

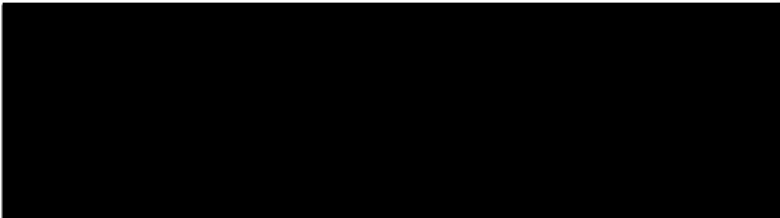
WARE YOUTH CENTER

3565 Hwy. 71
COUSHATTA, LOUISIANA 71019

JOEY L. COX
EXECUTIVE DIRECTOR

(318) 932-4411
FAX (318) 932-6940

November 22, 2019



Re: Public Records Request

Dear Ms. [REDACTED]:

As the custodian of records for and executive director of Ware Youth Center ("Ware"), I, Joey Cox, on November 15, 2019, pursuant to which you requested "Any and all information concerning or detailing deaths of inmates while in custody, For and including the years 2014 to 2019." Pursuant to the Louisiana Public Records Law, I offer the following response to your request.

LSA - R.S. 44:1 (2) (A) defines "public records" and specifically states that a record is not public when it is excepted as "otherwise provided in this Chapter or the Constitution of Louisiana."¹ LSA - 44:4.1 (B) (39) provides additional exceptions, exemptions, and limitations to the public records law under the Louisiana Children's Code.² Pursuant to Louisiana Children's Code article 412, all juvenile records are generally confidential. Such records include records or reports created by all officials, agencies, institutions,

¹ See e.g. *Mitchell v. Greenburg*, 640 SO. 2d 1367, 1367 (La. App. 1st Cir. 1994).

² LSA - R.S. 44:4.1 (B):

The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

...

(39) Children's Code Articles 328, 404, 412, 424.6, 424.9, 441, 543, 545, 615, 616, 616.1, 663, 737, 793, 888, 891, 893, 920, 921, 922, 1007, 1106, 1107, 1185, 1186, 1187, 1207, 1213, 1229, 1235, 1252, 1273, 1283.5, 1283.10, 1416, 1453, 1568.

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law enforcement officers and include pleadings, exhibits, reports, minute entries, correspondence and other documents.³ Additionally, under LSA - R.S. 44:3 (A) disclosure of records held by correctional agencies are not subject to the Louisiana Public Records Law.⁴ LSA - R.S. 15:574.12 also provides that any information obtained or gathered by youth services is confidential and shall not be subject to public inspection. Furthermore, medical records are also protected under HIPPA.⁵ Finally, any investigative reports by or from any other authority which investigated any "deaths of inmates while in custody" are not within the custody and control of Ware.

Yours very truly,



Joey Cox
Executive Director

JC:ml

³ LA. CHILD CODE ANN. Art. 920 & 921.

⁴ LSA - R. S. 44:3 (A):

Nothing in this Chapter shall be construed to require disclosure of records, or the information contained therein, held by the offices of ... correctional agencies"

See also LSA - R. S. 15:1091 and LSA - R. S. 15:1097, et seq. (Ware Youth Center is a statutorily created political subdivision under Title 15 - Criminal Procedure, Chapter 7 - Prisons and Correctional Institutions, Part XI - Regional Juvenile Facilities created with the purpose of providing rehabilitative programs for juvenile offenders.).

⁵ Health Insurance Portability and Accountability Act of 1996, Pub.L. 104-191, Aug. 21, 1996, 110 Stat. 1936