

TALLULAH: A HISTORY

Tallulah is a facility with a legacy of abuse and corruption so complete that the State felt compelled to change its name – twice. A notoriously unstable facility, it has had no less than four operators - the private, for-profits GRW Corporation, Trans-American Development Corp., and Correctional Services Corporation, and the State – and at least ten wardens since it opened in 1994. See *The Advocate*, Feb. 3, 2001, p.4B (DPSAC officials estimate that there have been 10 wardens at Tallulah in the 6 1/2 years of operation).

A brief history of Tallulah shows that the facility not only has never been a safe place for troubled youth, the current administration's promises to change it ring hollow due to its failed promises of the past.

1994

November 16, 1994: Tallulah accepts its first youth.
See *Winters v. State*, No. 7-15-1 (M.D. La. 1971).

Nov. 15, 1994: Letter from Secretary Stalder to Judge Polozola covering consent decree for the 700-bed A.Z. Correctional Center for Youth, announcing the DPSAC would place youth there the next day.

December 22, 1994:
A State of Emergency exists at [Tallulah]" due to riots and an inability of staff to control and protect youth. *Id.*, Order by Federal Judge Frank Polozola dated Dec. 22, 1994.

1995

January 3, 1995: After assuming "operational control" of Tallulah on December 29, 1994, **Secretary Stalder** assured the federal court that DPSAC will "maintain operational authority on an interim basis until a permanent replacement management team is selected, trained by our in-state executive staff, and determined capable by me to continue what we now believe to be a stable and rapidly improving program at the facility." See *id.* (Jan. 3, 1995 letter from Secretary Stalder to Judge Polozola, emphasis added).

Spring of 1995: Human Rights Watch tours Tallulah and Louisiana's three other juvenile prisons. In October, they declare that all of the facilities – including Tallulah – **violate international human rights standards.** *Children in Confinement in Louisiana/Human Rights Watch*, Oct. 1995. Specifically, Human Rights Watch found the physical environment at Tallulah to be "punitive." *id.* at 21. Youth complained of **physical abuse by guards** and Human Rights Watch found that, perversely, the system established for youth's complaints of abuse was completely ineffective. Worse yet, Human Rights Watch found that "there is a strong feel of reprisal among the children" from guards if they complained about physical assaults. *id.* at 24-26. Human Rights Watch found that Tallulah and the other juvenile prisons inappropriately placed youth in small, bare isolation cells. *id.* at 21-25, and **failed to provide adequate education and programming to youth.** *id.* at 37-40. The report declared that Tallulah had an atmosphere of "hostility and anger." *id.* at 42.

October 1995
In response to the Human Rights Watch report, Richard Stalder defends the operations of the prisons by saying that the youth **prisons follow standards developed by the American Correctional Association, and those rules allow some actions that the international rules do not.** See *The Advocate*, Oct. 10, 1995 (Grosjean, officials dispute level of juvenile inmate abuse). Later Stalder admits that "we have problems that we must deal with and are dealing with." "Our head is not in the sand." But he blamed the legislature for not "putting enough funds into the facility so that more children could spend more time in isolation cells, he calls "single rooms."

1996

October 3, 1996: The **United States Department of Justice** ("DOJ") informs the Governor that the conditions at Tallulah and Louisiana's other juvenile prisons were **"life-threatening and dangerous" to the children** confined therein. See Oct. 3, 1996 letter from United States to Gov. Mike Foster). An example of the dangerous level of violence was the slower numbers of children being injured: in the first twenty (20) days of August of 1996, the DOJ found 28 Tallulah children were sent to the hospital for evaluation and/or treatment of serious injuries, including fractures or suspected fractures and serious lacerations in need of suturing." *id.* at 5. **The DOJ demanded that the State take immediate steps to protect youth from guards and each other.** *id.* at 6-10.

1997

January of 1997: The DOJ returns to Tallulah and finds that the conditions had NOT improved. Later that year, the DOJ formally notified the State that the **conditions at Tallulah violated the United States Constitution** and federal law and that, if the State did not take adequate remedial measures to protect children from harm in its juvenile prisons, **a lawsuit would be initiated.** See June 18, 1997 letter from United States to Gov. Mike Foster.

Fall 1997
Stalder tells a House panel that conditions have improved greatly in state juvenile jails, in part because of the new "Project Zero Tolerance." See *The Advocate*, Sep. 10, 1997. He expresses that while state officials don't necessarily agree with all of the criticism leveled by federal officials – namely the concerns raised over the use of Mace, mechanical restraints, and isolation cells to control youth – "we acknowledge there is a problem with violence in these facilities, and **we are going to deal with it.**" See *The Advocate*, Oct. 1, 1997. Despite DOJ reports that "Project Zero Tolerance" had no impact on the level of violence at Tallulah, **Stalder insists that operations have "improved at a significant rate."** See *The Advocate*, May 28, 1997.

1998

July 9, 1998: The Juvenile Justice Project of Louisiana sues Tallulah. Among the complaints is widespread abuse of youth by guards, a culture of youth-on-youth violence fomented by guards, and a failure to provide treatment, counseling and education.

July 15, 1998: New York Times reports that the Tallulah youth prison is "the worst in the nation."

November 5, 1998: Louisiana becomes the first state ever sued by the DOJ because of the conditions at its juvenile prisons, including Tallulah. *United States v. Louisiana, et al., Civil Action No. 98-947-B-1 (M.D. La. 1998).*

Fall 1998
Stalder blames the instable environment at Tallulah on "outside forces", including repeated visits by federal inspectors. See *The Advocate*, Oct 16, 1998.

1999

March 1999:
Stalder testifies in favor of a \$736,999 tax break for Tallulah's owners, arguing that the conditions at the facility were good enough to warrant such a break for the private owners. See, e.g., *The Advocate*, Dec. 4, 1999, p.1B.

September 1999:
State forced to take the facility over due to mismanagement.

2000

September 2000: State settles lawsuits against Tallulah and other juvenile prisons. **Governor seeks and gains tens of millions of dollars from legislature to start reforms.**

2001

May 18, 2001:
Two guards punch S.D. in the jaw, breaking it.

December 17, 2001:
After four days of trial in the case of S.D., an Orleans Parish judge finds:
• On May 18, 2001, S.D. suffered a fractured jaw when a guard punched him in the face. *Judgment at p.18.*
• The guard punched S.D. in the face after S.D. joked that he was not supposed to be in school as the guards were hurrying youth into their classrooms. *Judgment at p.19.*
• **The DPSAC's own abuse investigation system suppressed important evidence.** *Judgment at p.19.*
• S.D.'s constitutional rights under the U.S. Constitution were violated because there "is no constitutional justification for fracturing the jaw of an incarcerated youth against whom there is no allegation and no evidence that he posed any danger to himself or others." *Judgment at p.27.*
• S.D.'s state constitutional and statutory rights were violated because Tallulah "guards inflicted physical injury upon S.D. and the authorities in charge there have not acted to prevent such injury." *Judgment at p.29.*
• **Over 140 youth were injured at Tallulah in May, seven seriously, and 18 youth suffered fractures and injuries requiring sutures in June.** As a result, what "appeared from these hearings is a bleak picture regarding violence and anxiety that characterize Tallulah." *Judgment at p.25.*
• Based on a review of documents and the evidence presented at trial, Judge Doherty wrote that Tallulah "maintains order through fear, force and violence. The atmosphere of fear at Tallulah supports a culture of violence sadly manifested by the high number of violent physical injuries sustained by incarcerated youth - from whatever cause - at that facility. **We cannot reasonably expect young men incarcerated under these conditions to ever feel physically safe and emotionally secure, such that they might benefit from treatment or that the rehabilitative process might begin. No human being fearful of physical attack can focus on anything but survival—wherein survival is defined as no harm done.**"

December 20, 2001
Stalder denies Doherty's claims and blames the two accused guards to remain working at Tallulah. He says "The exhaustive investigations we did... did not substantiate any findings of wrongdoing..." See *The Advocate Press*, Dec. 20, 2001 (Judge's ruling cited earlier for Tallulah).

2002

November 2002:
The Louisiana Fourth Circuit Court of Appeals unanimously upholds Judge Doherty's opinion (from 2001), declaring conditions at Tallulah unconstitutional. In fact, they adopt Doherty's opinion, verbatim.

November 2002:
Doherty orders several teens he had sentenced to Tallulah be transferred, citing "grave concerns" for their physical and mental health. Tallulah is a place where "the expression of hostile feelings constitute(s) the normal tone of interactions between guards and youth," Doherty writes in his ruling. "Sadly, the closest a youth may come to relief from the threat of violence may be in solitary confinement, which leaves its own mark on emotional health." See *id.*, April 14, 2003 (Three inmate testifies of beatings at Tallulah prison).

In response to Doherty's new order, **Stalder says things have changed at Tallulah. He says Doherty's order was based on old information. Things are better now** since the state has full control of the prison, he says, and **improving** see *The Advocate*, Jan. 6, 2003 (Judge keeps watch on La. juvenile justice).

2003

April 2003:
During a hearing in Judge Doherty's court, a former youth incarcerated at Tallulah testifies that he was regularly beaten by other prisoners as guards watched and had his jaw broken by inmates who wanted to force him to have sex.

April 2003
Stalder denies allegations of violence, saying the problems at Tallulah have been fixed. See *id.*, April 14, 2003 (Three inmate testifies of beatings at Tallulah prison).

April 2003:
An article appears in the international magazine, *The Economist*, calling Tallulah "the most notorious of Louisiana's four youth prisons", and blasts Louisiana's whole juvenile justice system for being unfair, counter-productive, corrupt and seemingly "Dickensian". See *The Economist*, April 19, 2003 (Tallulah Times).