

Suit alleges training school violating rights of children

Group wants notices posted telling students they can speak to lawyer

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Mississippi is violating the constitutional rights of children confined to Columbia Training School by denying them access to civil rights attorneys, a federal lawsuit says.

The Jackson-based Center for Justice and the Southern Law Poverty Center, based in Alabama, filed the class-action lawsuit Tuesday in U.S. District Court in Hattiesburg on behalf of a 14-year-old boy, referred to as K.L.W.

The center's officials said the lawsuit stems directly from a U.S. Department of Justice lawsuit against the state over conditions at Columbia and Oakley juvenile training schools. Justice officials, who filed their lawsuit in December after being unable to reach a consent decree with the state, said children in the two schools, ages 10 to 18, were routinely hit, shackled to poles, sprayed with pepper spray while in restraints, and hog-tied in a cell known as the "dark room."

DHS spokeswoman Idetra Berry said Wednesday that the department has no comment about the center's lawsuit since it had not seen it.

In addition to seeking an injunction to immediately force the schools to change their rules, the center's lawsuit wants posted notices notifying the students of their right to speak to a lawyer and public telephones installed so students can call their attorneys.

The lawsuit was filed for "the class of children whose voices are being silenced by the policy and practices of the Mississippi Department of Human Services," Center for Justice Advocacy Director Leslie Gross said Wednesday.

It was filed after the boy's mother saw bruises on her son during a visit at Columbia, Gross said. The woman said her son was terrified. She said he told her the guard who injured him warned, if he told anyone, there would be retaliation.

The mother contacted the Center for Justice and the Southern Poverty Law Center and asked if they would represent her son, Gross said.

When the mother attempted to arrange a meeting between her son and law center attorneys, Gross said she was told by Columbia's administrator that no attorney, with the exception of the child's defense counsel, would be allowed on campus without a court order.

"This is the practical equivalent of denying her request and violating her child's right to access to the courts," Gross said.

The lawsuit, which presents only one side of the legal argument, says the youth's First Amendment and 14th Amendment rights are being violated. It seeks an injunction to force Columbia and DHS to allow such legal visits with attorneys.

In addition to court costs and attorneys fees, the suit also seeks to:

Require posting of names, addresses, and telephone numbers of the Mississippi Center for Justice and the Southern Poverty Law Center.

Halt harassing, intimidating, punishing or otherwise retaliating against children, including

K.L.W., who ask to speak with lawyers.

While the lawsuit doesn't name the state's other training school, Oakley, Center for Justice attorney David Miller said Oakley has the same policy.

State Rep. George Flaggs, D-Vicksburg, said the second suit came as no surprise to him.

"I have gone the extra mile to have a task force created to make some recommendations to improve conditions at Columbia and Oakley," Flaggs said of his proposed measure that died in both the House and Senate this year.