

Louisiana Lacks Standards to Protect Children Held in Converted Shipping Containers

An Advocacy Paper on Behalf of Louisiana's Children
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Louisiana United Methodist Children and Family Services, Inc.
Serving Louisiana's Children and Families for 122 Years
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EXECUTIVE SUMMARY

That Louisiana would allow the unregulated use of converted shipping containers for detention, secure care, or prison cells for children seems surreal. Now, the safety and well-being of Louisiana's children require that Louisiana promulgate Minimum Licensing Standards controlling the use of shipping containers converted into prison cells for children.

A concern related to this emerging practice is that using relatively inexpensive shipping containers will spread throughout Louisiana's facilities that detain and incarcerate children. Louisiana lacks beds because it has failed to build and maintain appropriate permanent facilities. Shipping containers are a risky shortcut to solving the problems Louisiana creates by neglecting necessary Child Well-being Infrastructure.

*First, consider the essential question: **Should converted shipping containers be used for housing children?** The answer most respectful of children's physical and emotional well-being would be: **No, converted shipping containers should not be used for the incarceration of children.***

However, faced with too few beds and subpar facilities, authorities over children often do what they deem necessary in the name of expediency. Expedient authorities may harm children who are held in shipping containers converted, installed, used, and maintained without proper regulatory standards.

Louisiana requires Minimum Licensing Standards that address the use of converted shipping containers for the detention and incarceration of Louisiana's children.

Minimum Licensing Standards Protect Children

Minimum Licensing Standards for children's services ensure safety and proper care. Minimum Licensing Standards are clear rules for those responsible for the well-being of children related to details such as physical space, staff qualifications, and operating practices to ensure children are held in facilities that are safe, rehabilitative, and nurturing of normal childhood development. Minimum Licensing Standards help ensure children are treated properly, without neglect or abuse. They ensure that services are held accountable to a common set of rules, which helps build the public's trust. Additionally, by meeting Minimum Licensing Standards and undergoing routine inspections to ensure compliance, providers may be pushed to improve, become more professional, and create better outcomes for children.

Importantly, when a new service is created or a new way of delivering a service arises for which no standards exist, it is essential that the state agencies responsible for the safety and well-being of children promulgate new standards to regulate the emerging service or method.

Regulatory agencies create *Minimum Licensing Standards* for children’s services to ensure that providers and their services meet essential health, safety, and well-being benchmarks.

While a state may waive standards in a crisis, as Louisiana has recently done, to ensure a particular service is available to citizens, such waivers do not and cannot silently approve providers’ disregard for *Minimum Licensing Standards*. *Minimum Licensing Standards* are not bureaucratic hurdles. They are essential tools in a state’s efforts to safeguard children and maintain a robust Child Well-being Infrastructure.

Louisiana Requires Standards for Shipping Container Housing

Louisiana has no standards for the temporary or permanent use of converted shipping containers for the detention or incarceration of children.

Louisiana lacks *Minimum Licensing Standards* for converted shipping containers used as jail cells for children, but this is not a fault—yet. Such licensing standards have never been required—until now.

For the most part, Louisiana’s children have been detained in permanent buildings with bedrooms and cells designed in compliance with Louisiana’s juvenile correctional facility licensing standards to ensure the proper care of children in an environment conducive to their rehabilitation.

Without the control of *Minimum Licensing Standards*, the indiscriminate use of inexpensive shipping container conversions may harm children’s health and well-being. Also, should they be perceived as an unregulated, cost-effective method of housing children, the use of converted shipping containers may spread quickly throughout the state’s juvenile detention and incarceration facilities.

Shipping Container Conversions Reported in Louisiana

Senator Regina Barrow and Louisiana State Child Ombudsman Judge Kathleen Richey spoke during the April 15, 2024, meeting of the Baton Rouge Press Club. Ombudsman Richey stated,

“Recently, I made a tour of a facility in Jackson Parish where there are 52 children being held, and the plan that the parish has is to put these children into what are called ‘container units.’ It is essentially a tractor-trailer unit, like the 18-wheelers, and the plan is to put six children per container.”¹

Louisiana has no *Minimum Licensing Standards* that address the conversion of shipping containers into juvenile detention or incarceration cells. Today, with at least one juvenile jail planning such a conversion to increase occupancy, the State of Louisiana must ensure that new licensing

standards address this practice. Remember: proper licensing standards protect the safety, health, well-being, and rights of detained and incarcerated children.

The unregulated or unlicensed use of converted shipping containers for juvenile detention and incarceration will create unnecessary risks related to safety, adolescent development, and nonstandard care of juveniles.

About Shipping Container Conversions

Shipping containers are ubiquitous and reused with good results in many settings. They are used for secure storage on construction sites and buried as underground tornado shelters. Architects' designs turn clusters of containers into modular housing. Stacked and lined up, they have been used to construct border fences in Arizona and Texas between the United States and Mexico ².

Shipping containers have also been converted for incarceration. The largest shipping container prisons were established in Western Australia at Canning Vale Prison in 1999 ³; by the United States at Camp Delta at the U.S. Navy Base, Guantánamo Bay, Cuba, for the detention of suspected terrorists after 9/11 ⁴; and in New Zealand at The Rimutaka Prison Container Project ⁵. These converted container prisons for adults faced problems, including public perception, corrosion, and extreme cell temperatures.

Louisiana's conversion of shipping containers for children's living quarters was recently reported by the Louisiana Office of Child Ombudsman regarding findings at a Jackson Parish juvenile facility. ¹

Perhaps the essential question is this: Should shipping container conversions be permitted for children's living environments?

Licensing Standards for Shipping Container Conversions are Rare

Louisiana's current licensing standards for juvenile detention facilities are published and enforced by the Louisiana Department of Children and Family Services. The Louisiana Office of Juvenile Justice will begin licensing these facilities in July 2024. ⁶

The Office of Juvenile Justice is accredited by the American Correctional Association. In 2023, the Louisiana Office of Juvenile Justice received the Golden Eagle award from the American Correctional Association in recognition of the Office of Juvenile Justice accrediting every component within their area of responsibility. ⁷ According to the American Correctional Association, "the Golden Eagle award represents the highest commitment to excellence in correctional operations and the dedication ... to enhancing public safety and the well-being of incarcerated individuals." ⁸

OJJ's high standing with the American Correctional Association makes that organization seem a likely source for information regarding shipping container conversions. However, the American Correctional Association does not offer standards related to converted shipping containers.

According to Mr. David Haasenritter, Director of Standards & Accreditation for the American Correctional Association, the Association has no standards for shipping container conversions. He stated that accrediting shipping container conversions would require meeting the same quality standards as permanent construction. (D. Haasenritter, personal communication, April 22, 2024)

Louisiana's Minimum Licensing Standards Do Not Address Shipping Containers

In 2010, Louisiana's legislature promulgated a state licensing and inspection law for juvenile detention centers (*RS 15:1110*) that requires the facilities to be licensed by the Department of Children and Family Services because the Legislature desired "to protect the health, safety, and well-being of the children of this state who are placed in juvenile detention facilities."⁹ This regulation does not appear to apply to parish jails that incarcerate children.

After three years of work with stakeholders from the Office of Juvenile Justice and state public safety and corrections organizations to establish uniform licensing standards, on July 1, 2013, Louisiana's Department of Children and Family Services began licensing our state's juvenile detention facilities. The current standards, dated October 1, 2022, are available at:

https://www.dcf.louisiana.gov/assets/docs/searchable/Licensing/Residential/2022/20221001_Juvenile_Detention_Regulations.pdf.¹⁰

Louisiana's original *Juvenile Detention Standards* do not mention using shipping containers for detention or incarceration purposes. No revision includes standards for shipping container conversions.

While work on the missing *Minimum Licensing Standards* should begin immediately, some may believe there remains too little time before July 1, 2024, for the Department of Children and Family Services to study the use of shipping containers and promulgate new *Minimum Licensing Standards*, even for a narrow matter such as converted shipping containers. However, even if they are unavailable by July 1, 2024, work on the missing standards will at least have begun and will be continued and completed by the Office of Juvenile Justice.

Licensing Standards Enhance Safety

Whether DCFS or OJJ ultimately promulgates licensing standards for shipping container conversions and enforces adherence, **Louisiana's children require these standards if shipping container incarceration will be permitted.** Licensing standards for juvenile facilities are designed to enhance the safety and well-being of children. Without standards, children are at risk.

Juvenile justice licensing standards generally seek to prevent inadequate supervision and staffing, assure access to health care, prevent poor living conditions, reduce risks of abuse, prevent educational neglect, require rehabilitative programming, and prevent psychological harm.

Considerations for Shipping Container Minimum Licensing Standards

Standards for temporary cells are even more important than standards for permanent facilities. The questions below provide an incomplete list of matters that *Minimum Licensing Standards* for converted shipping containers should address:

1. May previously used shipping containers be used, or must all shipping container conversions begin with new, unused shipping containers? If unused, who will verify the CSC plates?
2. Regarding the condition of containers acquired for conversion, have they been certified to be free of toxic substances from spillage if they have been previously used? Must previously used shipping containers be entirely free of physical damage and corrosion?
3. Must designs or remodeling plans be created by an architect?
4. Before use, must the converted containers be inspected and approved by the Office of State Fire Marshal and Office of Public Health?
5. What are the requirements regarding encumbered and unencumbered floor space for individual cells?
6. What is the minimum ceiling height for safety? (*Current juvenile detention standards require 10 feet between the floor and ceiling in sleeping areas.*)
7. Must each individual cell have a window of particular dimensions?
8. Will there be individual cells with independent doors for each or will beds be in one large room?
9. What Louisiana standards for the care of children regulate the use of converted shipping containers?
10. How will insect and rodent infestations and the presence of reptiles and mammals be controlled?
11. Will the cells be properly insulated against heat and cold?
12. To prevent suicide by hanging or strangulation, will there be no ligature points; and by laceration, will all sharp edges left from cutting torches be removed?
13. How will humidity and the resulting rust and corrosion be controlled?
14. Will the converted containers be “wet” or “dry” (with or without toilets)?
15. If wired for lights and electrical power, how will the risk of electrical shock be eliminated in a metal container?
16. Will the metal containers be properly grounded and protected against lightning strikes?
17. Will the containers’ ventilation, heating, and cooling be correct? (*Even eight years after opening the container prison at Rimutaka, prison officials struggled to solve the problem of temperature—and New Zealand has a mild climate compared to Louisiana’s summer heat.*⁵)
18. Are there lessons for juvenile justice officials to glean from Louisiana’s existing *Minimum Licensing Standards*, the American Correctional Association’s accreditation guidelines, or other container prison installations such as Camp Delta at Guantánamo Bay, the Rimutaka Prison Container Project in New Zealand, or Canning Vale in Western Australia?
19. How near must the shipping container units be to bathroom facilities?
20. How will correctional staff directly supervise children who are held in shipping containers?
21. How high above the base elevation must the shipping container be located to avoid flooding?

Louisiana’s new standards must also recognize that not all shipping containers are alike. For example, *CONEX boxes*, *cargo containers*, *shipping containers*, and *sea containers* all refer to the same type of standard, Chinese-made, rust-resistant Corten® steel box used for shipping goods worldwide. These boxes have reinforced corners and base pockets for forklift trucks. If they are currently being used for shipping cargo, they undergo regular inspections and certifications to ensure they are safe for transporting freight. These inspections and certifications are noted on a CSC plate that must be attached to a certified container.¹¹

If Louisiana permits facilities to use converted shipping containers as temporary or permanent housing for children, Louisiana must promulgate Minimum Licensing Standards to regulate their use.

Certified shipping containers are sturdy enough to be used as modular building blocks. However, similar metal storage boxes used for storage and transportation are unsuitable for habitable conversions because they lack the same level of structural reinforcement. Metal storage boxes typically use lower-grade, thinner steel with less resistance to weather and corrosion. This distinction matters in localities with funding constraints because, depending on age and condition, a used shipping container may cost more or less than a metal storage container.

The use of shipping containers for juveniles is so new that licensing authorities must study these matters before adequate *Minimum Licensing Standards* may be drafted to address the unique nature of shipping container conversions and the concerns they raise for the safety and well-being of the children they contain.

Minimum Licensing Standards are Necessary

Suppose Louisiana does permit the use of converted shipping containers for juvenile detention and incarceration beds. In that case, Louisiana owes it to the children held in these temporary facilities to ensure that the converted containers meet Louisiana’s *Minimum Licensing Standards* for shipping container prisons – standards that do not exist.

Without *Minimum Licensing Standards*, facilities are free to implement shipping container jails as they wish. Some facilities may invest significantly in their installations, and the results may exceed those of some currently licensed permanent detention settings in the state. Unfortunately, if Louisiana does not establish *Minimum Licensing Standards* for converted shipping containers, other facilities without sufficient financial resources may create dangerous conversions as a cheap way to increase bed space. Internet search engines provide examples of both extremes around the world.

For the safety and well-being of Louisiana’s detained and incarcerated children, the responsible licensing agencies and authorities must study shipping container conversions, draft *Minimum Licensing Standards* for their use, and promulgate the standards as requirements.

A recent headline in *The Advocate* reads, “17-year-olds arrested in Baton Rouge to go to Jackson Parish due to problems with local jail.”¹² We know Louisiana’s recent history of shipping children around the state because our current facilities fail to meet their needs. The periodic shuffling of children around our state, because facilities and services are inadequate, is a sure sign that Louisiana’s juvenile justice system is on the dangerous edge of a precipice. For too long, Louisiana has neglected the construction and routine maintenance of sufficient, safe detention and incarceration facilities for our children.

As inadequately as Louisiana has built and maintained our state’s permanent facilities, the unregulated use of converted shipping containers without oversight will place children at even greater risk of physical and emotional harm. Quality facilities are an essential element of Child Well-being Infrastructure.

Conclusion

If Louisiana permits the use of converted shipping containers for juvenile detention and incarceration, then—to prevent harm to children—Louisiana must also develop and promulgate *Minimum Licensing Standards* to regulate the conversion and use of shipping containers as cells in Louisiana’s juvenile detention centers, jails, prisons, and all other locations where children may be held.

With a recent public report of a Louisiana facility already at work converting containers, the State of Louisiana must promulgate *Minimum Licensing Standards* for shipping container conversions as soon as possible.

Resources

- 1 “Kathleen Richey and State Senator Regina Barrow | Foster Children | Press Club | 04/15/2024” YouTube, uploaded by Louisiana Public Broadcasting, 15 April, 2024, https://www.youtube.com/watch?v=_rQBOjyZc5w 09:44-10:09
- 2 Snow, Anita and Franklin, Ross. “Arizona Gov. Ducey stacks containers on border at term’s end.” *AP News*, December 11, 2022, <https://apnews.com/article/politics-arizona-doug-ducey-united-states-government-katie-hobbs-4e5730c50ba665b51a6d6afaf99c46ee> Accessed May 13, 2024.
- 3 Gross, Daniel A. “The Rise of the Prefab Prison: Repurposed shipping containers and semi-trailers are finding a new life--as jails.” *Bloomberg*, January 9, 2018, <https://www.bloomberg.com/news/articles/2018-01-09/inside-a-prefab-missouri-jail-made-of-semi-trailers> Accessed May 13, 2024.

“These are metal boxes which are designed to go to sea,” said Australian architect and criminologist, Elizabeth Grant, who has studied the design of hundreds of correctional institutions. The containers soon corroded, and, without insulation, they provided little protection from cold or heat. “You’ve got people in metal boxes sitting out in extreme weather.”
- 4 Kenber, Billy. “Guantanamo Bay prison camp still at work on its image”. *The Washington Post*, 13 Oct. 2013, https://www.washingtonpost.com/lifestyle/style/guantanamo-bay-prison-camp-still-at-work-on-its-image/2013/10/13/a937767a-2619-11e3-ad0d-b7c8d2a594b9_story.html Accessed May 13, 2024.
- 5 Grant, E. (2013) “Pack ‘em, rack ‘em and stack ‘em: The appropriateness of the use and reuse of shipping containers for prison accommodation”, *Australasian Journal of Construction Economics and Building*, 13 (2) 35-44
- 6 *LA. REV. STAT. § RS 15:1110.3 (2023)* requires that beginning July 1, 2024, all juvenile detention facilities, including facilities owned or operated by any governmental, for profit, nonprofit, private, or public agency, shall be licensed and regulated by the Office of Juvenile Justice.
- 7 Division of Administration, State of Louisiana. “Youth Services,” *Executive Budget Supporting Document [FY 2014-2015]*. 2014, https://doa.louisiana.gov/media/gukj4x0c/08c_youth_services.pdf Accessed May 16, 2024.

“The American Correctional Association (ACA) presented the Golden Eagle Award, its highest honor for commitment to excellence, to the Louisiana Office of Juvenile Justice (OJJ) for its work in achieving ACA accreditation in all of its units, including its three secure care facilities (and one satellite facility), 11 regional field services offices (and one sub-office) and the central office in Baton Rouge.”

- 8 Golden Eagle Award. American Correctional Association.
https://www.aca.org/ACA_Member/ACA/ACA_Member/Standards_and_Accreditation/SAC_GoldenEagleAward.aspx Retrieved May 16, 2024.
- 9 *LA. REV. STAT. § RS 15:1110 (2010)* requires Louisiana’s juvenile detention facilities to be licensed by DCFS because the Legislature desired “to protect the health, safety, and well-being of the children of this state who are placed in juvenile detention facilities.” On July 1, 2024, the licensure of juvenile detention facilities will revert to OJJ.
- 10 Department of Children and Family Services. (October 1, 2022). *Juvenile Detention Standards*.
https://www.dcfs.louisiana.gov/assets/docs/searchable/Licensing/Residential/2022/20221001_Juvenile_Detention_Regulations.pdf.
- 11 Bureau International des Containers et du Transport Intermodal. *CSC Combined Data Plate*. <https://www.bic-code.org/csc-combined-data-plate/> Retrieved May 16, 2024.
- 12 Sloan-Turner, Patrick. “17-year-olds arrested in Baton Rouge to go to Jackson Parish due to problems with local jail.” *The Advocate*, 19 Apr. 2024,
https://www.theadvocate.com/baton_rouge/news/crime_police/baton-rouge-17-year-olds-will-go-to-jail-in-jackson-parish/article_3097f3c0-fe8f-11ee-8554-dfef8cfbf5a1.html.

Keywords and Phrases

American Correctional Association, Canning Vale, cargo container, CONEX boxes, container box, container prison project, CSC plate, Department of Children and Family Services, freight container, Golden Eagle Award, Guantanamo Bay, intermodal container, ISO container, juvenile detention, juvenile incarceration, Louisiana State Child Ombudsman, minimum licensing standards, modular accommodation, modular detention, Office of Juvenile Justice, Office of Public Health, Office of State Fire Marshal, Rimutaka, sea can, shipping container