

PARTIES

5. Plaintiff is the United States of America.
6. Defendant, Terrebonne Parish ("Parish") owns and operates TPJDC. Accordingly, the Parish is responsible for the conditions and operation of TPJDC.

FACTUAL ALLEGATIONS

7. The Parish is legally responsible for the operation of TPJDC and for the health and safety of the youths confined at TPJDC.
8. The Parish is a governmental authority with responsibility for the administration of juvenile justice or incarceration of juveniles within the meaning of 42 U.S.C. § 14141.
9. The Parish is obligated to operate TPJDC in a manner that does not infringe upon the federal rights, as protected by the Fourteenth Amendment to the Constitution of the United States and by other federal law, of individuals confined at TPJDC.
10. At all relevant times, the Parish has acted or failed to act, as alleged herein, under color of state law.
11. The Parish has engaged in a pattern or practice of failing to ensure that youth at TPJDC are adequately protected from harm and from undue risk of harm as outlined in further detail below.
12. The Parish has failed to protect its youth from harm by staff by failing to adequately supervise staff and failing to hold staff accountable for misconduct related to confinement checks, suicide precautions and youth supervision. For example, TPJDC staff have left housing units and youth unsupervised and, in one instance, an unsupervised youth attempted suicide by strangulation.

13. The Parish has failed to protect its youth from harm by staff by failing to provide adequate ratios of direct care staff to youth to ensure the safety of the youth at TPJDC. For example, TPJDC erroneously count “general vicinity” staff in the direct and continuous supervision staff ratios.
14. The Parish has failed to protect its youth from harm by failing to implement adequate systems for reporting allegations of child abuse. For example, TPJDC regularly conducts administrative investigations of allegations of physical abuse without reporting such allegations to an independent law enforcement or child welfare agency.
15. The Parish has failed to protect its youth from harm by failing to provide appropriate training on the prevention of custodial sexual misconduct. For example, TPJDC has failed to develop and train staff on the prevention, detection, and reporting of sexual misconduct by staff.
16. The Parish has failed to protect its youth from harm by staff by failing to provide and implement adequate use of force policies and procedures. Accordingly, TPJDC staff have used unnecessary or poorly executed force. For example, youth have been unnecessarily subjected to physical, mechanical, isolation room, and chemical restraints when proper behavior management techniques and sound verbal de-escalation skills would have been appropriate and more effective.
17. The Parish has failed to protect its youth from harm by failing to adequately protect youth from self-harm. Specifically, TPJDC was deficient in the following areas regarding suicide prevention: supervision of youth on suicide precautions; training of staff; intake screening; communication; assessment; and housing.

18. The Parish has failed to protect its youth from harm by other youth by failing to develop and implement an adequate objective housing classification system and procedure. For example, TPJDC's classification system was based on subjective procedures, unsupported by procedures and tools to assess youths' risk, silent on the process for making subsequent unit and bed assignments, and lacked enhancements to supervision and programming to mitigate the risks posed by highly aggressive youth.
19. The Parish has failed to protect its youth from harm by failing to adequately report incidents and collect key data. A full, complete, and accurate record of incidents at TPJDC will assist administrators to identify and adjust various conditions that create the opportunity for incidents to occur, to monitor staff responses, to identify training needs, and develop prevention strategies that could prevent or reduce the amount of incidents from occurring. Moreover, TPJDC has failed to implement an adequate quality assurance program to ensure that remedial measures are appropriately implemented and sustainable.

VIOLATIONS OF 42 U.S.C. § 14141

20. The allegations of Paragraphs 1 through 19 are hereby re-alleged and incorporated by reference.
21. The acts and omissions alleged in Paragraphs 12 through 19 constitute a pattern or practice of conduct that violates the federal rights, as protected by the Fourteenth Amendment to the Constitution of the United States and by other federal law, of youths confined at TPJDC.

PRAYER FOR RELIEF

22. The Attorney General is authorized, pursuant to 42 U.S.C. § 14141, to seek equitable and declaratory relief.

WHEREFORE, the United States of America prays that the Court:

23. Declare that the acts, omissions, and practices of the Defendant Parish set forth in Paragraphs 12 through 19 above constitute a pattern or practice of conduct that deprives TPJDC's youths of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, and that those acts, omissions, and practices violate the Constitution and laws of the United States;
24. Permanently enjoining Defendant, its officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions, and practices set forth in Paragraphs 12 through 19 above, and requiring Defendant to take such actions as will ensure that lawful conditions of confinement are afforded to youths at TPJDC; and
25. Granting such other and further equitable relief as the Court may deem just and proper.

Dated: October 5, 2011

Respectfully submitted,

FOR THE UNITED STATES:

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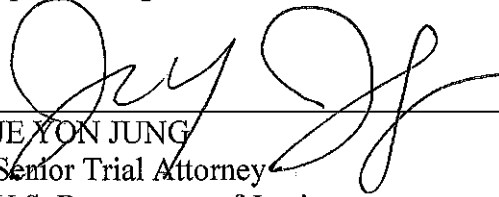
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