

[Home](#) » [Briefing Room](#) » [Justice News](#)

JUSTICE NEWS

Department of Justice

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FOR IMMEDIATE RELEASE

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Justice Department Files Lawsuit in Mississippi to Protect the Constitutional Rights of Children

Department Seeks Declaratory, Injunctive and Equitable Relief against City of Meridian, Lauderdale County and Mississippi Division of Youth Services

The Justice Department filed a lawsuit today against the city of Meridian, Miss.; Lauderdale County, Miss.; judges of the Lauderdale County Youth Court; and the state of Mississippi alleging that the defendants systematically violate the due process rights of juveniles.

The litigation seeks remedies for violations of the Fourth, Fifth and 14th amendments of the U.S. Constitution. The complaint alleges that the defendants help to operate a school-to-prison pipeline in which the rights of children in Meridian are repeatedly and routinely violated. As a result, children in Meridian have been systematically incarcerated for allegedly committing minor offenses, including school disciplinary infractions, and are punished disproportionately without due process of law. The students most affected by this system are African-American children and children with disabilities. The practices that regularly violate the rights of children in Meridian include:

- Children are handcuffed and arrested in school and incarcerated for days at a time without a probable cause hearing, regardless of the severity – or lack thereof – of the alleged offense or probation violation.
- Children who are incarcerated prior to adjudication in the Lauderdale County system regularly wait more than 48 hours for a probable cause hearing, in violation of federal constitutional requirements.
- Children make admissions to formal charges without being advised of their *Miranda* rights and without making an informed waiver of those rights.
- Lauderdale County does not consistently afford children meaningful representation by an attorney during the juvenile justice process, including in preparation for and during detention, adjudication and disposition hearings.

“The department is bringing this lawsuit to ensure that all children are treated fairly and receive the fullest protection of the law,” said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. “It is in all of our best interests to ensure that children are not incarcerated for alleged minor infractions, and that police and courts meet their obligations to uphold children’s constitutional rights.”

The department issued findings on Aug. 10, 2012 after a comprehensive investigation that began in December 2011. The department found reasonable cause that the defendants were violating Section 14141 of the Violent Crime Control and Law Enforcement Act of 1994, which prohibits a pattern or practice of deprivation of civil rights in the administration of juvenile justice. In its findings letter, the department stated its willingness to engage in meaningful negotiations to remedy the identified violations, but defendants did not timely engage in such negotiations.

“It is disappointing that the local and state government agencies involved in the administration of juvenile justice in Lauderdale County have not worked cooperatively with the Justice Department to resolve these violations,” said Gregory Davis, U.S. Attorney for the Southern District of Mississippi. “The U.S. Attorney’s Office is committed to making sure that children in the Lauderdale County juvenile justice system are treated in accordance with the Constitution.”

This investigation was conducted by the Civil Rights Division’s Special Litigation Section, working in conjunction with the U.S. Attorney’s Office for the Southern District of Mississippi. The Civil Rights Division’s Educational Opportunities Section also has a long-standing school desegregation case against the Meridian Public School District. The district is currently working cooperatively with the department to resolve issues in that case.

The Justice Department, including U.S. Attorney Gregory Davis and Deputy Assistant Attorney General Roy Austin, will be hosting a telephonic community conference call open to members of the public on Thursday, Oct. 25 from 7:30 – 8:30 p.m. CDT. The purpose of this call is to provide community members with information about the investigation and complaint. To participate in the call, dial the following toll-free number: 888-989-9731 and when prompted by the operator, provide your name and the pass code: 7015490.

For more information on the Justice Department’s Civil Rights Division, please visit www.justice.gov/crt. The public may contact the department generally about this matter by calling toll-free at 1-855-544-5131, or send an email to Community.Meridian@usdoj.gov.

12-1281

Civil Rights Division