young to vote. In addition, Louisiana’s Children’s Code provides that youth who are 14, 15, and 16 at the time they allegedly commit an offense can be prosecuted as adults under some circumstances.

Those are the children we’re talking about – youth who are accused of committing an offense that occurred before they turned 17, and who are sent to criminal court for prosecution as adults, with adult consequences.
Louisiana law allows the prosecution of some children as adults. But it doesn’t require us to hold children in the worst jail in the country prior to trial, when they’re still presumed to be innocent.

Holding children in OPP exposes them to a risk of suicide that is 36 times higher than if they were held in juvenile custody. At OPP, the risk of sexual assault and brutality is unacceptably high. And, because they have so frequently been brutalized and traumatized, children held in adult custody are more likely to recidivate when they come back into the community.

It is important to remember that they will come home. Most of them will still be young men and women.

The average sentence of a youth prosecuted as an adult in New Orleans is under 11 years. Meanwhile, 38% of transferred youth are found not guilty, have their charges dismissed, or get probation. Those young people are coming home soon.

A study by the federal Centers for Disease Control found that holding children in adult custody actually increases the likelihood that they will come back into the community and be rearrested.

Fortunately, there’s an alternative. We can move the children from OPP to the City of New Orleans’ juvenile detention center.

The detention center – known as the Youth Study Center (YSC) – is a secure facility. It has both the existing capacity to accommodate children safely and the ability to adapt its programming to educate and care for them.

Our children are in our communal care – quite literally, when they are in the city’s custody. Our public safety depends on helping them to develop and grow in positive ways. We need them to come home safe, educated, and healthy.

But OPP has no programming for children. There are no meaningful educational services. And the jail’s response to mental illness is frequently to place children in solitary confinement.

This report makes the case for doing the right thing. If children must be jailed prior to trial, they should be jailed at YSC. The safe, cheap, moral, and constitutional thing to do is also the easiest and quickest thing to do. We need to get it done – right now.
In the last nine years, 11 states in addition to Louisiana have acted to remove children from adult jails and prisons. Those states ranged from Virginia to Idaho and from Ohio to Texas. 

Recent legislation included:

+ **Idaho Senate Bill 1003**, which became law in 2011, “allow[ed] youth” who are being prosecuted as adults “to be placed in the general population of a juvenile detention center rather than an adult facility.”

+ **Ohio Senate Bill 337**, which became law in 2012, created “a presumption that youth who are in the process of being transferred to adult court... remain in juvenile detention facilities instead of being placed in adult jails.”

The national trend has had the impact of reducing the number of juveniles held in adult jails on any given day from about 7,500 in 2004 to 1,700 in 2011.

Other states’ behavior is instructive. But it is more important to know that, here in Louisiana, we took a similar step.

**Now, Louisiana law not only allows youth who are prosecuted as adults to be held in a juvenile detention facility pending trial - it actually makes that the default custodial arrangement.**

In 2012, the Louisiana legislature passed Act 698, which became law that summer. The act amended Louisiana’s juvenile transfer law to provide that physical custody of a child does not necessarily change just because the child is being prosecuted in criminal court. Now, the law says that, after transfer, “the district court may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.”

Act 698 allowed children who are being prosecuted as adults to be held in juvenile detention facilities. The two chief legislative witnesses on the bill that became Act 698, pro and con, were nevertheless united in this understanding. According to the testimony before the legislature of East Baton Rouge Parish District Attorney, the bill ensured that “[t]he district court judge that is going to hear [the matter post-transfer] has the ability to keep that juvenile housed in a detention facility as opposed to jail.”
THREE

WE CAN’T AFFORD TO BUILD UNNEEDED PRISON BEDS FOR CHILDREN

Continuing to hold children at OPP may well require the building and maintenance of new, specialized bed space. That would defeat the best practices goal of building the smallest jail that is consistent with public safety. And it would cost money that the City of New Orleans doesn’t have.

Mayor Landrieu and the New Orleans City Council have repeatedly and correctly resisted pressure to build a bigger jail than the city needs. A big jail demands to be filled; but our city needs as many of its people as possible working, attending school, and growing up in their own homes and communities—not in jail.

The Orleans Parish Sheriff’s “Phase 2” facility—the 1,438 bed facility that is nearing completion—is the only new beds currently authorized by law.

Even when children are prosecuted as adults, the federal Prison Rape Elimination Act (PREA) requires that they be completely segregated from adults in jails and prisons. Historically, OPP has been flatly in violation of that law. And the “Phase 2” facility is no better. It has no space set aside for children, as is required under both federal law and the consent decree between the City of New Orleans, the sheriff, and the federal government.

In order to bring OPP into compliance, the sheriff would have to designate two separate pods exclusively for youth—each with 60 beds, one for girls and one for boys—or else purpose-build those pods.

That math assumes that none of the children needs to be placed in protective custody. Inmates in protective custody must be held separately from general population. If even one girl and one boy were in protective custody, the sheriff would need to designate 4 pods—or 240 beds—to house a handful of children.

There is no way that could happen in the current facility without significant and costly retrofitting. And setting aside so many excess beds—most of which will remain empty forever—would generate massive wastes in fixed overhead costs. It also threatens to consume capacity that the city may need for adult detainees.

Why is waste almost certain in this arrangement? Since January 1, 2011, LCCR counts only 7 girls who have been prosecuted as adults.
In fact, right now, LCCR counts a total of 17 discretionary transfer children younger than 18 at OPP, boys and girls. As things are currently shaping up at OPP, those 17 children will need four pods with 240 beds.

That is unaffordable and unnecessary.

The public should not expend its money on separate space at OPP for children living, eating, exercising, learning, and bathing, as required under federal law. Not when, on the morning this sentence was written – October 30, 2014 – there were 26 vacant beds at YSC. ¹⁰
FOUR IT’S NOT SAFE
IT’S NOT SAFE TO HOLD CHILDREN IN ADULT CUSTODY

Children in adult prisons are in serious danger of victimization and death. The national data is frightening, showing that youth held in adult custody are:

+ At great risk of sexual assault: According to a report from the National Prison Rape Elimination Commission, young people incarcerated with adults are the most at-risk group for sexual assault while in confinement. A report from the U.S. Department of Justice found that, in 2005, youth under 18 accounted for 21% of all victims of sexual violence perpetrated by other inmates in jails, despite the fact that these youth only represented 1% of the population. This is in part because corrections officers in adult prisons, which are already drastically understaffed, are not trained to work with children and keep them safe.

+ At great risk of physical assault: Children in adult jails are twice as likely to report being beaten or abused by prison guards, and are 50% more likely to report being attacked by adult inmates with a weapon.

+ At a significantly increased risk of suicide: According to the federal Bureau of Justice Statistics, youth under 18 had the highest suicide rate of all jail inmates (101 per 100,000) – compared to 5.32 per 100,000 for youth 14-17 not in jail during the same time period. Based on the data provided by BJS, youth in adult jails are 19 times more likely to commit suicide than adult inmates and they are 36 times more likely to commit suicide than youth held in juvenile facilities. Relatedly, youth in adult facilities are less likely to have access to age-appropriate mental health services and mental health staff trained specifically to work with youth.

+ The risk of youth suicide in adult custody is neither remote nor academic. Just days before this report was written, a 16 year old child being held in adult custody while awaiting trial in Iberia Parish committed suicide. He was being held in isolation.

+ Often held in isolation for long periods of time: the federal Prison Rape Elimination Act requires that jails confine youth separately from adult inmates for their own protection, but in doing so, these youth are often placed in conditions similar to solitary confinement – kept on lock down for 23-24 hours a day in a tiny, windowless cell, without any contact with other prisoners and very little meaningful contact with staff. Even short periods under these conditions can lead to paranoia, anxiety, and depression.

+ Often deprived of an education: Nationally, jails fail to meet their legal obligation to provide education for youth in their care. A Justice Department survey found that 40% of jails did not provide any educational services at all, only 11% provided special education services, and just 7% provided vocational training.
The cumulative result of these conditions is upsetting but not surprising. A review of policies that facilitate transfer to the adult system, commissioned by the Centers for Disease Control, found that treating youth as adults in the justice system increases the incidence of subsequent arrests, including for violent crime.

The report concludes: “To the extent that transfer policies are implemented to reduce violent or other criminal behavior, available evidence indicates that they do more harm than good.”
The national statistics are troubling enough. But an elevated risk of danger to children nationally becomes a virtual statistical certainty at OPP.

OPP’s inability to house youthful inmates with even the constitutional minimum of safety and services was the root of the current prison conditions litigation. The civil rights lawsuit now known as Jones v. Gusman began with a complaint filed by three youth who were housed at OPP. The lawsuit has given us a clear understanding of the horrific conditions faced by children in what one expert called “likely the worst large city jail in the United States.”

Here is federal Judge Lance Africk’s dry recounting of the conditions in which one visiting expert found children at OPP:

“The population of youth inmates at the time was approximately 24, and these inmates ranged from approximately 14 years old to 18 years old. Just over half of the youth inmates were housed in protective custody because of issues including prior sexual assault. Those in protective custody were confined for 23 hours per day. Youth inmates and staff advised Dr. Glindmeyer to see a youth inmate who had symptoms including “bizarre behavior” and a history of suicidal ideation. Although the inmate had been seen by a psychiatrist ten months earlier, he received no diagnosis for his apparent mood disorder and he was not receiving any medication or treatment. Dr. Glindmeyer persuasively opined that his treatment or lack thereof was worsening his condition, and his isolation was increasing his risk of suicide.”

Judge Africk spoke of a “staggering frequency of violence,” and “an extraordinarily high level of rapes and sexual assaults.” That’s for all inmates. It’s worse for children.

In June of 2013, Brian Ellis, a 16 year old inmate at OPP, was attacked while he was sleeping and stabbed more than 20 times with a shank. Brian’s story was in the newspaper, but so many instances of mistreatment and violence towards children are known only to the children, their families, and their lawyers. Some of those lawyers shared their stories for this report:

+ Darius went to OPP at 16. He was ultimately released on probation after a year at OPP. During that time, he didn’t attend high school once.

+ Carl was 15 and so mentally ill that a judge found he didn’t understand what was happening to him and couldn’t go to trial. But he was sent to OPP, where he was beaten by a group of men on his first day. He was hospitalized; when he came back, he was raped. The rest of his time at OPP, he was held in isolation.

As Africk’s expert noted, solitary confinement – being held in a cell for 23 hours – is the rule, not the exception, for children at OPP. They go in as children – and they come out hard and angry.
SIX EDUCATION
ORLEANS PARISH PRISON CANNOT EDUCATE CHILDREN

The Louisiana Center for Children’s Rights tracked the case outcome for every New Orleans child who was transferred to criminal court for prosecution between January 1, 2011 and December 31, 2013.

The average sentence of a child prosecuted as an adult in New Orleans is less than 11 years. That is an extraordinarily long sentence – a lifetime to a child. But a 15 or 16 year old child who is sent to prison for 11 years will still be a young man when he returns to our community. Meanwhile, 38% of transferred youth are found not guilty, have their charges dismissed, or get probation. Those young people are coming home soon.

We need all of those young people to be educated – ready to continue learning or to earn a living. Education is one of the strongest buffers against criminality. It is one of the best predictors of earning power and professional success.26

All children in Louisiana under 21 years of age – including those who are incarcerated – are entitled to an education.29 The sheriff runs OPP, and has to provide the facilities and environment that make quality education possible. The Orleans Parish School Board is responsible for providing educational services to children in the sheriff’s custody.

But an LCCR investigation found that the majority of children at OPP receive only the most rudimentary educational services – if they get anything at all.

All of the education at OPP is geared towards earning a high school equivalency certificate – not a diploma. At most, children are in school for a few hours a week. Special education needs are largely ignored, even though many inmates received special education services before going to jail.30

The federal Individuals with Disabilities Education Act requires that each disabled child receive an “individualized education program” (IEP) that is designed to meet his or her unique learning needs. It also requires that schools identify and evaluate students believed to have disabilities.

Those evaluations are not happening for children at OPP. Those plans are not being developed. Those services are not being delivered.

In 1993, the Youth Law Center filed a class action lawsuit against then-Sheriff Charles Foti and the Orleans Parish School Board. A federal magistrate found that then, like today: “Only a handful of juvenile inmates were receiving regular schooling. Some were not receiving formal education at all.”31
The federal court ordered the School Board to hire nineteen additional teachers and tutors sufficient to place every student in class for five days per week for at least five periods per day. It ordered the city and the sheriff to improve conditions for youth in the sheriff’s custody, and it made the city and the sheriff share the costs of bringing the facility into compliance.

The current litigation over the conditions at OPP, Jones v. Gusman, makes no claims about education. But the claims are ripe to be made. Existing law, and the most basic concern for what happens when high-risk youth go virtually uneducated, demands that we do better.

A better option is at hand, without the need for further litigation. We can hold children at New Orleans’ Youth Study Center (YSC) – a facility that, only a few years ago, came through a federal consent decree with flying colors, having demonstrated dramatically improved education services – rather than in an adult facility that can neither educate nor care for them.
SEVEN OPTIONS
THE YOUTH STUDY CENTER CAN SAFELY HOLD TRANSFER CHILDREN

There are no compelling reasons not to act.

It has been proposed that YSC is not built to accommodate children who are prosecuted as adults, because those youth are often held for long periods of time pretrial. Two reasons might be imagined for those long pretrial delays: inefficiency in criminal court, or the legitimate assertion of due process rights to prepare defenses.

But, in either case, the last people who should pay the price for delay are children who are jailed pretrial and presumed innocent.

The possibility of lengthy pretrial detention is a reason to be especially insistent that children are held in the safest, most secure, most humane facility possible. A facility that stands a better chance of equipping them with tools for living than it does of scarring them physically and mentally. Right now, that facility is YSC.

We will doubtless need to make improvements and changes to YSC’s programming and staffing to accommodate more youth with longer stays. But those can be made without massive capital outlays and ongoing operating costs that will mortgage our future. They can be made by a city and a leadership that has already demonstrated its competence in bringing the facility into compliance with constitutional rules and even best practices.

Even if it became necessary to add capacity to YSC, that work could be done in 8-person sleeping pods, and far more affordably than at OPP, because there is no need for sight and sound separation at YSC.

Keeping children at YSC is good for both short-term and long-term public safety. Since its reincarnation under new leadership several years ago, YSC has had no major incidents of youth-on-youth violence or youth-on-staff violence, and no escapes.

The contrast with OPP is stark. Children at YSC don’t climb out over the fence. They can’t get out by pretending to be another person. They can’t cut their way out. And they are not videotaped carousing on Bourbon Street.
New Orleans Juvenile Justice Center
1100 Milton St.

Project Schedule:
Construction Start - December 2012
Construction Finish - Summer 2014
Project Funding: $32,264,313

Project Scope:
- New Juvenile Court facilities
- 40 bed juvenile housing area
- NOPD Juvenile reception center
- State of the art security systems for management efficiencies

www.nola.gov/youth-study-center
EIGHT
THE YOUTH STUDY CENTER CAN ADAPT TO COMPLY WITH BEST PRACTICES

The Youth Study Center is the only facility in New Orleans that can house transfer youth constitutionally and in accordance with best practices for safety and positive youth development.

The federal consent decree requires “developmentally appropriate mental health and programming services” for children at OPP. Building and implementing the structures and programming to meet those requirements will be costly – and it might never happen properly because OPP lacks expertise in giving children the developmental supports that they need.

All of that can be done, affordably and expertly, at YSC.

Seven years ago, the Juvenile Justice Project of Louisiana sued the City of New Orleans, arguing that YSC inflicted unconstitutional conditions of confinement on children. In response, a new facility was built, a new leadership team was hired, and both staffing and programming were completely revamped. The results speak for themselves. Now, the federal litigation is concluded, and while YSC continues to face some challenges, it is light-years ahead of OPP.

Facility
YSC is a new, secure facility that was designed and built with dedicated education, classroom, programming, and indoor- and outdoor-recreation space.

Education
At YSC, all youth attend school every day and are taught by certified teachers who are trained on working with youth in detention. The curriculum moves children toward a high school diploma, not just an equivalency test.

Programming
There is a daily, structured schedule that includes school, meals, group therapy, recreation, and other programming. The schedule provides for at least 16 hours outside of the cell. In addition, YSC has implemented a behavior management program that rewards positive behavior for young people.

Staff
YSC staff is trained to work with youth in detention. This includes training specific to working with youth and covers such topics as adolescent development, de-escalation techniques, and suicide prevention. There are social workers and a medical psychologist on staff.

Leadership
The superintendent of YSC has extensive experience working with youth in detention. Under his leadership, the facility has developed and implemented policies and procedures aligned with nationally-accepted best practices and geared toward youth.

Intake
When youth arrive at YSC, there is a comprehensive intake specifically designed for youth. It includes mental health screening, risk assessment, and an education assessment. This ensures youth and staff safety and enables the facility to better meet the needs of the youth. It helps, for example, to identify suicide risks, avoid delays in youth receiving necessary medication, and ensure appropriate education placement.
It is costly, counterproductive, and inhumane to jail children alongside adults at OPP.

Fortunately, the solutions are simple:

1. The City of New Orleans should immediately declare that YSC is the placement of first resort for children who are being prosecuted as adults and detained pretrial. All appropriate steps should be taken to effect that decision – including an immediate order that children no longer be transported from YSC to the custody of the Orleans Parish Sheriff.

2. The City should immediately convene a group of stakeholders and experts to consider what, if any, additional services and programming should be provided at YSC to account for any needs presented by youth who are being prosecuted as adults.

3. To ensure that the population of YSC remains below the rated capacity of 40 youth, the City should consider engaging a case expeditor and facilitator who will work with juvenile court personnel and others to ensure that non-transfer youth who can safely return to the community are able to do so as quickly as possible.
TEN ENDNOTES

1 See Carmen Daugherty, Campaign for Youth Justice, State Trends: Legislative Victories from 2011-2013, Removing Youth from the Adult Criminal Justice System (2013).
2 Id. at 2.
3 Id. at 3.
5 La. Ch. C. art. 305 (codifying 2012 La. Act 698) (emphasis added). Prior to Act 698, the statute provided that, after jurisdictional transfer, the “child shall be transferred forthwith to the appropriate adult facility for detention prior to his trial as an adult.” Id. (emphasis added).
6 Juvenile Procedure Relative to Jurisdiction Over Certain Juvenile Proceedings: Hearing on H.B. 202 Before the H. Comm. on Administration of Criminal Justice, 2012 Leg. (La. 2012). Mr. Moore’s understanding was shared by his opponent, Joshua Perry, a juvenile public defender, who was opposed to a provision of the bill that permitted transfer of incompetent youth to criminal jurisdiction. He noted: “If what this bill is about is really simply allowing the district court to make the competency determination, and not the juvenile court, there’s no reason for this bill to also include a provision authorizing the physical transfer of the child to adult criminal custody. The child can simply be left in juvenile custody pending that competency determination and competency restoration.”
9 PREA’s requirements are built into the consent decree that governs reforms at OPP. “Consistent with the Prison Rape Elimination Act of 2003, 42 U.S.C. § 13601, et seq., and its implementation of regulations, a youthful prisoner shall not be placed in a housing unit in which the youthful prisoner will have sight, sound, or physical contact with any adult prisoner through use of a shared dayroom or other common space, shower area, or sleeping quarters.” Consent Judgment, Jones v. Gusman, No. 2:12-cv-00859-LMA-ALC, at 37 (E.D. La. 2013).
10 Population in the Youth Study Center counted by LCCR on the morning of October 29, 2014, prior to court (on file). LCCR calculates that, between 2011 and 2014, 103 children were transferred to the adult system. Of those, nearly 60% received an outcome that was essentially equivalent to one they could have received in juvenile court.
13 Michele Dietch et al., Campaign for Youth Justice, From Time-Out to Hard Time: Young Children in the Adult Criminal System, 55 (2008)
14 Id.
16 Id.
18 Michele Dietch et al., Campaign for Youth Justice, From Time-Out to Hard Time: Young Children in the Adult Criminal System, 54 (2008)
20 Campaign for Youth Justice, Jailing Juveniles (2007).
C.W. Harlow, Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Education and Correctional Populations (2003).


Testifying in Jones v. Gusman, prison security expert Jeffery Schwartz explained that he had investigated hundreds of jails in 40 states over 35 years of working in corrections. "OPP is the worst jail I've ever seen," he opined. "It is likely the worst large city jail in the United States." See Order Approving Consent Decree, Jones v. Gusman, No. 2:12-cv-00859-LMA-ALC, at 19 (E.D. La. June 6, 2013).

Id., at 54.

Id. at 25.

Id. at 29.

Naomi Martin, Stabbing at Orleans Parish Prison Illustrates 'Epidemic of Violence,' Critics Say, The Times-Picayune (June 18, 2013). Brian's case was reported in the newspaper, so his real name is used here.

See generally J. Sander et al., School Policies, Academic Achievement, and General Strain Theory: Applications to Juvenile Justice Settings, J. Juvenile Justice, 107-08 (2011) (observing that school enrollment and advancement are "buffers for juvenile crime").

La. R.S. 17:221, amended by 2014 La. Acts 411 (H.B. 407); see also La. Const. art. VIII, § 1 ("[t]he legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system."). More specifically: education is mandatory for youth who are younger than 18, and youth between the ages of 18 and 21 who have not yet attained a high school diploma, or its equivalent, are also entitled to receive an education. La. R.S. 17:221.

It has been suggested that 70% of youth who are in justice system custody require special education supports. See AM. Bar Association's Children's Rights Litigation Committee, Stopping the Schoolhouse to Pipeline By Enforcing Federal Special Education Law (2007). Meanwhile, both federal and state law require that special education services be provided to students with disabilities. The Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. §1400 et seq., sets forth a comprehensive scheme for the provision of education to young people with disabilities, which applies to youth in detention facilities just as it applies to youth in the general population. 34 C.F.R. §300.2(b)(1)(5). The IDEA guarantees all special education students, whether or not they are incarcerated, a "free and appropriate public education" (FAPE), which means that these students must derive an "educational benefit" from the educational programming. Board of Educ. v. Rowley, 458 U.S. 176, 203 (1982). Violations of incarcerated disabled students' rights are also actionable under Title II of the ADA, which prohibits discrimination against individuals with disabilities by public entities, and § 504 of the Rehabilitation Act, 29 U.S.C. § 701 et seq., which prohibits discrimination by any organization that receives public assistance, and applies to individuals who have a disability but may not have an IEP.


Id.


Evidence from across the country shows that Youth Study Center is not anomalous. Juvenile detention centers are generally far better equipped to serve children than adult prisons. One study involved interviewing children who were being held in juvenile and adult confinement for the same crimes. The children in the juvenile facilities indicated that the staff was more helpful to them in "achieving goals, making them feel good about themselves, teaching skills, and improving interpersonal relations." Children in detention centers "rated their case management services as more helpful in obtaining needed services, providing counseling, encouraging their participation in programs, teaching them the consequences of rule breaking, and orienting them to facility rules and procedures." Richard E. Redding, Conditions and Programming for Juveniles in Correctional Facilities 3-4 (2000).