Litigating Conditions of Confinement: Building Your Toolkit

Gault Center Youth Defender Leadership Summit
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1. **Identify the problem.**
   What do you know?
   How/where did you get this information?
   What risks or harms may be present for youth because of these problems?

Problem	Source of info	Harms/Risks
Youth are being housed in solitary confinement	*Anonymous tip called in to our firm*	*Youth rights being violated, risk of psychological harm*

2. **Gather more information.**
   What do you still need to know?
   Who are the people, agencies, or organizations with the information you need?
   What is the best way to get information from each of these?

Needed info	Source	How to obtain
How many youth are being housed in the "behavior modification" unit?	*Office of Juvenile Affairs*	*Open records request*

PAUSE: Will seeking information through these avenues place any youth at increased risk? If so, what are the risks and how can you mitigate these? Ask yourself: Should you proceed?

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3. **Consider the role of litigation.**
   Does this impact one child, or many?
   What kind of relief would help? What is available?
   Who can you partner with to think through the issues and broader-scale litigation? Who do you need to consult?

Potential Form of Litigation	Thought Partners	Litigation Partners
Habeas Writ, 1983 suit	*Gault - Conditions of Confinement Working Group*	*Juvenile-advocacy org, Firm willing to work pro bono*

PAUSE: Will litigating conditions of confinement place any youth at increased risk? If so, what are the risks and how can you mitigate these? Ask yourself: Should you proceed?

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4. **Develop a media strategy.**
   Who should know about problems with conditions of confinement? (Identify your target audience.)
   Why should they care/which issues will resonate with them? (Identify your hook.)
   What is the best way to reach your audience?

Target audience	Hook	Media outlet
Parents and teachers	*The state is harming children*	*Social media (FB +Instagram)*

PAUSE: Will your proposed media strategy place any youth at increased risk? If so, what are the risks and how can you mitigate these? Ask yourself: Should you proceed?

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5. **Set the foundation for developing a legislative or policy reform strategy.**
   Which issues should be resolved through legislation or policy change?
   What governing body has the power to make these changes?

Change needed	Governing body
Statutory definition of "solitary housing" needs expanded	State legislature

Which other groups are working on your identified issues (or might be interested in doing so)?
How are these groups collaborating, or is a more formalized partnership/coalition needed?
Which legislator/policymaker relationships can you leverage? (This is where the conversation begins!)

Potential partner	Coalition membership/Collaborative leadership	Legislative/Policy ally
Oklahoma Policy Institute	JOY Coalition	Senator Smithson