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# Only Young Once

The Urgent Need for Reform of Louisiana's Youth Justice System

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# Executive Summary

On July 19, 2022, Louisiana Gov. John Bel Edwards announced his decision to transfer dozens of incarcerated youth from the Bridge City juvenile facility to the Louisiana State Penitentiary, also known as Angola. Built on a former slave plantation, Angola has become notorious for human rights abuses and harsh labor, making the decision to hold youth there considerably controversial. Incarcerating young people in the nation's largest maximum security prison underscores the deficiencies within Louisiana's youth justice system – a system that all too often prioritizes youth punishment over rehabilitation. This report explores how the state got to this point and recommends policy changes to address the harm caused.

## **Louisiana has a youth justice system that is geared toward youth incarceration, even while youth crime has decreased for decades.**

- Contrary to the “superpredator” myth that predicted an increase in youth violent crime, youth arrest rates declined 80% in the U.S. and 67% in Louisiana from 2000 to 2020.
- Despite decreasing youth arrest rates, Louisiana's approach to youth justice has produced the nation's third-highest school suspension rate, second-highest school expulsion rate, and state youth incarceration at a five-year high.

## **The harms of youth incarceration disproportionately impact Black youth.**

- In Louisiana, Black youth are four times more likely to be incarcerated than their white counterparts.
- Black youth are the least likely to benefit from leniency in juvenile court, regardless of the type of offense – evidenced by the disparate treatment of Louisiana's “Jena Six.”

## **Choosing incarceration over rehabilitation is harmful to youth and expensive for taxpayers.**

- Youth incarcerated in adult facilities are more likely to experience extensive solitary confinement, greater recidivism, and higher suicide rates.
- Incarcerating a young person in Louisiana for one year (\$156,570) is more expensive than the annual costs of enrollment in Louisiana public schools, Tulane University and Louisiana State University combined (\$118,571).



**Policy reforms that recommit to Louisiana's Juvenile Justice Reform Act of 2003, emphasizing therapy and community involvement over punitive methods, would be safer and more humane for Louisiana youth, and more cost-productive for Louisiana taxpayers.**

**The Southern Poverty Law Center's recommendations:**

1. Louisiana should raise the minimum age of juvenile incarceration and prosecution in the state.
2. Louisiana should make nonviolent offenses, especially technical violations, status offenses and nonviolent drug offenses, non-jailable for juveniles.
3. Louisiana should invest in community-based alternatives to youth incarceration that prioritize rehabilitation.
4. Louisiana should completely ban the practice of incarcerating youth in adult facilities like Angola.

# Only Young Once

## The Urgent Need for Reform of Louisiana’s Youth Justice System

By Delvin Davis,  
Southern Poverty  
Law Center

At 18 years old, Albert Woodfox was incarcerated in Louisiana State Penitentiary,<sup>1</sup> also known as Angola, for car theft.<sup>2</sup> For Woodfox, who arrived at Angola in 1965, the prison must have resembled an antebellum landscape from over a hundred years prior. Built on a former slave plantation named for a part of southwestern Africa where many enslaved people were once captured for labor, Angola had armed white men on horseback known as “free men” who oversaw Black men picking cotton on the prison grounds – a scene that persists to present day.<sup>3</sup>

Woodfox’s journey at Angola would last off and on for over 40 years, long enough to see and feel the full arc of why this prison was called the “Alcatraz of the South.”<sup>4</sup> By the time Woodfox arrived, Angola had been labeled “the bloodiest prison in the South” because of the number of stabbings that took place there.<sup>5</sup> The violence would continue for decades, with a recorded 1,346 assaults in 1992 alone,<sup>6</sup> and a hostage situation in 1999 where two people lost their lives.<sup>7</sup> Burl Cain, Angola’s warden at the time, declared, “I think that there has been more human suffering in this place than in any place in the world.”<sup>8</sup>

More recently, four former Angola correctional officers were sentenced in federal court in 2020 for beating an incarcerated person while they were shackled and conspiring to cover up the event by falsifying reports and lying under oath.<sup>9</sup> The following year, several people in Angola started a hunger strike protesting the excessive use of solitary confinement as a disciplinary measure.<sup>10</sup>

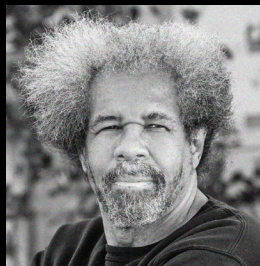
Albert Woodfox would become all too familiar with the use of solitary confinement during his time in Angola. Woodfox became well known as a member of the “Angola 3” – three Black men that

were each held for decades in isolation. Of the three, Woodfox would spend the longest amount of time in solitary – over 40 years – thought to be the longest term of solitary confinement in American history.<sup>11</sup> While spending the majority of his life stripped of human interaction 23 hours a day in a 6-by-9-foot cell, a federal judge would refer to the Angola 3’s treatment as “so far beyond the pale” that there was not “anything even remotely comparable in the annals of American jurisprudence.”<sup>12</sup>

Even after Woodfox’s release in 2016, he would struggle with claustrophobic episodes, recalling the feeling of how “the atmosphere is closing in on you ... like you’re smothering.”<sup>13</sup> Woodfox’s experience in Angola was designed to slowly destroy him over the course of a lifetime – all starting with his incarceration as a teenager.

Woodfox passed away on Aug. 4, 2022. On July 19, 2022, less than three weeks earlier, Louisiana Gov. John Bel Edwards announced his decision to transfer dozens of teenagers under the custody of the Office of Juvenile Justice from the Bridge City juvenile facility to the same Angola that Woodfox somehow survived.<sup>14</sup> The controversial decision was made in response to recent escapes from Bridge City and concerns about community

“I don’t think I ever felt that I would die in prison, [but as] the years passed, it became more difficult to feel that way.”



**Albert Woodfox,  
who was formerly  
incarcerated  
in Angola as  
a teenager<sup>1</sup>**

safety. Despite pressure from litigation to release the youth from Angola, state leaders still appear committed to detaining teenagers there indefinitely.<sup>15</sup>

The movement of children to an adult prison with a historic track record of violence and other harms is illustrative of the larger systemic issues within Louisiana's youth justice system. This action reinforces what youth justice advocates have said for years:<sup>16</sup> Louisiana's entire youth justice system is in dire need of reform and replete with overcrowded youth facilities,<sup>17</sup> woeful understaffing,<sup>18</sup> and conditions that are unsafe both physically and psychologically.<sup>19</sup>

For example, reports show that youth in state juvenile facilities have been locked in solitary confinement for 23 hours a day, shackled for the brief periods they are not in lockdown, and have slung their own urine and feces across their cells.<sup>20</sup> In Ware Youth Center, two young people took their own lives within a week of each other,<sup>21</sup> with the facility being the subject of at least two state investigations.<sup>22</sup> With around 80% of incarcerated young people in Louisiana being Black,<sup>23</sup> it is Black young people who bear the primary brunt of this broken system.

This report highlights the need for urgent reform of Louisiana's youth justice system – a system that has largely harmed the state's Black youth in staggering numbers – and why it must move from an overreliance on youth incarceration to providing rehabilitative services for youth in their communities.<sup>24</sup>

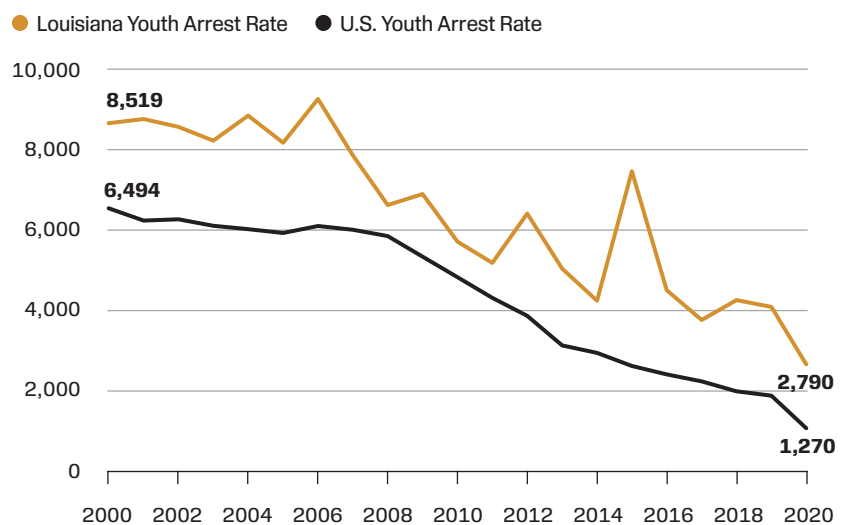
First, it explores how the “superpredator” myth of the 1990s led to the dehumanization of Louisiana's Black youth as a purported justification for their incarceration. Second, it outlines how Louisiana's school-to-prison pipeline has turned schools into a springboard for youth justice system involvement. Third, it expands upon how racial disparities are prevalent throughout the state's youth justice system. Fourth, it outlines how Louisiana has over-relied on youth incarceration over rehabilitative options for youth. Fifth, it dives into the myriad harmful results of youth incarceration. Sixth, it features potential opportunities for policy reform. And lastly, the report outlines policy proposals Louisiana can and must advance to reform its youth justice system.

## The “Superpredator” Myth and the Dehumanization of Louisiana's Black Youth

According to Louisiana state Sen. Patrick Connick, whose district includes Bridge City, the young people moved to Angola are “the worst of the worst.”<sup>25</sup> This rhetoric is a direct echo of the myth of the “superpredator,” a racist relic that dates back to when former Princeton professor John DiIulio first coined the phrase in the mid-1990s in response to rising youth crime. According to DiIulio, the reason for this crime increase was because “a new generation of street criminals is upon us – the youngest, biggest and baddest generation any society has ever known.”<sup>26</sup> Under his debunked theory, certain youth – mainly Black youth – had a “moral poverty” that led them to “do what comes ‘naturally’: murder, rape, rob, assault, burglarize, deal deadly drugs, and get high.”<sup>27</sup>

Rather than being children in need of rehabilitation, services and treatment, DiIulio's “superpredators” were portrayed as subhuman entities who engaged in “homicidal violence in ‘wolf packs’.”<sup>28</sup> Animalistic descriptors were also used to describe the Exonerated Five, five Black and Latinx teens who were wrongfully convicted of an act of violence in New York's Central Park in 1989, who were described as “wilding” in their behavior.<sup>29</sup> As a result, the dehumanizing connection between animal hunters and race

### U.S. and Louisiana Youth Arrest Rates, 2000-2020



Sources: Arrest figures are from the FBI Crime Data Explorer, calculating rates according to youth population estimates from the U.S. Office of Juvenile Justice and Delinquency Prevention. Figures presented as arrests of youth ages 10-17 per 100,000 youth ages 10-17.<sup>33</sup>



created the notion that Black youth should be captured, controlled and punished – justifying their incarceration – rather than children who should be cared for and could be redeemed.

DiIulio predicted that the rise of the superpredator – specifically, “super-crime prone young males”<sup>30</sup> – would lead to a parallel rise in violent crime and thus the need for a rise in the use of incarceration. In DiIulio’s own words, “No one in academia is a bigger fan of incarceration than I am. ... By my estimate, we will probably need to incarcerate at least 150,000 juvenile criminals in the years just ahead. In deference to public safety, we will have little choice but to pursue genuine get-tough law-enforcement strategies against the superpredators.”<sup>31</sup> However, DiIulio’s prediction that waves of violent teenagers would flood the country’s streets never materialized.<sup>32</sup> In fact, youth arrest rates declined by 80% in the U.S., and 67% in Louisiana, from 2000 to 2020.

Beyond the failure of DiIulio’s prediction, additional facts have proved the myth of the superpredator false. Research has shown that due to their brain development and natural maturation, young people are more prone to risky activity and lawbreaking during adolescence, and most youth will naturally age out of this behavior as their brains develop.<sup>34</sup> This research has served as the foundation for several U.S. Supreme Court cases that have struck down overly punitive sanctions for children – including *Montgomery v. Louisiana*, in which the court held that its previous prohibition against mandatory sentencing schemes that required children convicted of homicide to be sentenced to life imprisonment without parole applied retroactively.<sup>35</sup> However, even with the superpredator theory debunked, the narrative of dangerous Black youth has still held firm as fodder for political debate and as justification for harsh criminal penalties, an increasing investment in law enforcement and carceral facilities, and the proliferation of “get tough” policies targeting youth crime.

As evidenced by Connick’s words, this superpredator perception persists to the present day. For example, former Jefferson Parish Sheriff Newell Normand, referring to a carjacking spree committed by several 16-year-olds in 2017, said that “[t]hese children need to be put away. These are predators and they’re acting like predators and we need to treat them like predators.”<sup>36</sup> In condemning Louisiana’s harsh response to youth crime earlier this year, Antonio Travis, youth

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organizer at Families and Friends of Louisiana’s Incarcerated Children, stated that the “recent public discourse surrounding Louisiana’s children mirrors trends of the 1990s, when a ‘superpredator’ myth resulted in the arrests of untold numbers of innocent youth of color.”<sup>37</sup>

In short, both Louisiana’s and our nation’s failure to see Black kids as kids has served as a racist justification for their overinvolvement in the youth justice system – setting the stage for harmful actions like incarcerating children in a dangerous adult prison. Notably, Louisiana has gone even further on this point than DiIulio would have. According to him, “housing juvenile criminals with adult felons will not help decrease the rate of violent crime” and “[j]ailing youths with adult felons under Spartan conditions will merely produce more street gladiators.”<sup>38</sup> It is telling that Louisiana has gone beyond where the individual whose rhetoric launched an overcriminalization of Black youth movement dares to tread.

## **Louisiana’s School-to-Prison Pipeline Has Disproportionately Impacted the State’s Black Children**

The dehumanization of Black youth has permeated into one of the environments where these children should feel safest – our nation’s schools. While their white counterparts have historically been free to engage in youthful student misbehavior and learn from their mistakes, Black youth nationwide and in Louisiana have, by contrast, been met with overpunishment and condemnation. As a point of fact, according to the Louisiana School Board Association, Louisiana is one of only 15 states that allow corporal punishment in schools,<sup>39</sup> and of the students subjected to this punishment in 2017-2018, 61.4% were Black.<sup>40</sup>

Louisiana’s Black students have been subject to school pushout at alarming rates, making them increasingly vulnerable to ending up in the youth justice system and having other negative outcomes.<sup>41</sup> From 2017-2018, Louisiana had the third-highest out-of-school suspension rate (8.98%) and second-highest expulsion rate (0.81%) in the country, according to U.S. Department of Education figures – with its expulsion rate being over four times the national average.<sup>42</sup> During that same period, more than one in eight Black students (13.2%) in Louisiana were suspended from Louisiana’s public schools;



This perception of Black students as criminal has also led to the increasing presence of law enforcement in the school environment. Over the past two decades, security and police officers have proliferated across the nation's schools, jumping from 54.4% of students aged 12-18 reporting their school had these actors in 1999 to 75.4% of students reporting the same in 2019.<sup>47</sup> Their presence is disproportionately impacting Black students: Studies show that secondary schools that are majority-Black are more likely to have police and security officers than majority-white schools.<sup>48</sup> This overpolicing of Black students has also taken hold in Louisiana: 34% of Louisiana's students are in a school with a police officer, but have no psychologist, nurse, social worker or school counselor.<sup>49</sup> Black students make up 67.9% of school arrests in Louisiana compared to 25.8% for whites,<sup>50</sup> even though Black and white youth comprise 43.5% and 44.7% of Louisiana's students, respectively.<sup>51</sup>

The increased deployment of law enforcement in schools has also created a greater expectation for the criminalization of minor incidents, particularly for Black students. In Louisiana's Jefferson Parish, a Black eighth grader was placed under arrest for throwing Skittles on the school bus,<sup>52</sup> which resulted in charges of "interference with an educational facility" and battery, plus six days in a juvenile detention facility.<sup>53</sup> As the Southern Poverty Law Center previously exposed, this incident was not isolated, but rather spoke to a larger culture within Jefferson Parish public schools that fostered the disproportionate overpolicing of Black students.<sup>54</sup> Other trivial arrests include a seventh grader charged with interference with an educational facility after yelling outside of her school, and an autistic fourth grader who was handcuffed following a classroom outburst.<sup>55</sup> The increasing presence of punitive criminal measures within the school environment has likely contributed to the overrepresentation of students of color in Louisiana's youth justice system.

almost triple the percentage of Black students (1.22%) as compared to white students (0.44%) were expelled.<sup>43</sup>

School pushout even reaches Louisiana's youngest students. During the 2018-2019 school year, over 1,000 students in preschool, pre-K and kindergarten were suspended in the state.<sup>44</sup> Tellingly, half of the 17,000 preschool students suspended or expelled in the U.S. in 2021 were Black boys,<sup>45</sup> and a 2021 Northwestern University study indicates that preschool teachers are more prone to label Black students' behavior as problematic even where there is no discernible difference between their behavior and that of their white counterparts.<sup>46</sup>



# 67%

**Black students make up 67.9% of school arrests in Louisiana compared to 25.8% for whites, even though Black and white youth comprise 43.5% and 44.7% of Louisiana's students, respectively.**

## Racial Disparities Remain Persistent in the Youth Justice System

Once pushed out of the school environment, Louisiana’s Black children often find themselves moving further into youth justice system involvement. An important contributor to this funnel is the courts and which children are afforded leniency before them versus harsher sanctions. Judges and prosecutors have discretion with how to proceed with legal matters concerning youth and can opt for more diversionary and restorative means to resolution that do not require carceral punishment. Nationwide, however, Black youth are least likely to benefit from diversion options provided in the community, even when compared to other races committing similar offenses.<sup>56</sup> Thus, Black children, rather than being met with opportunities for restorative justice or nonpunitive measures to atone for any harms caused, have instead been met nationwide in disproportionate numbers with punishment and incarceration.

This disproportionate failure of courts to treat Black kids as kids is very evident in Louisiana. Research in 2019 found that although Black

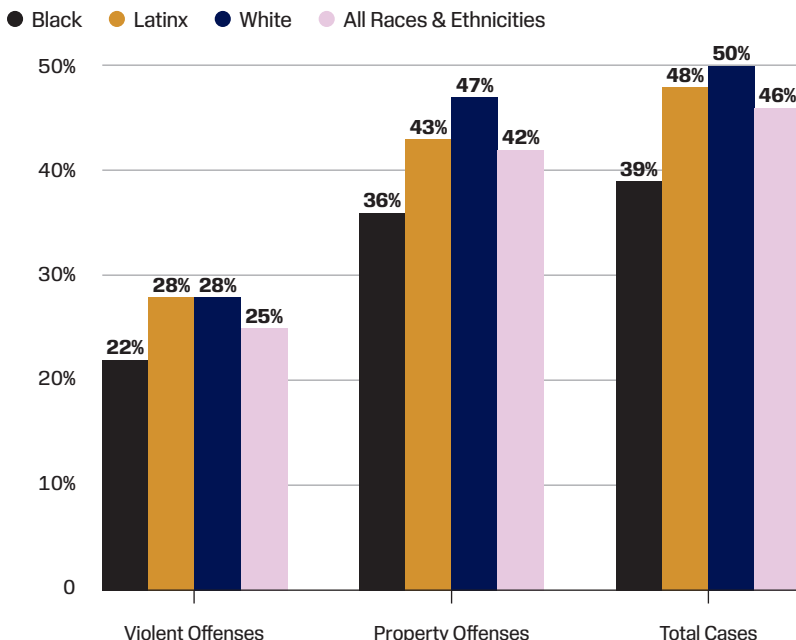
youth accounted for only 34% of the total youth population in Jefferson Parish, one of the state’s most populous parishes, they were overrepresented at every point of contact in the youth justice system.<sup>58</sup> Recent data also shows that Black youth are disproportionately represented in every custody and supervision status statewide.<sup>59</sup>

Disparate treatment in court was on full display when six Black teenagers in Jena, Louisiana, were arrested for fighting a white classmate in 2006.<sup>60</sup> The arrests came months after racial tensions escalated when several nooses were found hanging on school grounds. Then LaSalle Parish District Attorney J. Reed Walters boasted to defendants as young as 14 at the time that he could “end [their] lives with the stroke of a pen” and would “seek the maximum penalty allowed by law” after he convicted them.<sup>61</sup> He sought charges of attempted second-degree murder and conspiracy for the fight – charges that could bring up to 100 years in prison.<sup>62</sup> However, Walters declined to pursue hate crime charges for any white student that allegedly hung nooses on school grounds, claiming that “it broke no law,”<sup>63</sup> even though the FBI concluded it “had all the markings of a hate crime.”<sup>64</sup> In this case, it was easier for the legal system to draw a connection between a school fight to murder, than nooses to a hate crime.

One of the boys, Mychal Bell, was initially charged as an adult and convicted by an all-white jury of aggravated battery, which could have resulted in 15 years in prison.<sup>65</sup> After already serving 10 months, Bell won an appeal on grounds he should have been tried in juvenile court, and pleaded guilty to a juvenile charge of second-degree battery, receiving an 18-month sentence in a juvenile facility.<sup>66</sup> The other five teens accepted plea deals that gave them seven days’ probation, a \$500 fine, and court costs.<sup>67</sup>

After his release, Bell would speak of the psychological toll the situation placed on him even after he returned to his community – ultimately resulting in a failed 2008 suicide attempt after he was accused of shoplifting.<sup>68</sup> The account of these six boys, collectively referred to as the Jena Six, could easily happen today. The Jena Six story draws direct parallels to the current youth transfers to Angola. In both cases, despite protests from demonstrators and national media scrutiny, Louisiana’s youth justice system still chose to pursue severe carceral punishment over rehabilitation and community care.

## U.S. Juvenile Cases Resolved Informally Outside of Court, 2020



Source: U.S. Office of Juvenile Justice and Delinquency Prevention, “Easy Access to Juvenile Court Statistics: 1985-2020”<sup>57</sup>

## Moving to the Deep End: Louisiana's Overreliance on Youth Incarceration

In the 1990s, Louisiana had the highest youth incarceration rate in the country.<sup>69</sup> As of 2019, the state has the 16th highest youth placement rate (for detention and commitment) nationwide.<sup>70</sup> Over the past five years, the number of young people in secure care (the most restrictive form of detention involving 24-hour supervision and confinement) with Louisiana's Office of Juvenile Justice has outpaced the use of non-secure care and referrals for nonviolent offenses, especially compared to pre-pandemic levels.<sup>71</sup> Stated plainly, Louisiana has increased its incarceration of young people over the last five years, even while youth arrests have declined.

Higher youth incarceration rates have contributed to overcrowded juvenile facilities to the extent that officials from the state's Office of Juvenile Justice issued a letter to judges advocating for the release of more low-risk teens back into the community to free up space.<sup>73</sup> Still, for youth who remain in these crowded spaces, Black youth find themselves disproportionately incarcerated. Although Black youth account for only 38% of youth statewide,<sup>74</sup> as of 2019, they account for 79% of all youth incarcerated in the state.<sup>75</sup>

Troublingly, there are many cases where the use of out-of-home placement is used for status offenses, technical violations and drug offenses – mostly nonviolent offenses for which custody should not be an option.

“Status offenses” are offenses that are generally only an issue when committed by a minor – including underage drinking, truancy, curfew

**Confinement for these offenses again disproportionately harms Black kids.** For drug offenses, status offenses and technical violations, Black incarcerated youth comprised 60%, 69% and 74% of youth confined for drug offenses, status offenses and technical violations, respectively.

violations, running away from home, and incorrigibility.<sup>77</sup> In Louisiana, these are often categorized as “Families in Need of Services” (FINS) cases where the juvenile court is called to intervene for the youth or family “in an effort to prevent delinquency and family disintegration,” usually at the behest of law enforcement, schools or family.<sup>78</sup>

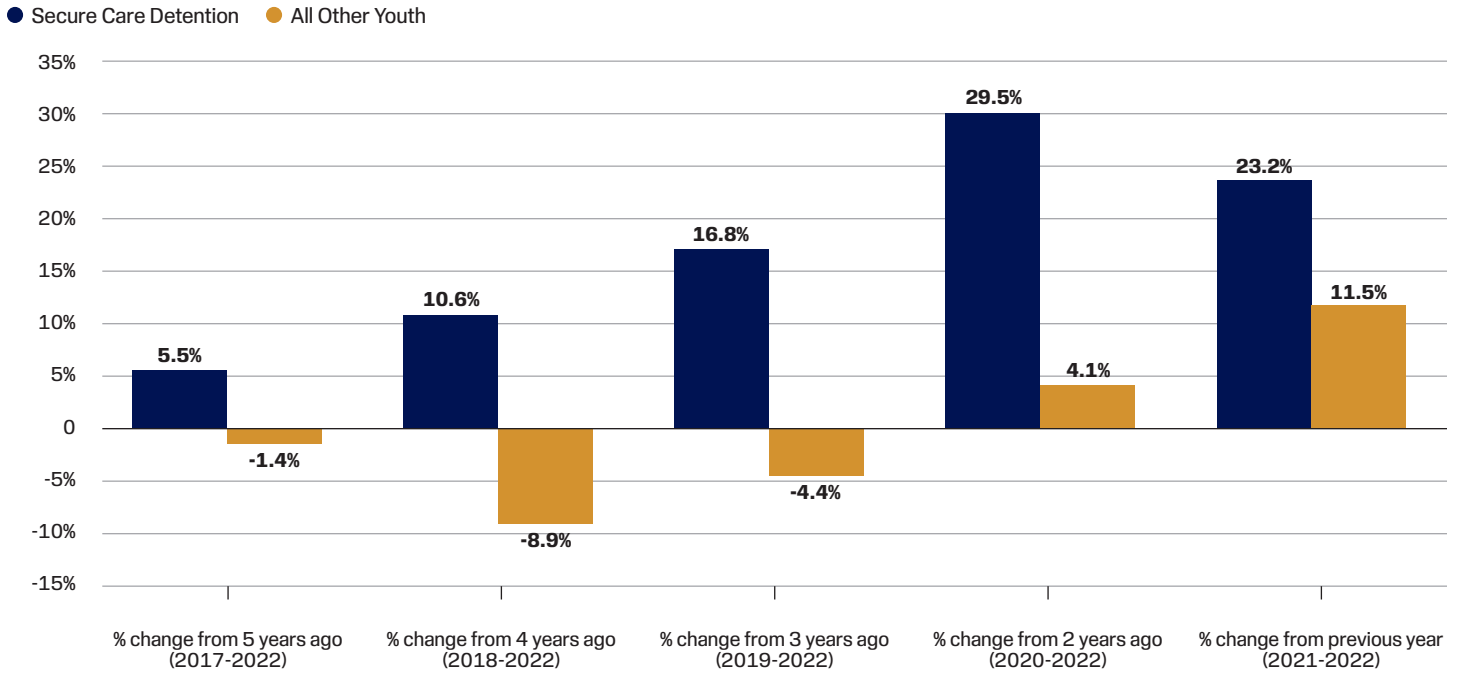
While status offenses are typically nonviolent and have protections in the Juvenile Justice Delinquency and Prevention Act against secure confinement, they can still land a young person in secure or non-secure custody through the use of “valid court order” (VCO) exceptions that give judges discretion to incarcerate.<sup>79</sup> Louisiana used VCO exceptions for 129 cases in FY 2016 and FY 2021 combined.<sup>80</sup> The average FINS case for Louisiana youth in 2017 stayed in custody for eight months (243.9 days).<sup>81</sup> According to data from the Louisiana Supreme Court, informal FINS referrals were most commonly from schools (68%), with truancy as the most common offense (55%).<sup>82</sup>

Technical violations for not strictly adhering to probation terms, like failing to report to a probation officer or not paying court fines, can also land a young person in incarceration. A judge may also issue a VCO as a condition for probation on a status offense – such as requiring school attendance as a probation condition for a truant youth – which creates a more carceral penalty for otherwise nonviolent cases.<sup>83</sup>

Likewise, drug offenses often represent more of a public health concern than a criminal issue, and could be more appropriately addressed through diversionary community resources that provide counseling.<sup>84</sup> Addressing the core issue of substance abuse with access to community-based treatment has shown positive results in lowering crime rates.<sup>85</sup> Altogether, there were 111 young people held in Louisiana juvenile facilities for drug offenses, status offenses and technical violations in 2019, representing 16% (nearly 1 in 6) of youths in residential custody.

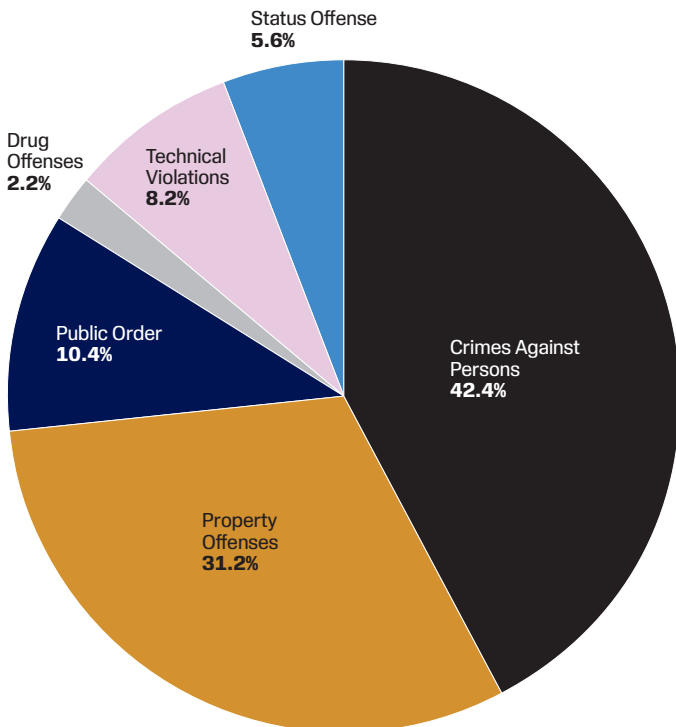
Confinement for these offenses again disproportionately harms Black kids. For drug offenses, status offenses and technical violations, Black incarcerated youth comprised 60%, 69% and 74% of youth confined for drug offenses, status offenses and technical violations, respectively. Thus, at every touchpoint of the system, and across myriad offense types, Black youth are directly harmed by Louisiana's overreliance on incarceration.

## Change in Louisiana Youth Secure Care Usage Rates as of 2022



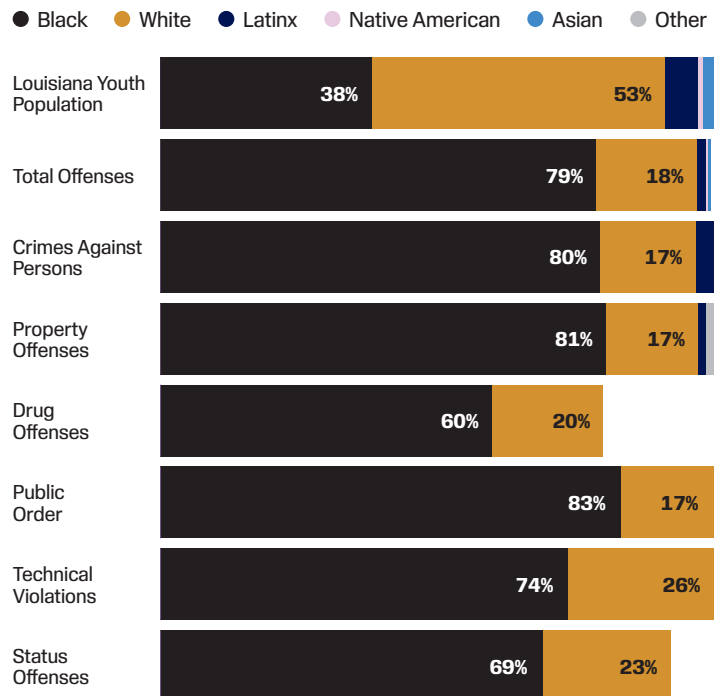
Source: Louisiana Office of Juvenile Justice, Quarterly Juvenile Justice Indicator reports. "All other youth" includes youth in non-secure care and youth designated as "families in need of services."<sup>72</sup>

## Louisiana Youth Incarceration by Offense Type, 2019



Source: U.S. Office of Juvenile Justice and Delinquency Prevention, "Census of Juveniles in Residential Placement: 1997-2019"<sup>86</sup>

## Racial Demographics of Louisiana Incarcerated Youth by Offense in 2019



Sources: U.S. Office of Juvenile Justice and Delinquency Prevention, "Census of Juveniles in Residential Placement: 1997-2019" and "Easy Access to Juvenile Populations: 1990-2020"<sup>76</sup>

“Think about yourself inside of a four-wall box. You go days without showering, you barely eat the food they give you. ... Once you see yourself, you don’t even look like yourself. You’re a whole different person. ... It deteriorates you.”

**D’Angelo  
Davis, formerly  
incarcerated  
at Louisiana’s  
Swanson Center  
for Youth <sup>87</sup>**

## “It Deteriorates You”: The Harms and Costs of Youth Incarceration

“Think about yourself inside of a four-wall box. You go days without showering, you barely eat the food they give you. ... Once you see yourself, you don’t even look like yourself. You’re a whole different person. ... It deteriorates you.”

**D’Angelo Davis**, formerly incarcerated at Louisiana’s Swanson Center for Youth <sup>87</sup>

“Solitary confinement don’t do nothing but make you deteriorate. ... If you’re in solitary confinement, you can’t learn nothing but the way the bricks look around you. And that’ll either turn you into a demon or an anti-social person.”

**Therrin Dew**, formerly incarcerated at Louisiana’s Swanson Center for Youth <sup>88</sup>

These are the words of two young Black men once incarcerated in Louisiana’s juvenile system. It is probably no coincidence that both would describe their experiences as “deteriorating,” given the destructive effects of incarceration. In this section, we outline the numerous harms of incarceration on Louisiana’s young people – including the use of solitary confinement, physical and sexual abuse, education disruption, recidivism, and financial waste.

### Use of Solitary Confinement

Albert Woodfox’s story illustrates the devastating impact of the use of solitary confinement. Among other ills, solitary confinement has been shown to cause severe psychological damage, correlate to premature death after release,<sup>89</sup> and is considered torture by United Nations officials when done excessively.<sup>90</sup> A 2022 investigation by NBC News, the Marshall Project and ProPublica highlighted the shocking use of solitary confinement at Louisiana’s Acadiana Center for Youth at St. Martinville, where children were held in “round-the-clock solitary confinement” and shackled with leg irons.<sup>91</sup> The report was so damning that it helped lead to the state passing restrictions on the use of solitary confinement in youth facilities.<sup>92</sup> Outside of its use as a disciplinary measure in youth facilities, however, concerns have arisen around the use of solitary confinement for youth in adult facilities. Human Rights Watch asserts that youth incarcerated in adult facilities like Angola “are held in solitary confinement to protect them from adults or from one another; they are held in solitary confinement because

officials do not know how else to manage them.”<sup>93</sup>

### Physical and Sexual Abuse

Another harm associated with youth incarceration is the risk of exposure to physical and sexual abuse. A 2022 U.S. Department of Justice report found that sexual victimization is more likely in overcrowded and understaffed facilities like Louisiana’s, due to the higher likelihood of youth sharing confined living spaces with poor supervision.<sup>94</sup> *The New York Times* has also exposed multiple acts of physical violence and rampant sexual abuse from security staff at Louisiana’s Ware Youth Center, even while audits from the state’s Office of Juvenile Justice rated it “highly effective” and in “full compliance” with state standards.<sup>95</sup> Ware has also been the site of multiple suicide attempts. Nationally, the highest cause of death for youth in adult jails has been by suicide,<sup>96</sup> while youth held in adult prisons have the highest suicide rate of any age group.<sup>97</sup>

### Educational Disruption

Youth incarceration can easily disrupt educational progress. State law mandates that all schools provide at least 360 minutes of instructional time per day and 177 days of instruction per year<sup>98</sup> to all youth up to age 19,<sup>99</sup> even if they are incarcerated.<sup>100</sup> However, children’s advocates are deeply concerned with the state’s ability to fulfill its educational requirements, even prompting a letter to the U.S. Department of Education asking for their intervention.<sup>101</sup> As one attorney put it, “We’ve seen OJJ struggle to provide education and fulfill its obligations now with the facilities it currently has. ... If they’re not getting those services they would be getting in the community, then they’re going to return home behind.”<sup>102</sup> These concerns appear warranted. For example, according to the state, the Acadiana Center for Youth at St. Martinville did not initially provide education, and as of 2022 one student there said they only had 45 minutes of daily online instruction.<sup>103</sup> Further, this educational disruption has a lasting impact that can lead to recidivism after students return home from incarceration, as only a third of formerly incarcerated youth re-enroll in school.<sup>104</sup>

### Recidivism

Once a young person is incarcerated, they are often trapped in a continuous cycle of recidivism that returns them to the justice system throughout their lifetime. Research shows that incarcerated youth have higher rates



# 45 MINUTES

**According to the state, the Acadiana Center for Youth at St. Martinville did not initially provide education, and as of 2022 one student there said they only had 45 minutes of daily online instruction.**

**State law mandates that all schools provide at least 360 minutes of instructional time per day and 177 days of instruction per year to all youth up to age 19, even if they are incarcerated.**

of recidivism compared to those who receive probation and community alternatives.<sup>105</sup>

In Louisiana, community supervision dispositions, which include keeping youth with their families where possible, consistently have the lowest recidivism rates for youth in the state youth justice system; secure confinement has higher rates.<sup>106</sup> Incarceration is thus not an effective way to steer young people away from future crime.

### Fiscal Waste

In addition to high recidivism rates, youth incarceration is also a waste of precious taxpayer money. An audit of Louisiana’s Office of Juvenile Justice found that it costs \$428.96 per day to pay for one bed in secure care – an annual expenditure of \$156,570 to detain one child.<sup>108</sup> Given the additional needs of incarcerated youth, such as individualized education and health services, the cost to lock up a young person is a much more expensive way to educate and care for young people – especially for them to receive poorer-quality educational and health care services. Altogether, incarceration in a juvenile facility is over five times more than the cost of locking up an adult in Angola (\$31,025 per year).<sup>109</sup>

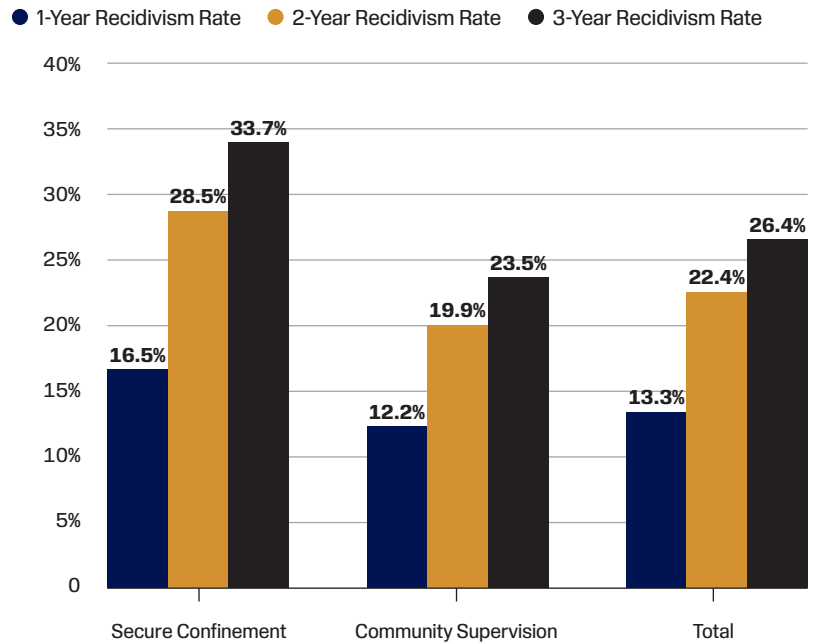
Comparatively, it costs 13 times more in taxpayer money to incarcerate a young person in Louisiana than to educate that same person in Louisiana’s public schools (\$11,722 per year)<sup>110</sup> and more than the full-time tuition, housing and books for Tulane and Louisiana State University combined (\$106,849 per year).<sup>111</sup>

Despite this already high expenditure on the state’s youth justice system, Louisiana plans to funnel even more money into its youth prisons. In 2022, Gov. Edwards submitted a budget of over \$70 million to the Louisiana Legislature to “construct one or more new facilities that are modern, that are small, that are secure, and that can be properly administered by a reasonable number of people.”<sup>115</sup> This investment – which includes \$26 million for a 72-bed facility in Monroe, Louisiana – demonstrates misplaced priorities that do not align with what is best for the state’s young people.

### Potential for Policy Reform

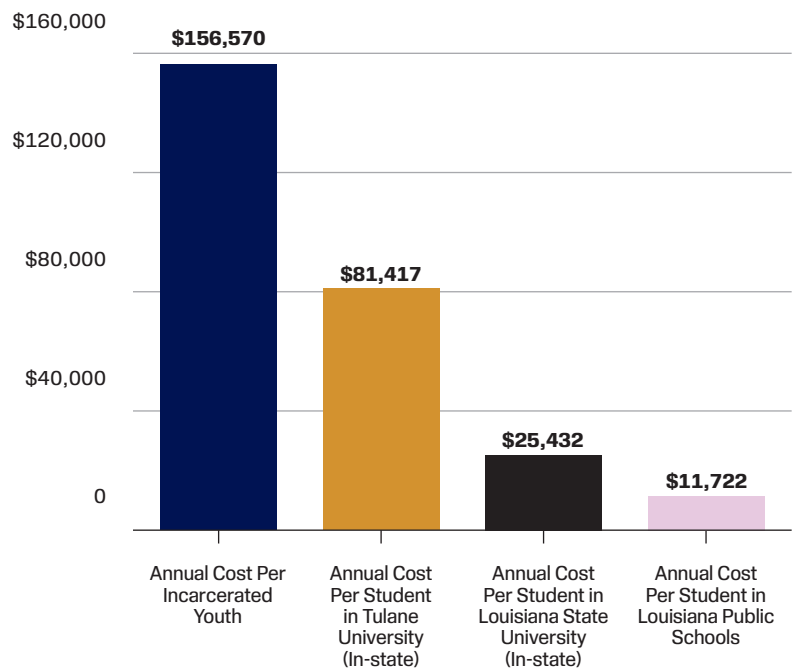
Amid Louisiana’s overreliance on incarceration, there is hope for reform. In response to a damning investigation<sup>114</sup> and subsequent federal lawsuit<sup>115</sup> from the U.S. Department of Justice in the 1990s, the state passed the Juvenile Justice Reform Act of 2003 (Act 1225). This legislation

## Louisiana Recidivism Rates by Custody Method



Source: Louisiana Office of Juvenile Justice, 2021 Recidivism Report <sup>107</sup>

## Annual Cost Comparisons Between Youth Incarceration and Education



Sources: Louisiana Office of Juvenile Justice (incarceration costs); Tulane and LSU websites (college costs); U.S. News & World Report (public school costs) <sup>112</sup>



“Solitary confinement don’t do nothing but make you deteriorate. ... If you’re in solitary confinement, you can’t learn nothing but the way the bricks look around you. And that’ll either turn you into a demon or an anti-social person.”

**Therrin Dew,  
formerly  
incarcerated  
at Louisiana’s  
Swanson Center  
for Youth <sup>88</sup>**

emphasized funding for the “creation and maintenance of a continuum of community-based treatment and supervision programs for youth within the Louisiana juvenile justice system.”<sup>116</sup> The state also ordered the closure of Tallulah Correctional Center for Youth, one of Louisiana’s worst actors.<sup>117</sup>

However, over the last 20 years advocates now largely view the measure as an “unfulfilled promise” where “state leaders abandoned the implementation and evaluation of the law, [and] failed to coordinate services.”<sup>118</sup> Critically, advocates argued that cost savings from the reforms did not get invested in community-based programming,<sup>119</sup> leading to a continued imbalance of youth dispositions toward secure care.

Importantly, reform success is contingent on the development of a continuum of care for Louisiana’s young people that pours critical funding into a variety of community-based services and programming and leaves secure care as the absolute last option available after all others are considered. As outlined in the Families and Friends of Louisiana’s Incarcerated Children-commissioned report *Promoting Justice for Youth in Louisiana*, it is critical that the state meaningfully invest in rehabilitative services that, as often as possible, support youth in their home communities. Such programs can include credible messenger mentoring programs and services focused on crime prevention, intervention and treatment.<sup>120</sup> Federal monies are also available through the U.S. Office of Juvenile Justice and Delinquency Prevention that are designed to support prevention and intervention programs and improve youth justice systems.<sup>121</sup> Thus, rather than continuing to place emphasis on youth incarceration as a solution, it is incumbent upon Louisiana to seize this moment in time to truly provide a system of support and transformation for its young people.

### **Louisiana Residents Support Youth Justice Transformation**

Louisianans understand the need for change in their state’s youth justice system. A 2021 poll of Louisianans shows that they “overwhelmingly favor a youth justice system that focuses on prevention and rehabilitation (73%), with only 26% favoring a system focusing on punishment and incarceration.”<sup>122</sup> The same poll strongly supports initiatives that aim to keep young people out of the system, including the design of “treatment and rehabilitation plans that include a youth’s family in planning and services” with

A 2021 poll of Louisianans shows that they “**overwhelmingly favor a youth justice system that focuses on prevention and rehabilitation (73%), with only 26% favoring a system focusing on punishment and incarceration.**”



83% in favor, and the provision of “financial incentives for states and municipalities to invest in alternatives to youth incarceration in the communities most affected by youth prisons, such as intensive rehabilitation, education, job training, community services, and programs that provide youth the opportunity to repair harm to victims and communities,” with 80% in favor.

# Policy Recommendations

The Southern Poverty Law Center urges Louisiana to take the following actions to transform its broken youth justice system:

## 1. Louisiana should raise the minimum age of juvenile incarceration and prosecution in the state.

For years, Louisiana advocates fought for the state to raise the minimum age at which youth could be prosecuted as adults, a fight they ultimately won – although currently challenged in 2023<sup>123</sup> – for young people up to age 17 who committed nonviolent offenses when Gov. Edwards signed into law the Raise the Age Act in 2016.<sup>124</sup> Louisiana should follow this needed reform by raising the minimum age of juvenile incarceration<sup>125</sup> and prosecution<sup>126</sup> in the state from 10 years of age. Science has consistently found that the human brain does not complete its development until approximately age 25, leaving younger people more prone to impulsiveness, risk-taking, substance abuse and peer pressure.<sup>127</sup> Reflecting this research, given the facts around early brain development, the United Nations recommended that the minimum age of criminal responsibility be at least 14 years old internationally in 2019.<sup>128</sup> There were 36 youths under the age of 14 incarcerated in Louisiana juvenile facilities in 2019.<sup>129</sup> Prosecuting and incarcerating youth not only exposes them to a potentially abusive juvenile system, but also interrupts their education, exposes families to expensive court fines and fees, and jeopardizes citizenship status. Louisiana must reflect international norms and scientific findings and allow kids to be kids outside of youth justice system involvement.

## 2. Louisiana should make nonviolent offenses, especially technical violations, status offenses, and nonviolent drug offenses, non-jailable for juveniles.

Dealing with nonviolent situations with incarceration is harmful, no guarantee to deter future crime,<sup>130</sup> and can be more effectively resolved with counseling and community resources. To the tune of \$156,570 per year to pay for an incarcerated youth, Louisiana's youth justice system is choosing a very expensive route to house, educate and care for children arrested for only nonviolent offenses. The cost of youth incarceration could potentially be reinvested in community-based programs which have a history of success and effectiveness in rehabilitating young people,<sup>131</sup> and be a recommitment to the potential of Act 1225. Also, given the revolving door of recidivism, an unnecessary entrance into the juvenile system for a nonviolent offense could result in a future return to the criminal system later in life – extending major repercussions initiated from incarcerating a minor event.

## 3. Louisiana should invest in community-based alternatives to youth incarceration that prioritize rehabilitation.

Investing in policies and services aimed at keeping young people in their home communities instead of carceral settings can alleviate overcrowded facilities and be more productive toward rehabilitation. Mentoring, counseling for mental health or substance abuse, and diversion programs are all opportunities that

have shown success with young people, alleviated crowded facilities, and lowered recidivism rates. Counseling programs for substance abuse and mental health issues would also provide a substantial benefit, given that as many as 70% of youths in the system have a diagnosable mental health condition.<sup>132</sup> However, these programs have not always had the consistent commitment of funding and resources. State and local officials should be intentional about prioritizing state funding for community-based programs and services and exploring additional funding opportunities from sources like the U.S. Office of Juvenile Justice and Delinquency Prevention.

## 4. Louisiana should completely ban the practice of incarcerating youth in adult facilities like Angola.

Adult jails and prisons do irreparable harm to young people and are not designed to address the unique needs youth have for growth, education, healing and rehabilitation. In fact, Liz Ryan, administrator of the federal Office of Juvenile Justice and Delinquency Prevention, recently affirmed that children “do not belong in adult courts and certainly not in adult jails and adult prisons.”<sup>133</sup> Rather than abuse exceptions to this decree, Louisiana should conduct a wholesale ban on the harmful practice of incarcerating youth in adult facilities – starting with the immediate movement of kids out of Angola.

# Conclusion

“[We are] increasingly concerned about the demonization of these youth in the juvenile justice system. Some leaders in Louisiana have referred to them as ‘dangerous juvenile inmates’ and ‘monsters,’ and [are] advocating for them to be locked up far away from their families and communities. The evidence is clear that this is a dangerous and uninformed perspective. Children – and these *are* children despite the derogatory terms being used to describe them – do not belong in adult courts, jails, and prisons. ... Sadly, moving youth to this maximum security prison complex demonstrates a major reversal for the field of juvenile justice, not only in Louisiana, but nationwide.”

**Liz Ryan, Office of Juvenile Justice and Delinquency Prevention administrator<sup>134</sup>**

Since 2022, dozens of teenagers have been incarcerated in one of the worst prisons in the country. Maximum security prisons are unhealthy and problematic for adults, let alone children. As a result, Louisiana must act urgently to move these young people out of Angola. And beyond this immediate need, Louisiana should swiftly and deliberately act to advance this report’s policy proposals that provide the state an opportunity to take a different approach that is both less expensive for taxpayers and more productive for Louisiana’s Black youth. For all too long, deterioration has been the norm for Louisiana’s incarcerated youth – that should end now.





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