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# Louisiana Models for Change Initiative Background Summary

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## **Louisiana Models for Change Initiative Background Summary**

### **Background and Introduction**

In 2005, Louisiana was selected by the MacArthur Foundation as the third state to participate in the *Models for Change - Systems Reform in Juvenile Justice* initiative. The goal of the Models for Change (MfC) initiative is to accelerate the pace of reform in targeted states with the aim that they will become successful models for change in policy and practice that other states would emulate.

This summary provides a history of statewide reform efforts, examines Office of Youth Development (OYD) successes/priorities in this regard, provides a brief overview of Louisiana's juvenile justice system and the patchwork of funding that supports it, and also briefly examines issues related to disproportionate minority involvement (a primary focus of the Foundation's efforts nationally). Demographic and juvenile arrest data are also summarized as are data on OYD custody and supervision trends.

### **History of Juvenile Justice Reform Efforts in Louisiana**

The Louisiana juvenile justice system – particularly its conditions of confinement – have been the subject of intense scrutiny since the mid-1990's. A brief chronological history – including recent reform efforts – is provided below:

- Following a 1995 Human Rights Watch report that was highly critical of the conditions in which children were confined in Louisiana,<sup>1</sup> the U.S. Department of Justice (DOJ) and the Juvenile Justice Project of Louisiana (JJPL) filed a lawsuit against the state in 1998, charging OYD with chronically abusing and mistreating its incarcerated juvenile population.<sup>2</sup> At the time, Louisiana had approximately 1,600 youth in secure custody—the second highest rate of incarceration in the country. In 2000, the DOJ, private plaintiffs and the State of Louisiana entered into a settlement agreement, which was subsequently amended in 2003 and 2004.<sup>3</sup>

- In 2001, the State Legislature created the *Louisiana Juvenile Justice Commission* (JJC) to “recommend meaningful improvements in juvenile justice at all levels of state government and public involvement.”<sup>4</sup> Following a period of study—including an analysis by Casey Consulting that advised shutting down one of the State’s secure facilities and using the savings to expand community alternatives—JCC’s Advisory Board issued a report in 2003, recommending that the system be restructured to better facilitate expanded development of community-based interventions; expand the use of diversion; better integrate prevention, education and treatment services; improve the legal process as it impacts children and families; and restructure and improve the financing of juvenile indigent defense.<sup>5</sup>
- In 2003, the State Legislature passed legislation (*Act 1225*) that established a framework and set in motion work to transform Louisiana’s juvenile justice system in line with many of the recommendations contained in the Casey and JCC/Advisory Board reports, including:<sup>6</sup>
  - ✓ closure of the OYD secure facility in Tallulah;<sup>7</sup>
  - ✓ re-establishment of the Children’s Cabinet;
  - ✓ creation of the statewide juvenile justice planning and coordination board;
  - ✓ development of a periodic review process for youth in OYD custody;
  - ✓ development of a plan for creating a single state agency to better serve children and families; and
  - ✓ development of the Louisiana Children, Youth and Families Investment Fund.

Act 1225 also created the Juvenile Justice Reform Act Implementation Commission, which is responsible for implementation of the recommendations contained in the Act.

- In 2004, the State Legislature officially separated Youth Services, Office of Youth Development from Correctional Services (*Act 7*).
- In 2004, the State Legislature passed *Act 555* that mandates the establishment of Children and Youth Planning Boards in each judicial district. The Children’s Cabinet was given the responsibility to facilitate the creation of these boards and to provide technical assistance to them on an ongoing basis.
- In 2005, the State Legislature passed *Senate Bill 323* that restructures the Louisiana Indigent Defense Assistance Board (LIDAB) and empowers it to collect information regarding workloads, resources and expenditures. SB 323 further provides uniform definitions of a case and criteria for determining indigency and has the potential for setting the groundwork for further reforms in future years.

- In late 2005, OYD released its *Youth Services Strategic Plan 2006-2111*. The strategic plan emphasizes a number of concepts critical to realizing juvenile justice reform aligned with its mission and vision including regionalization, safety, family involvement, community partnerships, broadening the continuum of care, and addressing issues of disproportionate minority contact within the system. The plan also highlights performance measures and timelines for achieving them that OYD will use to measure progress on the plan.<sup>8</sup>
- In December 2005, OYD initiated its *Court Empowerment Program*, which is a \$2.6M program to fund local prevention and diversion programs for “non-adjudicated” youth as described in its Strategic Plan under Initiative Two (Family Involvement). Each local juvenile jurisdiction will receive between a minimum of \$6,250 and a maximum of \$149,999 based on the number of juvenile filings in 2004 as reported by the Louisiana Supreme Court. Judges are encouraged to take the lead in working with key local stakeholders including district attorneys, law enforcement and local planning boards in determining how these funds are to be used.<sup>9</sup>

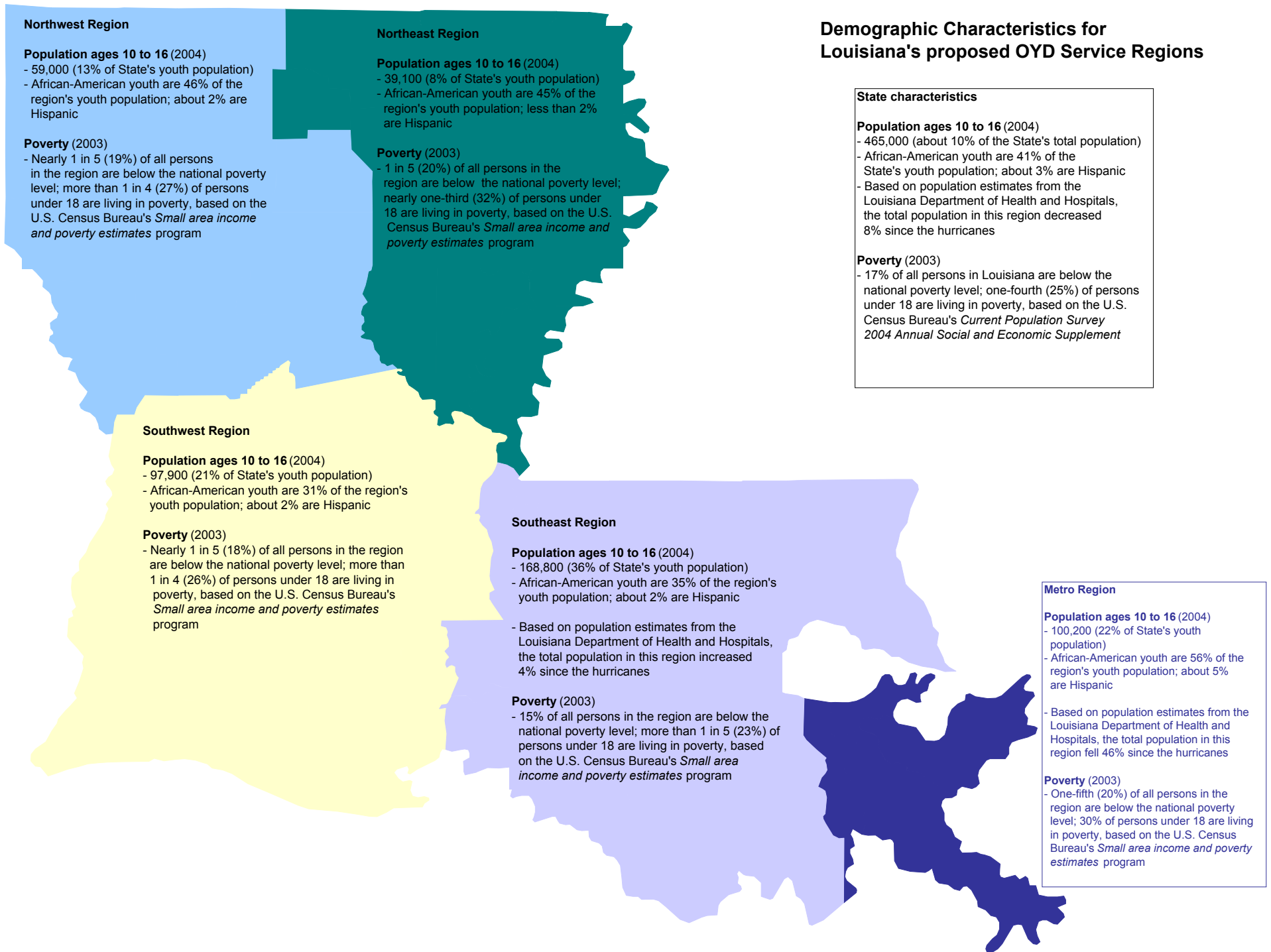
### **Demographic and Arrest Profiles**

Charts displayed in the following pages highlight selected demographic and juvenile arrest data by OYD service regions. Statewide highlights are also provided.

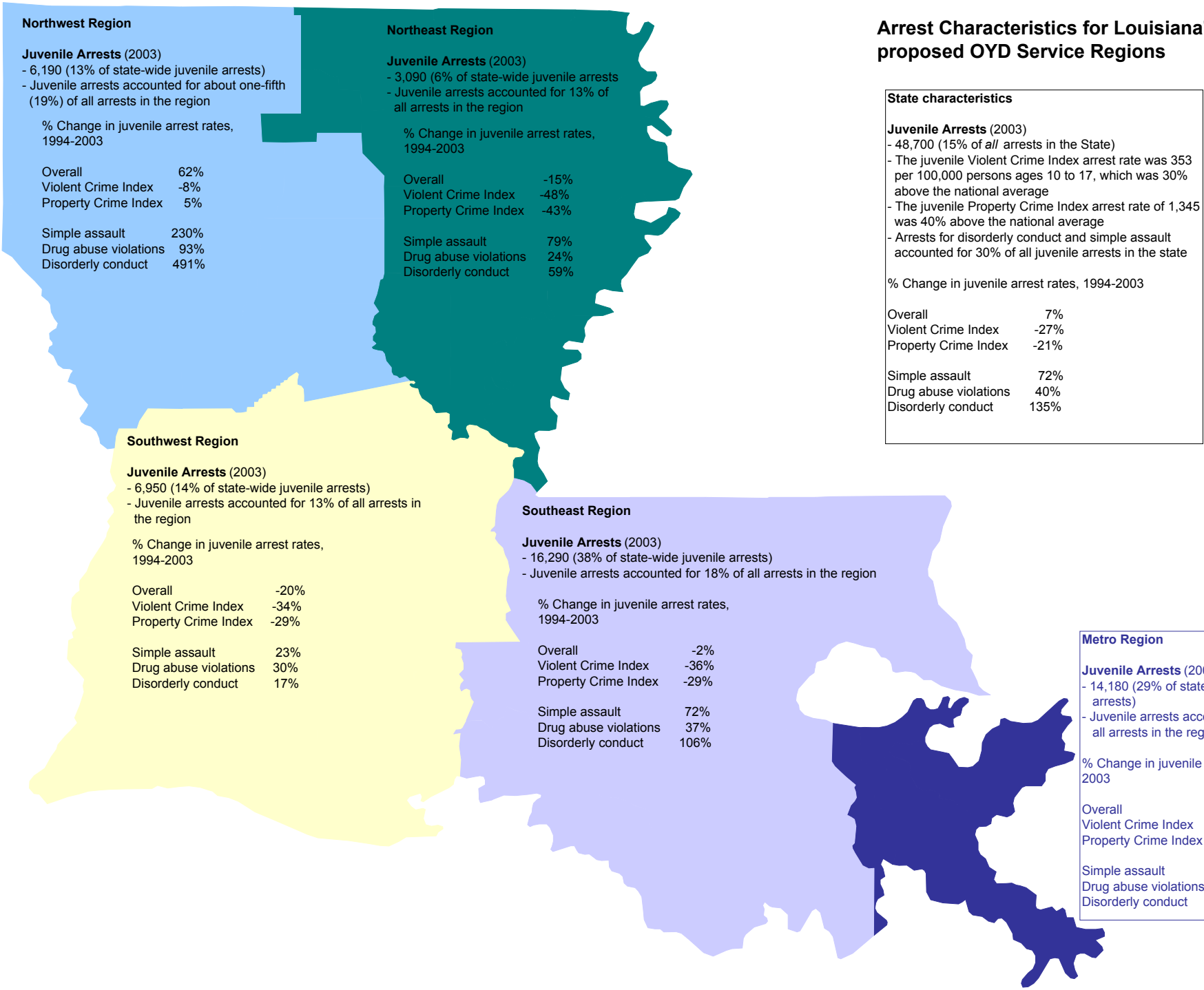
The demographic chart presents population and race/ethnicity data for the “youth population” ages of 10 through 16 – the age range encompassing the lower and upper ages of delinquency court jurisdiction in Louisiana.<sup>10</sup> The U.S. Census Bureau estimates Louisiana’s total 2004 population at slightly more than 4.5M; about 10% of which includes youth age 10–16 (approximately 465,000). Estimates of poverty levels are also highlighted.<sup>11</sup>

The second chart presents juvenile arrests patterns in Louisiana over the most recent 10-year period for which data are available (1994-2003). Overall the number of juvenile arrests in Louisiana increased 2% during this time period compared to an 18% decrease nationally.<sup>12</sup> However, a statewide decrease in the volume of juvenile arrests for violent and property index offenses (31% and 25%, respectively) mirrored national trends (39% and 19%, respectively). Louisiana also experienced substantial increases in arrests for simple assaults (72%), disorderly conduct (135%) and drug abuse violations (40%) during this 10-year span.<sup>13</sup> In comparison, national juvenile arrest rates for these offenses were relatively flat.

## Demographic Characteristics for Louisiana's proposed OYD Service Regions



# Arrest Characteristics for Louisiana's proposed OYD Service Regions



**Northwest Region**

**Juvenile Arrests (2003)**  
 - 6,190 (13% of state-wide juvenile arrests)  
 - Juvenile arrests accounted for about one-fifth (19%) of all arrests in the region

% Change in juvenile arrest rates, 1994-2003

Overall	62%
Violent Crime Index	-8%
Property Crime Index	5%

Simple assault	230%
Drug abuse violations	93%
Disorderly conduct	491%

**Northeast Region**

**Juvenile Arrests (2003)**  
 - 3,090 (6% of state-wide juvenile arrests)  
 - Juvenile arrests accounted for 13% of all arrests in the region

% Change in juvenile arrest rates, 1994-2003

Overall	-15%
Violent Crime Index	-48%
Property Crime Index	-43%

Simple assault	79%
Drug abuse violations	24%
Disorderly conduct	59%

**Southwest Region**

**Juvenile Arrests (2003)**  
 - 6,950 (14% of state-wide juvenile arrests)  
 - Juvenile arrests accounted for 13% of all arrests in the region

% Change in juvenile arrest rates, 1994-2003

Overall	-20%
Violent Crime Index	-34%
Property Crime Index	-29%

Simple assault	23%
Drug abuse violations	30%
Disorderly conduct	17%

**Southeast Region**

**Juvenile Arrests (2003)**  
 - 16,290 (38% of state-wide juvenile arrests)  
 - Juvenile arrests accounted for 18% of all arrests in the region

% Change in juvenile arrest rates, 1994-2003

Overall	-2%
Violent Crime Index	-36%
Property Crime Index	-29%

Simple assault	72%
Drug abuse violations	37%
Disorderly conduct	106%

**State characteristics**

**Juvenile Arrests (2003)**  
 - 48,700 (15% of all arrests in the State)  
 - The juvenile Violent Crime Index arrest rate was 353 per 100,000 persons ages 10 to 17, which was 30% above the national average  
 - The juvenile Property Crime Index arrest rate of 1,345 was 40% above the national average  
 - Arrests for disorderly conduct and simple assault accounted for 30% of all juvenile arrests in the state

% Change in juvenile arrest rates, 1994-2003

Overall	7%
Violent Crime Index	-27%
Property Crime Index	-21%

Simple assault	72%
Drug abuse violations	40%
Disorderly conduct	135%

**Metro Region**

**Juvenile Arrests (2003)**  
 - 14,180 (29% of state-wide juvenile arrests)  
 - Juvenile arrests accounted for 14% of all arrests in the region

% Change in juvenile arrest rates, 1994-2003

Overall	33%
Violent Crime Index	-11%
Property Crime Index	-7%

Simple assault	53%
Drug abuse violations	40%
Disorderly conduct	313%

## **Overview of Juvenile Justice System and Delivery of Delinquency Services**

Louisiana's juvenile justice system is probably as segmented as any in the United States.<sup>14</sup> Depending on the parish, various components of the system are the responsibility of either the state, parish or city government.

- In four urban parishes (Caddo, East Baton Rouge, Jefferson and Orleans) delinquency matters are heard by a statutorily-established juvenile court. District courts and/or parish/city courts exercise jurisdiction over these cases in the rest of the state. Some district courts have created specialized sections to handle juvenile and/or domestic relations cases including the 14<sup>th</sup> Judicial District (Calcasieu Parish), which has created a unified family court.
- Secure detention is a local function but responsibility can reside either with a parish agency/authority, the juvenile court, or law enforcement.
- Statutory authority for screening of law enforcement referrals and diversion lies primarily with local District Attorney offices. However, in some parishes, the local court with juvenile jurisdiction is responsible for these functions, including the operation of diversion programs.
- In five urban parishes (Caddo, Calcasieu, East Baton Rouge, Jefferson and Rapides), local courts of juvenile jurisdiction administer their own probation services. In these locations (constituting 32% of the state's population), local juvenile probation departments provide predisposition investigation and probation supervision services.
- OYD is responsible for predisposition investigation and probation supervision services in the remaining parishes and provides parole (aftercare) supervision services on a statewide basis (in all parishes).
- OYD also administers the state's juvenile correctional facilities and network of group homes and residential treatment centers.
- Local Indigent Defender Boards (IDB) are responsible for ensuring legal defense counsel in delinquency and FINS matters. However, depending on the parish, this may be provided through a public defender's office, a private firm under contract with the Board, or through private attorneys.

## **Funding the Court and Other Components of the Juvenile Justice System**

Perhaps more so than most other states, the Louisiana juvenile justice system is funded through a patchwork of funding streams. This complicates system reform efforts to nurture consistency in juvenile justice philosophy and practices across the state.

- **Court System:** Funding for the court system comes from multiple sources (federal, state, local, criminal court fund, and user-generated fees). The proportions funded



- through these sources varies by type of court. User fees and criminal court convictions/fines are a major source of revenues for district courts, juvenile courts and – even more so – for city/parish courts. In some instances, these two sources of funding provide up to (and probably more than) 50% of the court’s overall funding.
- ***District Attorney’s Office:*** Funding for DA offices also comes from multiple sources including state appropriations, local government, the criminal court fund, self-generated revenues, and federal government (specifically, IV-D child-support pass-through funds). A portion of the criminal court fund (12%) is earmarked for local DA’s offices. Supreme Court estimates indicate that self-generated revenues provide up to 25% of the total budget for local DA offices.
  - ***Detention:*** Funding and operations of secure detention are local responsibilities with several facilities having regional catchments. Act 1225 requires the development of secure detention standards and state licensing procedures for these facilities.<sup>15</sup>
  - ***Indigent Defense:*** Louisiana provides public defender services through Indigent Defender Boards (IDB) located in each of the state’s judicial districts. District IDBs are funded primarily through fees assessed by the courts. Some state funding is provided through legislative appropriations to the Louisiana Indigent Defense Assistance Board (LIDAB). In FY05-06, a total of approximately \$11M was appropriated to the Board to distribute to local IDBs. Even with this supplemental appropriation, there is widespread consensus that the system is sorely under-funded. Additionally, there appears to be some limitations as to how this supplemental funding can be used. The JJC Advisory Board’s summary of recommendations and areas of disagreements indicates that “state funding for LIDAB can only be used in defense of juvenile felonies.”<sup>16</sup>
  - ***Diversion:*** There are no on-going statewide funds dedicated to the development of diversion and early intervention programs. Funding for programs currently in place comes from a variety of sources (including specific legislative appropriations, TANF, parish general funds, OJJDP/SAG monies, self-generated user fees, the criminal court fund, and grants). OYD emphasizes the development of expanded diversion options in the local communities in its recently-released strategic plan and has dedicated some funds – at least on a pilot basis – to support such local endeavors.<sup>17</sup>
  - ***Probation Supervision:*** Five jurisdictions in Louisiana operate their own locally-funded probation programs – Caddo, Calcasieu, East Baton Rouge, Jefferson and Rapides Parishes.<sup>18</sup> In other parts of the state, OYD is responsible for the provision of probation services. OYD juvenile probation/parole officers typically carry a combined probation and parole caseload.
  - ***Truancy and Service Assessment Centers (TASC):*** Funding from the State Legislature (\$4.5M in FY05-06) provides for the establishment of *Truancy and Assessment Service Centers* (TASC) in 17 judicial districts throughout the state. TASC programs are to provide for early identification and assessment of truant children and the prompt delivery of coordinated interventions to prevent continued unauthorized school absences. These services are specifically provided to children in

elementary school environments. Local programs vary somewhat in content and oversight is provided by an interdisciplinary advisory group/steering committee.

- ***Family in Need of Services (FINS) Assistance Program:*** The Supreme Court manages the Family in Need of Services (FINS) Assistance Program with funds appropriated by the State Legislature. Currently, the 50 judicial district offices that participate in the program serve more than 14,000 families annually.
- ***Drug Courts:*** State funding for drug court programs (adult, juvenile and family) is administered by the Supreme Court Drug Court Office (SCDCO) and totaled more than \$12M in 2004. The Supreme Court currently funds 17 juvenile drug courts.
- ***Mental Health and Substance Abuse Services:*** The Offices of Mental Health (OMH) and Addictive Disorders (OAD) are responsible for the funding and provision of mental health and substance abuse treatment services. State resources, including at least some OMH community mental health clinics, have been seriously curtailed or closed in the wake of the hurricanes. Other innovative programs, including the Child-Adolescent Response Team (CART) program that provides 24/7 crisis response capabilities throughout the state, may also be reduced or eliminated.<sup>19</sup>

Additionally, OYD contracts directly with LSU's Health Sciences Center to provide assessment and treatment services (mental health and substance abuse) for youth incarcerated in Louisiana's three secure care juvenile facilities.

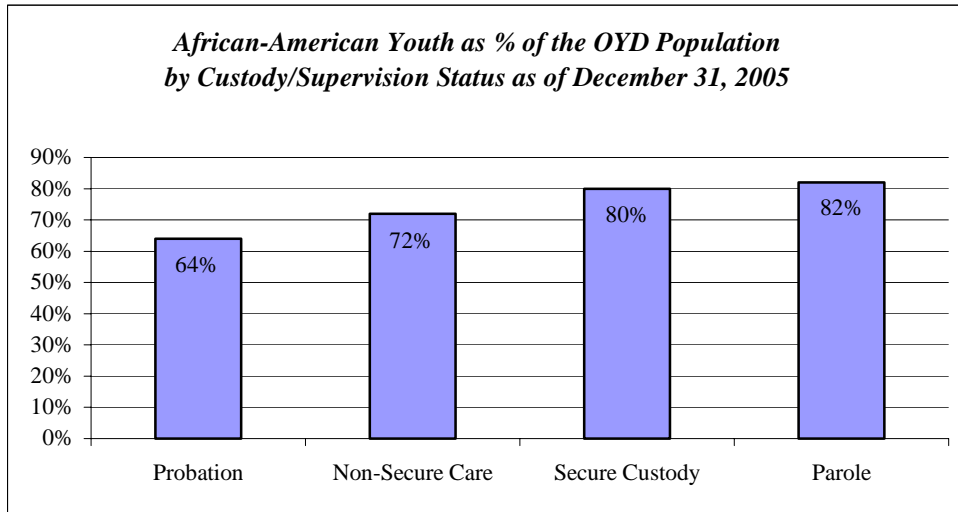
- ***Evidence-Based Practices:*** Although funding for evidence-based practices appears limited in Louisiana, there are a number of programs that serve youth in the juvenile justice system with mental health and/or substance abuse problems including OYD-funded programs at the state's three secure care facilities and local programs in Jefferson, East Baton Rouge and Orleans parishes.

### **Disproportionate Minority Involvement**

Addressing issues of disproportionate minority contact is a cornerstone of the Models for Change Initiative and such concerns have been consistently cited in reports/recommendations examining juvenile justice reform in Louisiana. However, there are few data sources from which to examine this issue. UCR arrest data do not provide this detail and court case filing data are severely deficient in the most basic sense. No state-level detention data appears available. It will be some time before racial and ethnicity variance can be closely examined in this context.

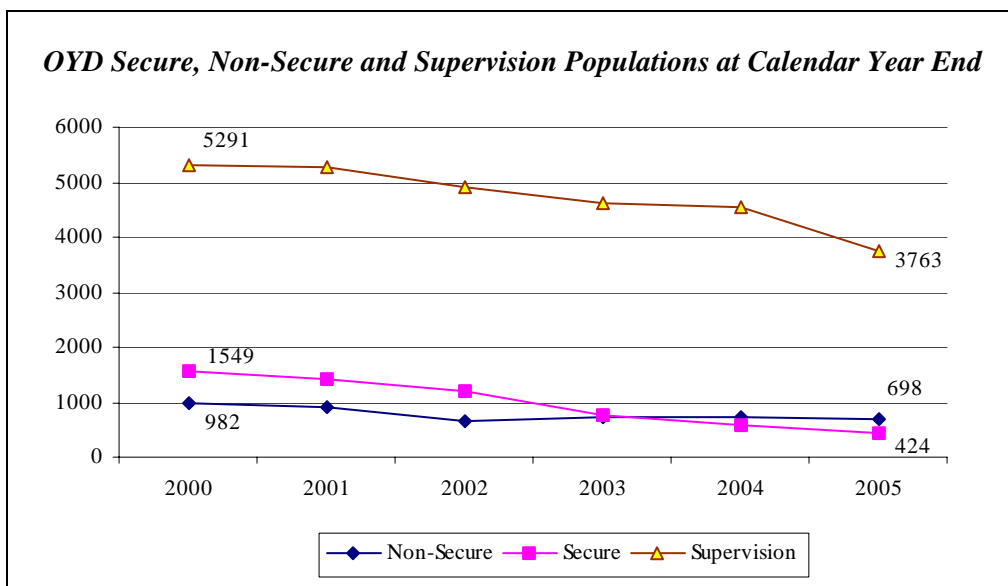
However, data collected by OYD provide substantial insight in this regard. Aggregate OYD population census data provide a breakdown of the percentage of youth in secure care, non-secure care and on supervision (parole/probation) status who are of African-American descent. In all instances, these youth are overrepresented. African-American youth represent

41% of Louisiana’s 10–16 youth population. However, at any one time, African-American youth represent 82% of OYD’s parole population, 80% of its secure care population, 72% of youth in non-secure care and 65% of all OYD probationers. This disproportionality has essentially remained constant since 2000.

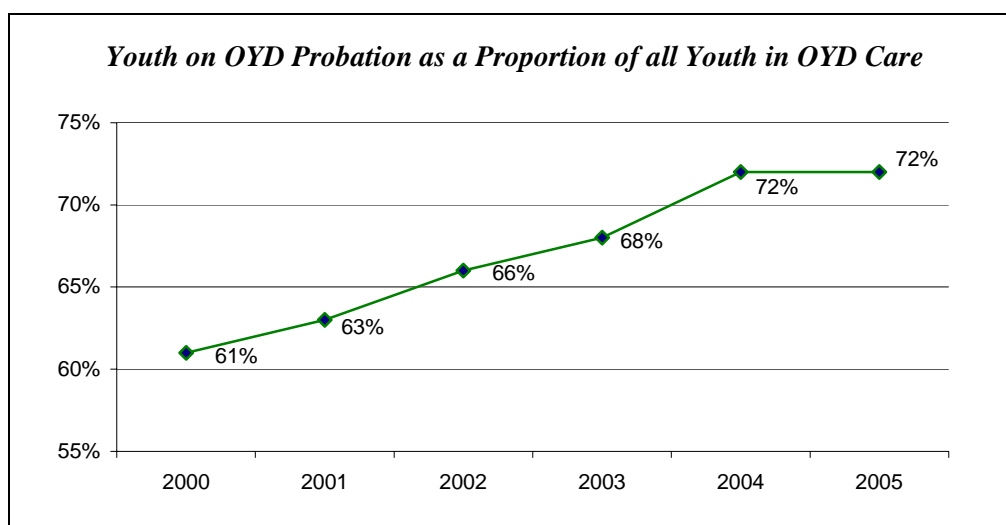


**OYD Reform Efforts**

OYD’s secure custody population has decreased by 73% and its non-secure population has decreased by 29% since the end of the CY2000. Additionally, OYD’s supervision caseload (that is youth on probation and parole status) has also decreased by 29% during this time period.



While the number of clients in OYD care at all levels (custody, parole and probation) has decreased substantially over the past five years as system reform efforts have accelerated, the proportion of youth on probation supervision has increased. At the end of calendar year 2000, youth on probation represented approximately 61% of all youth in OYD care (custody and supervision). By the end of 2005, this percentage had increased to 72%.



OYD has embraced the Missouri model of small, regional facilities and is in the process of converting its secure care juvenile correctional system accordingly. The agency is also poised to more specifically target its probation and parole practices. Some efforts have begun to better support community reentry through the use of contracted case management and mentoring services. As reflected in its five-year strategic plan, OYD is also committed to moving toward a regionalized approach for the provision of services designed to meet the individual needs of youth with an emphasis on building a comprehensive community-based system of care in the five OYD regions. Such a service delivery infrastructure will provide support to delinquent youth in their communities and encourage the court system to address the needs of their delinquent population locally rather than through state commitments. Expanded early intervention-diversion options are critical in this regard, as are improvements in probation practices and support services for the intermediate-level offender population.

## **OYD Funding for Contract Services and Field Services**<sup>20</sup>

OYD's Contract Services budget for residential programs and non-residential services has grown by more than 50% in recent years—from \$24.9M in FY03-04 to \$34.8M in FY04-05 and \$38.4M in FY05-06—reflecting the agency's changing priorities.<sup>21</sup> The Field Services budget (e.g., for probation/parole services) has also increased nearly 10% during this three-year period from \$15.1M in FY03-04 to \$16.4M in FY05-06. Budgetary concerns brought on by the hurricanes and the scope of community-based reforms envisioned will challenge OYD's ability to sustain these efforts in coming years.

## **Concluding Remarks**

Louisiana's juvenile justice system faces enormous and unprecedented challenges as it moves forward with rebuilding and reform efforts. It is a testament to the commitment of so many juvenile justice system professionals and community members that system improvement continues to be such a high priority. There is no use underestimating the barriers to further reform progress, which are formidable—most notably the immediate and long-term fiscal constraints imposed by Hurricanes Katrina and Rita. But the remarkable distance Louisiana has already traveled since the 1990s should give everyone committed to juvenile justice reform here a sense of pride in what has been accomplished, and of optimism regarding what is possible in the years to come.

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1 A copy of this report, *Children in Confinement in Louisiana*, is available at: <http://www.hrw.org/organization/reports/1995/Us3.htm>.

2 The original/amended complaints are available at: <http://www.usdoj.gov/crt/split/findsettle.htm#Complaints>.

3 The original 2000 settlement agreement and subsequent amendments (through 2003) are available at: [http://www.usdoj.gov/crt/split/documents/us-v-lu/louisianasettle\\_cover.htm](http://www.usdoj.gov/crt/split/documents/us-v-lu/louisianasettle_cover.htm). The 2004 amended settlement agreement can be found at: [http://www.usdoj.gov/crt/split/documents/louisiana\\_settle\\_agree\\_2004.pdf](http://www.usdoj.gov/crt/split/documents/louisiana_settle_agree_2004.pdf).

4 The Commission presented a final set of findings and recommendations to the State Legislature in February 2003. For various reports and related materials, see the Commission's website (<http://jjc.legis.state.la.us/>).

5 The Casey report can be downloaded from the Louisiana Juvenile Justice Commission's website at: <http://jjc.legis.state.la.us/Doc1%20Casey%20Foundation%20Final%20Report1.pdf>.

6 See Juvenile Justice Reform Factbook for Louisiana's Leaders (November 2003) for a more detailed summary of Act 1225 provisions. This document can be downloaded at: [http://www.jjpl.org/PDF/JJReform\\_factbook.pdf](http://www.jjpl.org/PDF/JJReform_factbook.pdf).

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- <sup>7</sup> The act also call for OYD to use 40% of savings attributed to the closing of the Tallulah facility (up to \$3M) to increase the availability of alternative programs for adjudicated juveniles served in specified Northeast Louisiana parishes in order to offset the loss of services and jobs resulting from the facility's closure.
- <sup>8</sup> The plan can be downloaded at: [http://www.oyd.louisiana.gov/OYDStrategic%20Plan\\_06-11%20\\_complete.pdf](http://www.oyd.louisiana.gov/OYDStrategic%20Plan_06-11%20_complete.pdf).
- <sup>9</sup> This initiative is considered a pilot effort and future funding is contingent on OYD's budgetary ability to support such a program on an on-going basis.
- <sup>10</sup> Louisiana is one of 10 states with an upper age of 16; the predominant upper age is 17 (in 38 states). Please see NCJJ's State Juvenile Justice Profiles website at: <http://www.ncjj.org/stateprofiles/overviews/uppage.asp>.
- <sup>11</sup> The Annie Casey Foundation's Kids Count website provides a more detailed examination of child-well being and risk indicators (<http://www.aecf.org/kidscount/>). This site is referenced in various prior summaries examining risk factors of children in Louisiana including the ABA/JJPL defender's assessment report cited earlier.
- <sup>12</sup> However, if the time frame is reduced to five years (1999-2003), Louisiana juvenile arrest patterns are comparable to national trends. Juvenile arrests in Louisiana over this period decreased 9.4% compared to a 9.1% decrease nationally.
- <sup>13</sup> Interviews suggest that at least part of the increase in simple assaults (and possibly disorderly conduct) may be due to zero-tolerance polices within the school system instituted during this period.
- <sup>14</sup> The Juvenile Justice Commission's Advisory Board found that "[t]he current system as it affects juvenile justice, is complicated, hard to understand, difficult to coordinate, and not very cost effective." Please see Ad Hoc Advisory Board Reports, *Volume 6: Stakeholder Findings and Findings of Fact*, (January 2003), pg. 24. This report is available on the JJC's website at: <http://jjc.legis.state.la.us/>.
- <sup>15</sup> Youth committed to state custody may be held in secure detention awaiting transfer to an OYD secure or non-secure program. State statutes give the court the ability to impose a 14-day limit on detention for this purpose, starting from the time a commitment order is signed. Interviews indicate that this is an ongoing problem for the agency, with anywhere from 125 to upwards of 200 youth awaiting post-dispositional transfer to OYD placement programs.
- <sup>16</sup> Please see page 32 of Louisiana JJC, *Advisory Board Recommendations: Areas of Disagreement (AD)*. A copy of this summary is available at: <http://jjc.legis.state.la.us/Doc%204%20JJC%20Ad%20Board%20dissent.pdf>.
- <sup>17</sup> In December 2005, OYD initiated its *Court Empowerment Program* – a \$2.6M program to fund local prevention/diversion programs. Each local juvenile jurisdiction will, in the coming months, receive an allocation between \$6,250 and \$149,999 based on the number of juvenile filings in 2004 as reported by the Louisiana Supreme Court. Judges are encouraged to take the lead in working with key local stakeholders including district attorneys, law enforcement and local planning boards in determining how these funds are used. This funding is dedicated for servicing "non-adjudicated" youth. This initiative is considered a pilot effort and future funding is contingent on OYD's budgetary ability to support such a program on an on-going basis.
- <sup>18</sup> There may also be a few small locally (city/parish) operated juvenile probation programs in existence.
- <sup>19</sup> At least some detention supervisors feel that, without the CART program and other community-based treatment resources, more mentally ill youth will be brought to detention.
- <sup>20</sup> Budgetary information used in this section is found in budgetary bills passed during the regular State Legislature sessions in FY2003-04, FY2004-05 and FY2005-06. These budgets can be found on the Louisiana House of Representatives (Fiscal Division) webpage at: <http://house.louisiana.gov/housefiscal/Budgetdocs/budgetdocs.htm>
- <sup>21</sup> The almost \$10M increase in the contract services budget in FY2004-05 coincided with the closing of the Tallulah facility.